

# Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

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

20 June 2019

Nicola Gittins 01352 702345  
nicola.gittins@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 26TH JUNE, 2019** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins  
Democratic Services Manager

## **WEBCASTING NOTICE**

This meeting will be filmed for live broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items.

Generally the public seating areas are not filmed. However, by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and / or training purposes.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

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

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 7)

To confirm as a correct record the minutes of the meeting on 29<sup>th</sup> May 2019.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

**REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**  
**TO PLANNING COMMITTEE ON 26<sup>TH</sup> JUNE 2019**

<b>Item No</b>	<b>File Reference</b>	<b>DESCRIPTION</b>
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
<b>6.1</b>	059514 - A	Application for Approval of Reserved Matters Following Outline Approval for the Erection of 283 No. Dwellings at RAF Sealand South Camp, Welsh Road, Sealand. (Pages 9 -36)
<b>6.2</b>	059373 - A	Full Application - Erection of a Convenience Store and Associated Car Parking Area at Millstone Inn, Hawarden Road, Penyffordd. (Pages 37 - 48)
<b>6.3</b>	059474 - A	Outline Application for the Erection of 14 No. Dwellings at Shotton Lane Social Club, 72 Shotton Lane, Shotton. (Pages 49 - 60)
<b>6.4</b>	059613 - A	Full Application - Erection of a Single Storey Detached Dwellinghouse and Single Storey Garage Structure, Including All Other Associated Works (Retrospective) at Talossamme, Abbotts Lane, Penyffordd. (Pages 61 - 70)
<b>6.5</b>	058818 - A	Full Application - Construction of 2 No. Dwelling Houses and Detached Garages at Alltami Road, Buckley. (Pages 71 - 84)

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## **PLANNING COMMITTEE** **29 MAY 2019**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 29 May 2019

### **PRESENT: Councillor David Wisinger (Chairman)**

Councillors: Bernie Attridge, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, David Evans, Patrick Heesom, Dave Hughes, Kevin Hughes, Christine Jones, Richard Jones, Richard Lloyd, Billy Mullin, Neville Phillips, Owen Thomas and David Williams

**APOLOGIES:** Councillors Veronica Gay and Mike Peers

**ALSO PRESENT:** Councillor Cindy Hinds attended as local member for Agenda Item 7.1 (059352)

Councillor Marion Bateman attended as an observer

### **IN ATTENDANCE:**

Development Manager; Service Manager - Strategy; Senior Planners; Senior Engineer - Highways Development Control; Senior Solicitor; Overview & Scrutiny Facilitator and Democratic Services Officer

#### **1. APPOINTMENT OF VICE-CHAIR**

Councillor Ian Dunbar proposed Councillor Richard Lloyd as Vice-Chair of the Committee and this was duly seconded.

### **RESOLVED:**

That Councillor Richard Lloyd be appointed Vice-Chair of the Committee.

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **3. LATE OBSERVATIONS**

There were no late observations.

#### **4. MINUTES**

The draft minutes of the meeting on 1 May 2019 were submitted and confirmed as a correct record.

### **RESOLVED:**

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

5. **ITEMS TO BE DEFERRED**

The item listed was not recommended for deferral.

6. **REPORTS OF THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

**RESOLVED:**

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

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

There were no members of the public or press in attendance.

(The meeting started at 1.00pm and ended at 1.51pm)

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**Chairman**

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**PLANNING COMMITTEE ON 29 MAY 2019**

<b>ITEM NO</b>	<b>TOWN/ COMMUNITY COUNCIL</b>	<b>SITE/PROPOSAL</b>	<b>THIRD PARTY SPEAKERS / ACTION</b>	<b>RESOLUTION</b>
059352	Penyffordd Community Council	Full Application – Erection of 32 No. Dwellings at Hawarden Road, Penyffordd	Mr. S. Andrew, the applicant, spoke in support of the application.  Councillor Cindy Hinds, the local member, spoke against the application.	That planning permission be granted subject to the applicant entering into a Section 106 Obligation, and subject to the conditions set out in the report, in line with the officer's recommendation.

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **26<sup>th</sup> JUNE 2019**

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

**SUBJECT:** **APPLICATION FOR APPROVAL OF RESERVED  
MATTERS FOLLOWING OUTLINE APPROVAL  
FOR THE ERECTION OF 283 NO. DWELLINGS  
AT RAF SEALAND SOUTH CAMP, WELSH  
ROAD, SEALAND.**

**APPLICATION  
NUMBER:** **059514**

**APPLICANT:** **COUNTRYSIDE PROPERTIES PLC.**

**SITE:** **RAF SEALAND SOUTH CAMP,  
WELSH ROAD, SEALAND.**

**APPLICATION  
VALID DATE:** **8<sup>TH</sup> FEBRUARY 2019**

**LOCAL MEMBERS:** **COUNCILLOR MS C M JONES**

**TOWN/COMMUNITY  
COUNCIL:** **SEALAND COMMUNITY COUNCIL**

**REASON FOR  
COMMITTEE:** **MEMBER REQUEST & SCALE OF  
DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This is a reserved matters application pursuant to outline planning permission ref: 058990 which was for the redevelopment of a strategic brownfield site for an employment led mixed use development with new accesses and associated infrastructure including flood defences and landscaping on land at RAF Sealand south camp, Welsh Road, Sealand.
- 1.02 The outline consent was granted planning permission in 2013 and in recent years has been subject to a variation, reserved matters

permission for infrastructure and enabling works along with the associated discharge of conditions attached to the outline consent. The Airfields and the Former Corus, Garden City site forms part of a long-standing aspiration of Flintshire County Council and Welsh Government to bring forward comprehensive, mixed use redevelopment in this area (referred to as 'the Northern Gateway'), taking advantage of the strategic location and the availability of previously developed land.

- 1.03 This reserved matters application relates to the 1<sup>st</sup> phase of residential development at The Airfields, which proposes the erection of 283 no. dwellings together with associated infrastructure, recreational space and landscaping. The proposed scheme would deliver a mix of two, three and four bedroomed properties in a variety house types.
- 1.04 This site forms part of the wider mixed use strategic allocation to include housing, Policy HSG 2A in the Flintshire Unitary Development Plan, the principle of development is therefore considered acceptable in planning policy terms. Issues in respect of design, layout, access, residential amenity, flood risk and developer contributions have been negotiated and resolved.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:
- Control the provision and transfer of 28 no. (10%) affordable homes to the identified RSL (Wales & West). The affordable housing shall comprise of 12 no. 2 beds and 16 no. 3 bed units.
  - Provide that a Management Company is incorporated for the management and future maintenance of the onsite public open space and communal landscaping areas.

**Conditions:**

1. Time Commencement
2. In accordance with Approved Plans
3. Samples of materials for external finishes
4. Specification for the type, location and amount of play equipment to be provided
5. Site levels shall be set at a minimum of 5.70m AOD
6. Finished Floor Levels to be submitted and approved prior to commencement
7. Facilities shall be retained within each plot for the parking of vehicles in accordance with the submitted scheme

8. The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads and external footway/cycleway linkages to be submitted and approved
9. Positive means to prevent the run-off of surface water from any part of the site onto the highway

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

Councillor Ms C M Jones –

Fully supports the application, however requests the application be heard at Planning Committee due to the proposed scale. In addition the Local Member provides the following comments:

The above application is developing nicely with much of the infrastructure now in place. The Sealand residents are looking forward to the house building commencing and the proposed facilities, which will really enhance the area. The local school, Sealand CP will welcome the development, as this will improve school numbers, our nursery this year has fewer numbers on roll than in previous years. The school would certainly benefit from improvements to the building and green space on site. The conception of the Northern Gateway has been around for nearly thirty years, just before I became a Community Councillor. Plans have been put forward, consultations taken place with residents, but no one really believed it was going to happen.

The fact that work is happening, roads built and utilities being constructed has brought such excitement to the area. When the RAF site closed, it left a sadness in the Ward, it was such a massive part of our community. The area has been derelict and lifeless since we lost the camp, so to see this massive area being developed at last is such an achievement and a huge improvement to the area. The economic benefit to my Ward and Flintshire is huge, especially with it's position being adjacent to Deeside Industrial Park. It will bring a new life to the community, which is much needed. Sealand needs this development, for the new houses, the facilities and green space and work opportunities. It will bring life back into Sealand and Garden City, since the loss of the RAF base. We have waited so long and i feel that we are now moving forward at a pace. Let's hope we can get the first brick laid on the first house, to give the residents hope for the future. So many of our young adults have had to move away from their families to other areas, as there has been nowhere for them to live or work. It will be great to have employment on the doorstep, with

housing nearby for local people and people moving into the area. I hope when this application comes to committee it is considered favourably.

#### Sealand Community Council

The Community Council raises no objections to the proposed development.

#### Highways Development Control

The outline consent imposes a number standard conditions which requires details to be submitted and approved by the Local Planning Authority prior to commencement. The details provided thus far are considered acceptable and do not prevent the approval of the reserved matters application. The Highways Authority therefore raises no objection to the proposal subject to the imposition of specific conditions relating to parking, positive means to deal with surface water run-off and details of the layout and design of the internal estate roads and cycle way/footway linkages.

#### Community and Business Protection

No adverse comments to make. Details in relation to noise are controlled by condition attached to the outline consent for the site, which remain to be submitted and approved by the Local Planning Authority.

Appropriate site investigations, remediation and verification reports which address Land Contamination required by condition(s) attached to the outline consent have been submitted and approved as part of the Phase 1 Enabling Works and separate discharge of condition packages. The site has therefore been subject to the relevant treatment which has prepared it for its end use and there is no need to impose further conditions relating to this matter.

#### Welsh Water/Dwr Cymru

No objection to the proposal. There remains appropriate conditions relating to a scheme for foul, surface water and land drainage to include water supply in place which must be submitted and approved prior to the commencement of the development.

#### Natural Resources Wales

As controlled by condition attached to the outline consent, the application is supported by a site specific Flood Consequence Assessment (FCA). NRW have reviewed the content together with the revised submission and confirm that provided the mitigation measures which includes raising site levels outlined in the FCA (including appendices) are fully implemented then they raise no objection to the reserved matters proposal. The FCA (including appendices) should form part of the approved list to any grant of permission which should also include a condition which requires the site levels to be set at a minimum of 5.70m AOD which will ensure

that the development platform is flood free during all considered fluvial and tidal events.

NRW are satisfied that the former Garden City Drain West culvert structure has now been diverted as part of the Phase 1 Enabling Works approved ref: 057404, and that the former culvert structure has been removed and ground re-instated. NRW have received information directly from the contractors undertaking the Phase 1 works regarding the culvert removal and its reinstatement. NRW are therefore satisfied that the proposed development layout would not adversely affect these construction works.

The applicant has submitted an Ecological Assessment to inform the reserved matters application. NRW confirm that they are satisfied with the reserved matters ecological submissions and therefore raise no objection.

#### Airbus

Airbus confirm there is no aerodrome safeguarding objection to the proposal based on the information provided.

#### Public Rights of Way

Public Footpath No.3 abuts the site but does not appear to be affected by the proposed development. The footpath must be protected and free from interference during the construction phase.

#### Education

In accordance with SPGN no.23 Developer Contributions for Education, the nearest schools that would be impacted by the development are Sealand CP School (Primary) and Connah's Quay High School (Primary). The impact on pupil numbers that this proposed development will have, indicate that Sealand CP School (Primary) would have the greatest need for additional capacity. Therefore the financial contributions requested are as follows:

#### **Schools Affected: Primary School: Sealand CP School**

School capacity  $215 \times 5\% = 10.75$  (rounded to 11)  
 $215 - 11 = 204$  Trigger point for contribution is 204 pupils

(no. of units)  $283 \times 0.24$  (primary formula multiplier) = 67.92 (68 no. of pupils generated)  $\times$  £12,257 per pupil (building cost multiplier) = £833,476

Actual pupils  $191 + 68$  (from the multiplier) = 259 does exceed the trigger of 204.

$259 - 204 = 55 \times £12,257.00 = £674,135.00$  (cannot ask for more contributions than the development generates)

Contribution requirement would be £674,135.00

**Schools Affected: Secondary**  
**School: Connah's Quay High School**

School capacity of **1200** x 5% = 60 (rounded up or down) 60  
Capacity 1200 - 60 = 1140 Trigger point for contributions is 1140 pupils

(No. of Units 283 x 0.174 (secondary formula multiplier) = 449.24 (49  
No. of pupils) generated x £18,469 per pupil (Building Cost multiplier)  
= £904,981

Actual pupils 1038+49=1087 does not meet trigger of 1140

**Contribution requirement would be £0**

Conclusion

Primary – Sealand CP School

- It is our intention to seek a Section 106 contribution.

Secondary – Connah's Quay High School

- It is not our intention to seek a Section 106 contribution.

Aura

In accordance with Planning Policy Guidance Note no. 13 Public Open Space Provision, the Council should be seeking sporting and play facilities to meet the needs of a community of this size. These facilities would take the form of a formal ball court, wheeled play area, an open recreation area for community use, together with an enclosed play area. This provision should not be less than 13,000m<sup>2</sup> and specifications for the construction, provision and location is to be approved by the Council.

Housing Strategy Manager

The application is to develop 283 no. dwellings on a strategic site in Deeside. The policy requires a 30% provision of affordable housing on site for development of over 1.0ha or 25 dwellings. The applicant is proposing 28 (10%) affordable units on site.

Evidence of need

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 228 affordable units.

As at May 2019 the following is the level of need for affordable housing (i.e. affordable rent) based on the nearby areas of Garden City, Queensferry and Sealand as the site will in effect be establishing its own housing market.

	<b>Affordable rent</b>
1bed flat	1
2 bed flat	1
2bed house	4
3bed house	7

The applicant is proposing to provide 10% affordable housing provision on site, which has been considered as part of a viability scheme appraisal. The mix of 2 and 3 beds for affordable rent through Wales and West Housing Association, which meets the immediate demand in the area. I would recommend that the demand for these affordable units are monitored as part of Tai Teg register so we can start to establish the wider demand for the area to inform future phases. In addition, I support the provision of market rent properties on site as there is a demand in Flintshire for good quality market rent properties.

I support this application.

#### Emergency Services:

##### NHS

From a Public Health perspective, it is considered that the design and layout of the proposed scheme replicates similar patterns of new build developments seen in other locations within the county, though it would seem the proposed density is high. The proposal includes two new areas of Public Open Space together with significant tree planting, high quality landscaping and footpaths/cycleways which link into the wider open space network around the site and surrounding area, as such these areas encourage an active lifestyle and benefit wellbeing. It is considered that the provision being proposed is appropriate and accessible by all. We therefore raise no objections.

##### North Wales Fire Service

The Fire Authority has reviewed the details submitted and raise no objections. Access to the properties from the proposed new spine road fed from Welsh Road can be achieved by priority vehicles.

## **4.00 PUBLICITY**

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

7 no. objection letters received upon the following grounds:

- Insufficient Public Transport within the locality
- Local shops, schools and services are too far to walk to
- Over dominance
- Loss of trees
- Loss of wildlife
- Increase traffic

- Increase noise
- No bungalows proposed
- Increase overlooking and loss of privacy to properties along Hawthorn Avenue
- Loss of a view that has been enjoyed for 35 years
- Devaluation of property
- Water run-off from the rear of the site into existing neighbouring gardens
- Fencing will inhibit evening light
- Increase in flooding concern due to the proposed development works

## **5.00 SITE HISTORY**

5.01 **058990** Application for removal or variation of a condition following grant of planning permission. (049320) – Approved 25.10.18

**058950** Application for approval of reserved matters phase 1 informal landscaping and POS following outline approval. (049320) – Approved 13.03.19

**058531** Application for the approval of details reserved by condition no. 27 (construction management plan) attached to planning permission ref. 049320 – Approved 02.08.18

**058514** Application for the approval of details reserved by condition nos. 5 (phasing scheme) 6 (development brief), 30 (highway works/transport implementation strategy), 34 (framework travel plan) and 38 (scheme for the layout, design and timetable for implementation of works) attached to planning permission ref. 049320 – Approved 24.08.18

**058508** Application for the approval of details reserved by condition nos. 5 (construction environmental management plan) and 6 (ecological compliance audit report) attached to planning permission ref. 057404 – Approved 07.08.18

**058506** Non-material amendment following grant of planning permission 057404 – Approved 06.07.18

**058452** Non-material amendment following grant of planning permission 057404 Amendment to shape of area for proposed temporary stockpiles of imported fill materials – Approved 14.06.18

**058244** Application for approval of details reserved by condition No5 & No6 attached to planning permission ref 057404 – Partially Discharges 17.05.18

**057404** Application for approval of reserved matters following outline approval 049320 for phase one enabling works comprising an access



road, surface water drainage, landscaping and engineering works to create developments platforms – Approved 09.03.18

**054488** Reserved matters application for phase 1 of the highway works and associated infrastructure works following outline approval 049320 for a mixed use development and associated infrastructure – Approved 01.03.16

**051764** Temporary contractors compound to facilitate flood defence strengthening works – Approved 15.04.14

**051139** Discharge of condition no.24 (Framework Ecological Mitigation and Enhancement Strategy) attached to planning permission ref: 049320 – Approved 25.09.13

**050730** Engineering works to provide flood defence strengthening along 1.5km of the River Dee embankment, to include sheet piling to a maximum depth below ground of 12m and a minimum height of 7.2m AOD and a proposed temporary access route and site compound – Approved 25.06.13

**049320** Outline application for the redevelopment of a strategic brownfield site for an employment led mixed use development with new accesses and associated infrastructure including flood defences and landscaping. – Approved 07.01.13

## **6.00 PLANNING POLICIES**

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

STR1 – New Development

STR4 – Housing

STR7 – Natural Environment

GEN1 – General Requirements for Development

D1 – Design Quality, Location & Layout

D2 – Design

D3 – Landscaping

TWH1 – Development Affecting Trees & Woodlands

TWH2 – Protection of Hedgerows

L1 – Landscape Character

WB1 – Species Protection

WB2 – Sites of International Importance

WB3 – Statutory Sites of National Importance

AC13 – Access & Traffic Impact

AC18 – Parking Provision & New Development

HSG1 – New Housing Development Proposals

HSG2A – Strategic Mixed Use Development, Land NW of Garden City

HSG8 – Density of Development

HSG9 – Housing Mix & Type

HSG10 – Affordable Housing within Settlement Boundaries

SR5 – Outdoor Playing Space & New Residential Development  
EWP12 – Pollution  
EWP13 – Nuisance  
EWP14 – Derelict and Contaminated Land  
EWP16 – Water Resources  
EWP17 – Flood Risk  
IMP1 – Planning Conditions & Planning Obligations

SPGN No. 2 – Space Around Dwellings.  
SPGN No. 8 – Nature Conservation and Development  
SPGN No. 9 – Affordable Housing  
SPGN No. 11 – Parking Standards  
SPGN No. 23 – Developer Contributions to Education  
PGN No. 13 – Open Space Requirements.

National

**Planning Policy Wales Edition 10, December 2018**

TAN 1: Joint Housing Land Availability Studies  
TAN 2: Planning & Affordable Housing.  
TAN 5: Nature Conservation & Planning  
TAN 11: Noise  
TAN 12: Design  
TAN 16: Sport, Recreation & Open Space  
TAN 18: Transport

As the site forms part of the strategic mixed use allocation of HSG2A the principle.

**7.00 PLANNING APPRAISAL**

**7.01 Introduction**

The application seeks approval of reserved matters (access, appearance, landscaping, layout and scale) for the development of 283 no. dwellings pursuant to outline planning permission on land at The Airfields, RAF Sealand South Camp, Sealand.

**7.02 Site Description**

The Airfield site is located within the urban fringe about 1.5km north of Queensferry and adjacent to Garden City. Immediately to the north is the Bangor to Chester Sustrans cycleway and footpath and Deeside Industrial Park. To the west and south west is agricultural land and the River Dee. To the east lie existing residential development and Welsh Road, with the A494 trunk road and network beyond.

**7.03** The site comprises brownfield land formerly occupied by RAF buildings and green fields. Access to the site can be achieved by the approved spine road ref. 054488 and the residential spine road currently under construction as part of the approved 1<sup>st</sup> phase enabling works ref.057404, both access points feed off Welsh Road.

The site borders existing council owned industrial units to the north of, and accessed through, Garden City.

- 7.04 The application site forms part of the first phase of development at the Airfields, and is divided into two parcels on either side of the residential spine road. The larger part of the site comprises land (approximately 6.53 hectares) to the south-east while the smaller part of the application site (approximately 0.82 hectares) lies to the north of the spine road. The application site is bordered to the east by residential dwellings at Hawthorn View and Cedar Avenue.
- 7.05 Proposed Development  
The application seeks approval of reserved matters (access, appearance, landscaping, layout and scale) for the development of 283 no. dwellings pursuant to outline planning permission ref. 058990 granted in 2018. Permission ref. 058990 is in itself a variation of condition application of outline consent ref. 049320 which was granted on 7th January 2013. This reserved matters application relates to the first phase of residential development of the wider strategic site.
- 7.06 The proposed development would involve the erection of 283 no. dwellings together with associated infrastructure and landscaping. The proposed scheme would deliver a mix of two, three and four bedroomed properties in a variety of house types, predominately mews, semi-detached and detached properties. The mix of dwellings comprises 44 no. 2 bedroom, 195 no. 3 bedroom and 44 no. 4 bedroom dwellings. The development scheme aims to deliver a wide range of open market, market rent and affordable properties on site, with 28 no. units (10%) allocated as the affordable housing provision, all of which are to be transferred and managed by an identified Register Social Landlord (RSL) with a split that comprises, affordable rent and ownership.
- 7.07 The proposed scheme would comprise of two storey and two and a half storey properties, incorporating a palette of materials that includes brick and render external finishes under tiled roofs to reflect the existing vernacular. Each dwelling will have the benefit of parking and rear private gardens.
- 7.08 The proposed development includes the construction of three new access points from the new residential spine road currently under construction as part of the 1<sup>st</sup> phase enabling works. This spine road is accessed off Welsh Road. The scheme also includes the provision of high quality communal landscaped areas, comprising two formal areas of public open space (POS).
- 7.09 Principle of Development  
The site forms part of the strategic mixed use development allocation HSG2A land North West of Garden City within the Flintshire Unitary

Development Plan. As explained above, the Airfields and the Former Corus, Garden City site together make up the 'Northern Gateway', a comprehensive mixed use redevelopment which takes advantage of the strategic location and the availability of previously developed land. Both component sites have the benefit of outline planning permission which as part of the approved mixed use includes a residential contribution of 1,400 new homes (cumulative) to be delivered over a phased period. This is far greater than the 650 dwellings envisaged originally for the site. The Airfields site alone has an agreed principle of 725 residential units.

- 7.10 It is also located within the settlement boundary of Garden City in the Flintshire Unitary Development Plan, which is a Category 'B' settlement with an array of employment opportunities and a selection of facilities and services, as the site's allocation for mixed use reflects both the strategy of the Flintshire Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context therefore, there is a clear policy framework supporting the principle of residential development on this site.

7.11 Housing Land Supply/LDP

This site forms a significant part of the housing land supply in the Local Development Plan (LDP). Although this site has outline consent planning permission for mixed use development, it was allocated as a Strategic Site in the Preferred Strategy to re-affirm its importance in a sub-regional planning context. The site also forms an important element of the Council's on-going informal annual Housing Land Monitoring Study, recognising that within the terms of TAN1 the Council cannot presently undertake a formal Joint Housing Land Availability Study. It is therefore important in ensuring the present and future supply of viable and deliverable housing land which will contribute significantly to the ability of the LDP to demonstrate a 5 year supply of land on adoption.

- 7.12 A recent appeal decision ref. APP/H6955/A/17/3182282 land east of Tan y Bont, Main Road, Rhosrobin, Wrexham for a residential development of 189 no. dwellings considers the matters of Wrexham's emerging LDP, 5 year land supply and the weight to be afforded to TAN1. The Inspector in her appeal consideration acknowledged that whilst the site lies outside a defined settlement boundary, within the Green Wedge and was otherwise considered as 'speculative', *"the current position in respect of the Council's housing land supply, the identified need to bring sites forward for development prior to the adoption of the LDP in order to achieve the housing trajectory, and there being no immediate prospect of completions from proposed allocations in the LDP, considered that considerable weight should continue to be attributed to the need to increase housing land supply in the determination of the appeal."* The appeal was therefore allowed.

- 7.13 Drawing from the Inspector's conclusions, a key factor was that the Council could not evidence that housing completions are keeping pace with the intended provision in the LDP. In the case of Flintshire completions are running slightly ahead of the LDP's intended annual requirement, but The Airfields and Former Corus, Garden City Site(s) referred to as the Northern Gateway form a significant part of the housing land supply in the Local Development Plan (LDP), whereby the grant of planning permission for this 1<sup>st</sup> phase would demonstrate that this strategic allocated site is deliverable within the plan period, with housing completions anticipated shortly following a grant of permission. This would further demonstrate the Council's ability, in the context of the LDP, to provide and maintain a 5 year supply of land for housing going forward, in accordance with PPW10.
- 7.14 Jeopardising this supply and commitment would not only be detrimental to the long term strategy for this site, but ultimately to the LDP, putting the Council at risk of being unable to robustly defend itself against unplanned, speculative development, whereby the argument of affording 'considerable weight' to the lack of a 5 year housing land supply, would have to be given greater consideration in the planning balance despite the disapplication of paragraph 6.2 of TAN1.
- 7.15 Viability  
The application is supported with a financial assessment, which argues viability implications in respect of the requisite developer contributions sought. The assessment was independently assessed on behalf of the Council by an appointed valuer in April 2019. This included a breakdown of construction costs, benchmark land values and site acquisition, estimated sales and marketing values of the properties and gross development value to determine the profit to be made.
- 7.16 The independent review acknowledges that to date The Airfields Site has received public advancements through the construction of the main spine road from Welsh Road. However, the majority of the investment has been acquired through the private sector as a means of ensuring the site is developable and deliverable; attributes which provide the Authority with confidence that the site remains a firm commitment, and will deliver the housing numbers it has been allocated. As such, the 1<sup>st</sup> phase enabling works of The Airfields approved under ref.057404 which is nearing completion, involved land clearance, remediation associated with contamination, the installation of significant infrastructure to include a new residential spine road, land raising and re-profiling to create development platforms, drainage, water supply and power have all incurred significant costs. This has a clear impact on the viability of the 1st phase of residential development coming forward.

- 7.17 The independent review concludes that early stage development of this site is increasingly challenging, of which is evident given that the site has lay dormant since outline planning permission was granted in 2013. It is considered that the assessment submitted is robust with an accurate portrayal of the sales and land values in this location. It recognises the intensive early stage costs of development, the slow return and that rigid adherence to planning policy in these early stages of development can overburden the costs that a developer needs to carry and that this will lead to market failure. The assessment has set out various scenarios, to include the impact that these variables will have on the Residual Land Value. The independent review has appraised three scenarios as follows;
- 10% on site affordable housing and no Section 106 contributions;
  - 30% on site affordable housing with no other Section 106 contributions and;
  - 30% on site affordable housing with full Section 106 contributions as required by planning policy and guidance.
- 7.18 The appraisals demonstrate that a scenario of 30% provision of affordable housing alone and/or together with full Section 106 contributions will have a severely negative impact on the land value and would therefore render the proposed scheme nonviable at this stage. In fact, the 10% scenario also identifies an element of risk to development viability. Despite the lower offer of affordable housing commitment, the assessment has clearly demonstrated that given the current economic conditions, developing the site remains challenging.
- It is therefore considered that the Applicant's offer in respect of affordable housing is a fair one and their commitment, despite the risks, to deliver a large residential scheme on an allocated site has clearly been demonstrated.
- 7.19 In considering the above viability case and the independent review, I am mindful of the position set out within PPW10 concerning up-to-date development plans, site delivery and viability. Paragraph 4.2.21 of PPW10 sets out a clear stance that it is *"for either the Applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred."*

- 7.20 In accordance with PPW10, it is considered that the applicant has reasonably and without obscurity demonstrated an exceptional circumstance that justifies a relaxation to the relevant policies which concern Affordable Housing, Education and Public Open Space. It is understood that in order to support the delivery of this 1<sup>st</sup> phase of residential development at The Airfields, the Council needs to be mindful of the significant investments made to date, the economic conditions and the developer risks faced in establishing this site. The Council should however, be reassured that the outline consent imposes conditions which require such developer contributions to be provided in accordance with the relevant policies per phase of residential development, therefore allowing a reassessment of the provision and appropriate scrutiny to be reapplied to any exceptional circumstances raised in future phases. However, within the context of this application I consider significant weight should be given to the viability assessment for this 1<sup>st</sup> phase at The Airfields for the reasons discussed.
- 7.21 Education  
It is clear from the examination of viability matters above that significant weight must be afforded to the viability assessment of this 1<sup>st</sup> phase of development in the overall planning balance.
- 7.22 However, regardless of the viability case put forward, it is considered that due to the limited scope for physical expansion at Sealand Primary School and the existing capacity at Connah's Quay High School, it is unlikely that any financial contributions would be justified.
- 7.23 Sealand Primary School, although having some capacity does not have sufficient capacity to accommodate all the 68 primary school aged children likely to be generated from the completion of the proposed development. If the school had an identified project to accommodate the physical expansion, this would enable the developer to make a contribution to increasing capacity at Sealand Primary School. As such there is no project in place that would justify and enforce the requisite developer contribution, that would mitigate any adverse effect on the socio-economic well-being of communities as a result of the proposed development, or that it is necessary or properly related to the development. Despite this, the school site is tightly constrained with limited scope for extension within the current footprint. In the absence of a confirmed project to which the contribution would be put, it is considered that enforcing this contribution would be entirely unreasonable as the school cannot utilise it to provide an increase in capacity. It would therefore fail the tests of the current CIL regulations.
- 7.24 The limited scope for Sealand Primary School to expand was a matter that was recognised when outline planning permission was granted for development on the adjoining site (former Corus, Garden City site) where Sealand Primary School is located. The outline permission

secures, by virtue of condition the requirement of a scheme to be submitted and agreed regarding the provision for a land transfer to be set aside adjacent to Sealand Primary School. The details of which are yet to be agreed. However, the provision of such will enable the Sealand Primary school to expand to meet the increased capacity generated from residential development across both sites. Such a project to expand will be a reasonably identified project to increase capacity within which future phases of development, albeit subject to viability assessments may contribute.

7.25 On account of this 1<sup>st</sup> phase of residential development at The Airfields, whilst it is premature to the above mentioned land transfer, there is no project in place to date that would allow contributions to be made in accordance with the relevant SPGN. As such this would fail the tests of the current CIL regulations. Furthermore, the Viability Assessment has clearly demonstrated that the developer's contribution has reached a threshold beyond which it is not possible to pursue any additional financial contributions. Therefore it is not considered reasonable or possible to request such a payment as identified.

7.26 As there is sufficient capacity at Connah's Quay High School to accommodate pupils generated from this development no contribution would be sought.

7.27 Affordable Housing

Policy HSG10 states that where there is a demonstrable need for affordable housing to meet local needs the Council will take account of this as a material consideration when assessing housing proposals. The policy states where this need exists the Council will negotiate with developers to provide 30% affordable housing. Paragraph 11.77 of the FUDP clearly states that "where schemes do not make provision for 30% affordable housing it will be required that developers ensure the proposal is sufficiently justified to the satisfaction of the Council as to why an exception to the policy should be made".

7.28 It is clear that Policy HSG10 affords the Council the ability to consider a full justification by a developer for providing less than 30% affordable housing. It is clear that this site raises different issues to 'normal' Greenfield development sites. As discussed above, the site has been subject to infrastructure works which aim to enable development to take place, this includes significant costs incurred in remediation, land raising and providing the necessary service points for access, utilities and power connections. Subsequently, the significant level of investment made has increased the land value and this has therefore been demonstrated within the submitted financial assessment. As explained above, the independent review notes that various scenarios and variables have been tested, demonstrating that enforcing 30% provision of affordable housing alone and/or together



with full Section 106 contributions will result in the development being unviable. However, the assessment has identified that 10% provision in respect of affordable housing is feasible despite the challenges faced.

- 7.29 The proposed development would make provision for 10% affordable housing, which would equate to 28 no. units being provided. The provision would comprise a mix of 12 no. 2 bedroom and 16 no. 3 bedroom properties agreed to be transferred and managed by a local Registered Social Landlord (RSL), the proposed Section 106 legal agreement reflects this. In addition to the affordability element, the development would provide a mix of house types with a significant number of two and three bedroom properties available on the open market and as market rent, and by virtue of the housing market in this area these would be affordable by nature.
- 7.30 The Housing Strategy Manager has been consulted as part of the application and has identified the current level of need for affordable housing (i.e. affordable rent) within the Garden City, Queensferry and Sealand areas. The need is as follows:

	<b>Affordable rent</b>
1bed flat	1
2 bed flat	1
2bed house	4
3bed house	7

- 7.31 In accordance with the evidence of need, the proposed 10% (28 units) for this 1<sup>st</sup> phase of residential development would meet the immediate demand of 13 units within the area. It would in fact provide an over provision of 15 units. The Housing Strategy Manager therefore considers that in order to secure the 1<sup>st</sup> phase of residential development at The Airfields in the current economic climate and following the independent conclusions, it would not be viable to request additional affordable housing or commuted sums, especially as the current need is fully met. However, confidence remains that the controls imposed on the outline consent, allow for a reassessment of the provision for each phase of residential development thereafter, ensuring the level of provision reflects the wider demand as the site progresses. The Housing Strategy Manager therefore supports the provision and mix of affordable housing as well as supporting the provision of market rent properties on site.
- 7.32 Drawing similarities with this application, an Inspector in her appeal consideration to allow the development of 119 dwellings ref APP/P9502/A/17/3182422 Land adjacent to Cerrigcochion Road, Brecon, Powys acknowledged that *“the contribution level that is being proposed recognises the Authority’s evidence of need and has been determined by the financial viability of the scheme. The reduced contribution, in this case, reflects the economic realities of the site.*

*Consequently, a contribution secured by way of a S106A would be consistent with the LDP policies to secure affordable housing and the Viability Assessment has confirmed the level of the provision that the development can afford. In this context, the proposal and provision of affordable housing is fully justified in line with the advice in Planning Policy Wales, Technical Advice Note 2 'Planning and Affordable Housing' 2006 and Welsh Government's 'Delivering Affordable Housing using Section 106 Agreements: A Guidance Update' 2009."*

7.33 Public Open Space

Planning Guidance Note no. 13 requires developments for 200+ dwellings to provide sporting and play facilities to meet the needs of a community of this size. Such facilities would take the form of a formal ball court, wheeled play area, an open recreation area for community use, together with an enclosed equipped play area. This provision would not be less than 13,000m<sup>2</sup>. Notwithstanding the need to ensure the development remains viable, the proposed site layout identifies two areas dedicated as formal public open space, the total area of the formal public open space being provided equates to 6,596m<sup>2</sup>. This would result in a shortfall of 6,404m<sup>2</sup>.

7.34 Despite the shortfall, the proposed on-site provision is considered to be proportionately distributed with the two areas located to the north east and south of the application site. Unlike most developments of this scale, The Airfields is governed by an extant outline consent with conditions attached requiring the approval of details. Such details comprised the submission of a Development Brief which included an open space strategy for the provision of informal public open space (POS) for The Airfields as a whole, the principle of which was approved under ref.058514. The POS strategy is illustrated on the Green Infrastructure Plan which aims to provide well designed landscaped informal POS throughout the site and its peripheries. The informal POS being provided includes a network of footways, paths and cycleways and open recreation areas designed to accommodate play and sporting facilities for a community of this size. The aim is to deliver this contribution over a phased period which is subsequently dictated by the phased development of the residential areas.

7.35 To date, a reserved matters application ref.058950 for the 1<sup>st</sup> phase of informal POS in accordance with the POS strategy and Green Infrastructure Plan has been submitted and approved. The 1<sup>st</sup> phase of informal POS coincides with the 1<sup>st</sup> phase of residential development subject to this application, concerning land to the south and south west of the application site, running along the boundary. The total area of informal POS and landscaping provided at this location amounts to 15,000m<sup>2</sup>. The layout and design of the proposed housing scheme and its formal POS have been placed in a way that maximises the connectivity with the informal POS and providing accessible, safe links to existing community facilities within the area. I therefore consider that cumulatively both formal and

informal POS has been provided, totalling 21,000m<sup>2</sup>, to service the 1<sup>st</sup> phase of residential development in accordance with the principles agreed on the outline consent. No further requirements for POS are therefore being sought.

- 7.36 It is my intention to impose a condition which requires a scheme for the type, location and amount of play equipment to be provided. This will be informed through discussion with the Council's Play Officer who is monitoring the amount, location and type of facilities being proposed per phase, concerning both informal and formal POS provision, to ensure all needs are accommodated.
- 7.37 Furthermore, the applicant confirms that the proposed areas of POS are not envisaged to be adopted or maintained by the Council. Therefore as part of the proposed Section 106 Agreement, provision will be made to ensure the formal POS and landscaped areas are appropriately managed and maintained for the lifetime of the development.
- 7.38 Flood Risk  
In accordance with the NRW Development Advice Map, the site is situated within Flood Zone C1, an area considered to be at flood risk, but served by significant infrastructure, including flood defences. It has therefore been accepted that The Airfield site is at risk of flooding, with the principle source being tidal, River Dee and fluvial as secondary via Garden City Drain.
- 7.39 As part of securing outline planning permission (2013), a detailed Flood Consequence Assessment (FCA) which included extensive hydraulic modelling, and engagements with Natural Resource Wales (NRW), agreed the principles that flood risk could be appropriately mitigated, ensuring the site remained flood free during an event and that flood risk elsewhere was not increased as a result. The FCA demonstrated compliance with TAN15 and informed the design of the site wide flood mitigation scheme, to which any future reserved matters (phase of development) should relate.
- 7.40 As part of the mitigation for this site, an application ref. 050730 to strengthen the north River Dee embankment flood defences was submitted and approved. The scheme involved increasing the height of the defences to 7.20m AOD and reinforced the protection against a tidal breach, not only to the 'Northern Gateway' site but to Garden City and surrounding areas. The 1st phase reserved matters application ref. 057404 for the development enabling works involved implementing the agreed mitigation scheme, which included reprofiling the site and raising site levels to create development platforms. The site works completed to date have raised the site levels from 4.73m AOD to a minimum post development level of 4.96m AOD.

- 7.41 Further to the site wide mitigation plan having been agreed, the outline consent attaches a condition which requires the submission of a 'specific' FCA relating to that phase to be submitted and assessed in accordance with TAN15. This was to facilitate necessary detailed consideration of the reserved matter proposals.
- 7.42 This reserved matters application is therefore supported by a detailed FCA prepared by Waterco, dated March 2019. As flood risk is a dynamic constraint, the requirement to provide an updated assessment of the flood risk relating to the end use or phase of development acts as a safeguarding mechanism, allowing a reassessment of the risks and mitigation proposed, the degree of which is subsequently dictated by the end use in terms of whether it relates to 'less' or 'highly' vulnerable development in accordance with TAN15.
- 7.43 As anticipated the proposed residential development is still considered as highly vulnerable development in accordance with TAN15, stating that highly vulnerable development can be considered in Flood Zone C1 subject to the application of the TAN15 Justification Test and satisfying specific TAN15 acceptability criteria.
- 7.44 The FCA submitted with this reserved matters has reviewed the outline parameters for mitigating flood risk, and notes that whilst site levels have been raised to a minimum of 4.95m AOD, this would still result in potential flooding on site in respect of the thresholds set for highly vulnerable development in accordance with TAN15. The FCA confirms that a maximum flood level during the 0.5% AEP (year 2013) tidal breach event with 95% confidence bounds would result in levels of 5.35m AOD. Therefore in order to facilitate gravity drainage, proposed site levels will be set at a minimum of 5.7m AOD. As such it can be concluded that, when the development levels are considered, the development site will remain flood free during all events up to and including the 0.5% AEP plus 100 years climate change and breach event, including 95% confidence bounds. The risk of fluvial and tidal flooding is therefore considered to be very low.
- 7.45 The potential impact of the proposed development (raising site levels and alterations of drainage channels) on flood risk elsewhere has been quantified by comparing the results of the existing site layout simulations with the proposed development layout simulations. To provide a detailed assessment of the relative changes in flood depths throughout the floodplain, a series of water level difference maps comparing the pre- and post-development maximum water levels have been included.
- 7.46 NRW therefore raise no objection subject to the imposition of a condition which requires the site levels to be set at a minimum of 5.70m AOD, ensuring that the development platform is flood free during all considered fluvial and tidal events.

7.47 Highways

Vehicular access to the development will be provided from the Phase 1 residential spine road which is currently under construction, and provides access to Welsh Road. A Transport Implementation Strategy (TIS) has been prepared by Vectos Transport Consultants to support the reserved matters application.

7.48 The vehicular access points will form priority junctions within the main spine road. The location of these access points has already been approved through the reserved matters application for the highway works (ref. 054488). The TIS demonstrates that the proposed access points are a safe and suitable standard to accommodate the traffic associated with the proposed development and therefore accords with the relevant UDP policy AC13.

7.49 Footpaths will be provided along the internal road network and residential spine road to connect up to the continuous footways and segregated cycleway along Welsh Road. Additional footpath/cycle links will be provided from the development to Welsh Road via the informal POS to the south west of the application site. A new footpath will also be created along the southern boundary of the site, linking the new Public Open Space to the south west to the Public/informal Open Space to be provided to the south of the reserved matters scheme. The proposed footpaths and cycle links are considered to accord with Active Travel Legislation.

7.50 There will be 1 car parking space provided for the 2-bedroom dwellings; 2 spaces provided for the 3-bedroom dwellings; and, 3 spaces provided for the 4 bedroom dwellings. All parking spaces will be contained within the curtilage of each dwelling either on driveways or in garages. The submitted parking layout therefore complies with the requirements of the outline approval and the maximum parking standards as set out in SPGN 11.

7.51 The application is also supported by a Residential Travel Plan prepared by Vectos (ref. VN81175), the submission of this detail is controlled by condition attached to the outline consent. The report details a strategy which aims to encourage future occupants of the site to use sustainable modes of transport, demonstrating that a reduction in the number of car journeys to and from the site can be achieved. It is considered that the information provided accords with the requirements of the outline permission, the Highways Authority therefore raises no objection to the development subject to the imposition of conditions.

7.52 Character and Appearance

The site and areas to the north west and south, with the exception of the Deeside Industrial Park, are predominantly rural in character, with many areas having been previously developed, cleared and left to

overgrow. However, to the north east/east lies established residential development whereby the prevailing house types are semi-detached two storey properties with the exception of a cluster of bungalows along Hawthorn View, with the rear gardens of these properties backing onto the south east boundary of the application site.

- 7.53 The existing dwellings in Garden City consist of a mix of architectural styles with no overarching character. They include a range of materials including pebble dash, red brick and rendering. The bungalows along Hawthorn View are red brick, while the properties on Cedar Avenue comprise of cream render detached homes set back from the road.
- 7.54 The development comprises a majority two storey and two and a half storey scheme. The development would deliver a mix of mews, semi-detached and detached properties with pitched roofs and velux roof lights. The external materials of which will be tiled roofs with a mixture of brick and render walls, with solid course detailing to the surrounds of window and door openings. This combined with roof lights, brick opening details and porch and bay window features all adds variation and interest to the development.
- 7.55 The site layout is conventional in style and is considered to reflect the general layout of surrounding roads and properties where the dwellings directly front onto the access and estate roads. The character and design of the proposed development has been informed in part by the pattern and appearance of the existing and recent new build developments seen within the County and surrounding areas, which are of a modern suburban appearance, and in part informed by the need for a development that responds not only to the physical constraints of the site but also to the current housing market requirements. The latter indicates that there is no shortage of larger, detached four or five bedroom 'executive-style' houses, but a general need for smaller, more affordable family dwellings with three bedrooms.
- 7.56 A development which is dominated by larger, detached, 'executive-style' houses would not be in keeping with the existing pattern of development within the locality and would be contrary to both national and local planning policies, which seek to ensure that new housing developments include a reasonable mix and balance of house types and sizes so as to cater for a range of housing needs.
- 7.57 The density of development equates to approximately 38.5 dwellings per ha for this particular application. HSG8 of the Flintshire Unitary Development Plan advises that on allocated sites, the general minimum net housing density should aim to achieve 30 dwellings per ha. Whilst the proposed density is significantly more than the stipulated minimum of 30 dwellings per ha in accordance with Policy HSG8, the approved details of the outline consent set density and

height parameters for the mixed use site, for which it was agreed that the density range for the residential development would be set between 25 – 40 dwellings per ha. The proposed layout, scale and density of the development is therefore in accordance with the outline permission. This approach is also supported by PPW10 which states at paragraph 3.47 that *“higher densities should be encouraged in urban centres and near major public transport nodes or interchanges, to generate a critical mass of people to support services such as public transport, local shops and schools.”*

7.58 A detailed landscaping scheme forms part of the submitted details, which shows the landscaping proposals to comprise of grass and shrubbery strips to the sides of the driveways to provide visual interest as well as demarcate the boundaries between public and private spaces and between units. Existing planting and trees would be retained where possible, however I note that the majority of vegetation was cleared as part of the site clearance works for Phase 1. Acknowledging the loss, new planting, shrubbery and a mixture of trees to the front gardens, landscaped area and the public open space areas will compensate the initial loss, encourage ecological enhancements and add to the rural feel of the development.

7.59 Impact on Existing and Proposed Residents

It is considered that the distances between proposed and existing properties meets the minimum distance separation guidelines outlined in SPGN no. 2 Space Around Dwellings. The proposed and existing properties would in most cases be offset and face diagonal to a gable end or face back to back, with properties along the north-east boundary, Hawthorn View being most at risk. The cluster of properties along Hawthorn View are bungalows. The distances from the first floor habitable rooms including garden depths and land level changes range between 22 and 31m, with the majority of cases being within the mid-range.

7.60 In consideration of the siting, orientation and distance of the proposed dwellings relative to existing residential properties, none of the proposed dwellings would cause any unacceptable reduction or harm to the amenities of the existing occupiers in terms of privacy, loss of light or obtrusiveness. In terms of the size of the proposed garden depths, separation distances between the proposed dwellings etc these also meet the guidelines within the SPGN no. 2 ‘Space Around Dwellings’.

7.61 Other Matters

Concern has been raised that bungalows are required. However, there is no planning policy requirement which controls the type and volume of residential accommodation. The matter of increased noise has been raised but there is no evidence to substantiate that the volume of noise from this development would be significantly greater than any other use in this urban location. Furthermore, the matter

raised regarding the devaluation of property and the loss of a private view are not matters that are considered to be material planning considerations and therefore cannot be given sufficient weight in the determination of this application.

**8.00 CONCLUSION**

The site forms part of the strategic mixed use development allocation HSG2A land North West of Garden City within the Flintshire Unitary Development Plan.

- 8.01 It is also located within the settlement boundary of Garden City in the Flintshire Unitary Development Plan, which is a Category 'B' settlement with an array of employment opportunities and a selection of facilities and services, as the site's allocation for mixed use reflects both the strategy of the Flintshire Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context therefore, there is a clear policy framework supporting the principle of residential development on the site. This comprehensive report details in full the areas that required scrutiny, this being the principles of the outline consent, the viability claim, flood risk, highways, character and appearance and the impact on occupiers both existing and new. It is considered that these matters have been satisfied, and I therefore recommend that planning permission is granted subject to conditions, and the completion of a legal agreement as set out within paragraph 2.01 of this report.

**8.02 Other Considerations**

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

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

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

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



## **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

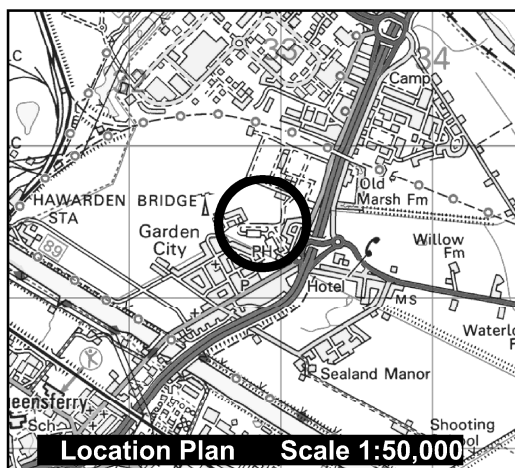
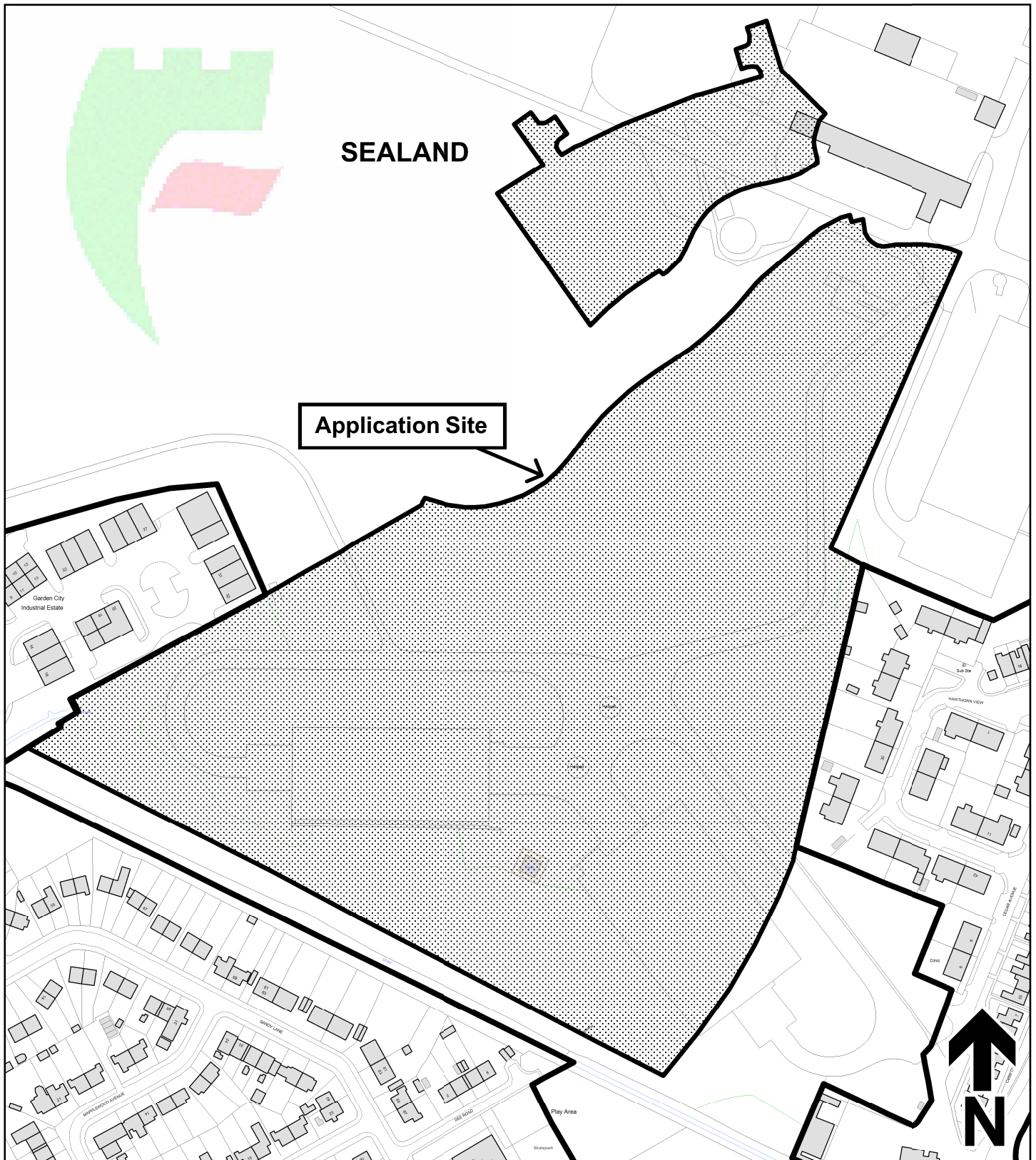
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

Chief Officer: Mr Andrew Farrow

### Legend



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3269

Planning Application **59514**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **26<sup>TH</sup> JUNE 2019**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF A  
CONVENIENCE STORE AND ASSOCIATED CAR  
PARKING AREA AT MILLSTONE INN,  
HAWARDEN ROAD, PENYFFORDD.**

**APPLICATION  
NUMBER:** **059373**

**APPLICANT:** **THE CO-OPERATIVE GROUP**

**SITE:** **LAND ADJOINING MILLSTONE INN, HAWARDEN  
ROAD, PENYFFORDD CH4 0JE**

**APPLICATION  
VALID DATE:** **18<sup>TH</sup> DECEMBER 2018**

**LOCAL MEMBERS:** **CLLR D WILLIAMS  
CLLY C HINDS**

**TOWN/COMMUNITY  
COUNCIL:** **PENYFFORDD COMMUNITY COUNCIL**

**REASON FOR  
COMMITTEE:** **COUNCILLOR REQUEST  
CONCERN OVER HIGHWAYS SAFETY**

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

### **1.00 SUMMARY**

- 1.01 This is a full application for the erection of a convenience store and associated car parking area at land adjacent to the Millstone Inn, Hawarden Road, Penyffordd.

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

- 2.01
1. Time limit
  2. In accordance with plans
  3. Details of the cage store

4. Details of the acoustic fence to be erected on the eastern boundary of the site
5. Only foul water from the development site shall be allowed to discharge to the public sewerage system
6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
7. Details of site access design
8. The works associated with forming the means of site access completed first
9. The proposed access shall have a visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway
10. Visibility splays at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
11. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles
12. Positive means to prevent the run-off of surface water from any part of the site onto the highway
13. Submission of a Construction Traffic Management Plan
14. Submission of a Travel Plan and Transport Implementation Strategy (TIS)
15. Hours of opening
16. Landscaping and Implementation

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor D Williams**

I wish to express the following views that I trust will be fully recorded. I request the final decision to be made by committee, and also request a site visit of planning committee members in order to view the issues of the proposal first hand.

In my opinion, the proposal will be a valuable addition to the village that can provide the following benefits.

- \* A store that is central to the village that will be in a location that will make it easy for many residents to walk to for basic supplies.
- \* Disperse this form of business giving an alternative shopping provision to the Spar store that currently suffers from serious highway safety issues. The new shop will hopefully spread the issues and reduce the problems that currently exist.
- \* Provide competition that residents can benefit from.

In contrast, there are some serious issues with the proposal that need to be taken on board, these being.

- \* Road safety issues in this location will undoubtedly increase.
- \* The proposed location is in the centre of the village, next to the main playing fields and opposite the community centre that accommodates the youth club and various other activities.
- \* It is also opposite the scout hut that is in use every day of the week.
- \* The Millstone pub is next door and despite a large car park, the business often attracts on the road parking that causes problems.
- \* The increase in traffic will add to the hazards that currently exist.
- \* Being central to the village, there is an intense flow of traffic on what is the major route to the new school which is to open in September. Existing highway safety issues will be compounded by inevitable increase in traffic passing this location.

If the proposal is to be approved I will be seeking.

- \* Significant improvement of the immediate road safety provision in the form of the following suggested possibilities.
- \* Yellow hatchings from the Corwen road junction to the Chester road fork that are over the entire road between these two junctions.
- \* Possible chicane, road narrowing, or priority passing between the Corwen road junction and the Chester road fork.
- \* Removal of hedge outside scout hut and widening of footpath. (The site is currently council owned!)
- \* Landscaping scheme including tree planting along the boundary of the playing fields and the terraced area of the Millstone pub.
- \* Complimentary brickwork and slate roofing to the front, south and north of the site to blend in and compliment the current streetscene of the Millstone pub and the old school opposite.

Further comments received 9<sup>th</sup> June 2019

I am not seeking to cause any delays, and provided the issues below can be resolved to the satisfaction of my Community, I will happily agree to a delegated decision, these being.

1. Road safety measures in the immediate vicinity from between the Chester road and Corwen road junctions are agreed prior to

approving the application and in consultation with community representatives. To approve the scheme that permits the minimum requirement of access width and visibility splay will be unacceptable to myself and the community.

Concerns have been expressed about the fact that it is next to the largest and busiest play area in the village, it is across the road from scout hut and well used community centre, and next to the Millstone public house, that despite there being parking provision there, there are still regular issues of on road parking to the front. The fact that this is a major route to school that will mean a significant increase in pedestrian use when the new school opens is also a reason for extensive road safety measures in the area.

I accept that it may not be possible to impose a design on the applicant, but consider it appropriate for County to work with them to ensure the 'bigger picture' is taken into account and not just an entrance that complies to minimum standards. If this means County having to share some of the cost, so be it, as given the amount of revenue that is now being generated with all the new properties of the village, predominantly Council tax band F & G, this will be a very worthy and welcome improvement to road safety in the village.

2. Materials and external finishes are approved prior to commencement and are complimentary to the buildings of the location that include the Millstone next door and Community Centre across the road.

3. Landscaping that includes a tree planting scheme that shields the play area from the main new building the extent of the boundary.

#### Councillor C Hinds

Whilst I agree with the Co-op and we need more shops for the village Cllrs. Alan Wight and David Williams' view points should be taken on board for the future and make an area, which will be well used by children mainly, as there is a big play area, youth club, scout and beavers hut and it is the main route for half the village to the new school safer. Also the building where the youth club is we are hoping, as a village, to take over as a community asset transfer. There will be a lot of activity in that area plus vehicles

Before this application goes to Committee these factors need to be taken on board and hopefully sorted out but if not then it has to go to Committee. Highways just cannot say go ahead ignoring what the community says.

#### Penyffordd Community Council

The Council voted on this application with 8 in favour 1 against and 3 abstentions. The Council support this application.



#### Head of Community and Business Protection

No adverse comments, however the site is close to nearby sensitive properties so some protection will be required to minimise potential loss of amenity.

#### Highways Development Control

Further information in the form of a Technical Note produced by SCP has been submitted; this adequately addresses previous concern related to the proposed car parking levels. It is argued that the site is well situated to enable sustainable travel options; in order to ensure that car parking spaces are available throughout the day I suggest the provision of a staff travel plan.

Suggested conditions and advisory notes

#### Dwr Cymru/Welsh Water

Suggests conditions and advisory notes

### **4.00 PUBLICITY**

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

21 Letters of objection received

- Loss of an attractive amenity area for village
- Highways safety
- Increased risk of flooding
- Village adequately served by Spar store
- Air quality
- Noise issues
- Light pollution
- Inappropriate development outside settlement boundary
- Unremarkable design

3 Letters of support received

- Much needed facility for growing community

### **5.00 SITE HISTORY**

#### **5.01** No relevant history

### **6.00 PLANNING POLICIES**

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

STR3 Employment

GEN1 General Requirements for Development

D1 Design Quality, Location and Layout

**7.00 PLANNING APPRAISAL**

**7.01 Proposal**

The proposal is for the erection of a convenience store and associated car parking area at land adjacent to the Millstone Inn Public House, Hawarden Road, Penyffordd.

**7.02 Principle of Development**

The site lies adjacent to, but outside, the settlement boundary to Penyffordd in the Flintshire Unitary Development Plan. The applicant has adopted a sequential approach in identifying the site, which follows the advice specified in TAN4 and the relevant policies within the Unitary Development Plan for this form of development. Objectors have raised the possibility that the applicant may have considered the former school site

7.03 Whilst the site is technically outside of the settlement boundary it is very much an infill form of development on a plot which follows the prevailing built form of the village and does not project into an area of open countryside.

7.04 Policy S5, Small scale shopping outside settlement boundaries, is concerned with small retail enterprises when run in conjunction with craft or other other rural enterprises. As set out above it is clear that this proposal is not within the rural area or open countryside but forms an infill development adjacent to the settlement boundary. As such I do not consider this policy to be relevant to the proposal.

7.05 It is therefore considered that the policy tests set out in Policy S4, small scale shopping within settlements are appropriate to consider alongside this development. Policy S4 seeks to ensure the local shops are provided which a vital ingredient of community life both in village and in housing areas located at some distance to central facilities. The Policy seeks to ensure that proposal shops are below 300sqm or up to 500sqm in exceptional circumstances, the proposed shop relates to the role, scale and character and centre it is intended to serve and it is located within or adjacent to a local or village centre.

7.06 This proposal is 376.2 gross sqm2 and so is in excess of the standard of 300sqm however it is considered that the proposal is of a scale and nature which clearly relates to the character and village it is intended to serve. It is located in a sustainable location on the edge of the settlement boundary and will offer more choice for current residents who currently only have one convenience store to use.

7.07 The former school site in Penyffordd was considered by the applicant, as discussed in the Planning statement which accompanies the application, however this was discounted as there was uncertainty regarding its availability. The current application site is considered to be a good alternative for the reasons discussed in this report. The Planning Statement which accompanies the application sets out in more detail the sequential testing undertaken by the applicant in assessing potential sites for the proposal.

7.08 As such I consider the robust sequential testing carried out by the developer and the sustainable credentials of this location weigh in favour of this proposal.

7.09 **Access and Highways**

The proposal provides 14 car parking spaces, this is a shortfall of 1 from the maximum required of 25 permitted in SPGN11. This is a maximum and a lower number can be acceptable where justification is provided. This justification has been provided and it is considered this adequately addresses previous concern related to the proposed car parking levels. It is argued that the site is well situated to enable sustainable travel options; in order to ensure that car parking spaces are available throughout the day I suggest the provision of a staff travel plan secured by a suitable condition.

7.10 The access itself will be constructed to an approved layout and will be compliant with highways regulations. The Highways Authority have raised no objections to the proposed access or parking provision.

7.11 The Local Member has requested various alterations and improvements onto the adjacent highway such as yellow lines and the introduction of chicanes. I do not consider that this would be a proportionate or reasonable to require the developer to fund these alterations to the highway. These features would need to be considered by the Strategic Highway Network as part of the Highways Authority when viewed within the wider scope of the community and road network. The Highways Strategy manager has confirmed that whilst he has not had the opportunity to discuss potential road safety concerns between Chester road and Corwen Road in detail with the Local member, other than progressing traffic regulation orders within the vicinity of the Spar and the British Legion, meetings have been held with education and the Local Members in relation to providing junction protection within the vicinity of the new school. I believe that this is the correct procedure to pursue in relation to local highways issues and it would not be reasonable or appropriate to require the developer of this application to provide extensive highways improvements given the scale of the development.

7.12 **Design Impact upon Streetscene and local amenity**

The proposed building, measuring 24930mm x 15250mm with a ridge height of 7543mm. is located close to the site frontage, gable on to the Hawarden Road frontage. Objections to the scheme have been received which dismiss the design of the building as unremarkable and creating a 'bland addition to the village. I consider the design to be appropriate both to its location and to the nature of the proposal.

7.13 The building is faced in red brick, with white render panels, and a tiled roof. Whilst the building follows corporate appearance of Co-op stores the use of red brick and grey roof tiles is characteristic of the local vernacular and helps to integrate the building into the streetscene. The Local Member has requested that slate be used on the roof, whilst a number of the older properties in the village centre do have slate roofs, I do not consider it to be reasonable to require it of this building, which is of a modern construction. I consider the materials proposed, as detailed in the application, to be appropriate for the location.

7.14 The requirement to provide a landscaping scheme will be imposed as a condition, as I consider that the impact of the proposal, both on the Streetscene and on neighbouring dwellings, and in particular the residential caravan park to the rear, should be mitigated from harm by a proportionate and appropriate scheme of landscape. In addition the potential impact of the use of the site on the residential park at the rear should be mitigated by the erection of an acoustic barrier on the rear boundary. Details of which can be approved post decision.

7.15 **Economic and Community benefits**

The proposal intends to create 17 to 20 part time jobs and 5 full time jobs and as such can be seen to be delivering direct economic benefits to the community. Furthermore, there has been recent decline of the retail offer in the village and loss of independent retailers. There is currently only one retail business, the Spar convenience store, within the village.

7.16 TAN23- Economic Development emphasises the fact that the economic benefits of a development is a material consideration that should be taken within the planning balance. This proposal represents job creation as well as providing consumer choice to the wider community. Given the large amount of residential development in the local area within the last few years and the resultant growing population of the community, this can only be of benefit.

#### 7.17 **Other Matters**

Third party objections have raised concerns regarding the loss of amenity space for the village. However, this is a privately owned site and not a public greenspace for use of the residents.

7.18 Further objections have been raised relating to increasing flood risk, air quality, noise and light pollution. The site is not in an area at risk of flooding and no objection has been raised by statutory consultees. Similarly no objection has been made by Community and Business Protection in terms of air quality, noise and light pollution. No further evidence has been submitted to substantiate these matters.

7.19 There are objections that the Spar shop is adequate but the sequential testing has demonstrated there is a need for a further retail offer.

#### 8.00 **CONCLUSION**

I consider the proposal to be acceptable and in accordance with the relevant development plan policies. The development has benefits for the wider community and will not unacceptably harm local amenity or the Streetscene. As such I recommend accordingly.

#### 8.01 **Other Considerations**

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

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

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

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

#### **LIST OF BACKGROUND DOCUMENTS**

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

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **26<sup>th</sup> JUNE 2019**

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

**SUBJECT:** **OUTLINE APPLICATION FOR THE ERECTION OF  
14 NO. DWELLINGS AT SHOTTON LANE SOCIAL  
CLUB, 72 SHOTTON LANE, SHOTTON.**

**APPLICATION  
NUMBER:** **059474**

**APPLICANT:** **MR SHANE WILLIAMS**

**SITE:** **SHOTTON LANE SOCIAL CLUB, 72 SHOTTON  
LANE, SHOTTON**

**APPLICATION  
VALID DATE:** **28<sup>TH</sup> JANUARY 2019**

**LOCAL MEMBERS:** **COUNCILLOR D EVANS**

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

**REASON FOR  
COMMITTEE:** **MEMBER REQUEST DUE TO CONCERNS OF  
HIGHWAY SAFETY AND PARKING**

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

### **1.00 SUMMARY**

- 1.01 This is an outline planning application with all matters reserved for subsequent approval. It proposes the erection of 14 No. on land at Shotton Lane Social Club, 72 Shotton Lane, Shotton.
- 1.02 Whilst all matters are reserved, the applicant has provided an indicative series of drawings indicating how the site may be developed. Members are reminded that these details are purely indicative.

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

2.01     That conditional permission be granted, subject to the applicant entering either into a Section 106 agreement or providing a unilateral undertaking which provides for the following;

1. Ensure the payment of a commuted sum equivalent to £1,100.00 per dwelling in lieu of on-site play and recreation provisions. Such sum to be paid to be used as a contribution towards the enhancement of existing recreation facilities at North Street Children's Play Area, Shotton. Such sum to be paid upon occupation of 50% of the approved dwellings.

**Conditions**

1. Outline - Time limit
2. Outline - Details of reserved matters
3. In accord with approved plans
4. Outline - Submission and approval of existing and proposed floor levels to include site sections
5. Land Contamination Site Investigation
6. Drainage Scheme
7. Siting, layout and design of the means of site access
8. Forming and construction of means of site access
9. Visibility splays of 2.4m x 43m in both directions from Shotton Lane
10. Visibility Splays shall be made available and kept free from obstruction
11. Submission of detailed siting, layout and design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads road prior to commencement
12. Positive means to prevent surface water run-off onto the highway
13. Provision for kerbside refuse collection in accordance with details to be submitted
14. Construction Traffic Management Plan

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor D Evans**

I generally feel like this area would benefit from this type of development. However I have concerns with regards to the proposed properties facing onto Shotton Lane and the fact that this would cause cars to potentially reverse onto a public highway which is already a very busy road.

Whilst appreciating that this application is outline only, I would have difficulty supporting it knowing that it may cause parking and reversing difficulties on Shotton Lane. I therefore request the application be heard at planning committee to include a site visit so that members can appraise themselves with the highway concerns raised.

#### **Shotton Town Council**

The Town Council do not object to the principle of residential development, however, the Town Council does object to the proposed housing layout and the implications this has on highway safety.

#### **Highways Development Control**

The Highways Authority raises no objection subject to the imposition of conditions.

#### **Community and Business Protection**

No objections in principle to this application, however, the site is in an area with an industrial history and as such there is potential for the land to be contaminated. Therefore it is requested that a condition which requires site investigation in relation to land contamination is imposed.

#### **Aura**

In accordance with Local Planning Guidance Note No. 13 'Public Open Spaces', the Authority is seeking an off-site capital contribution of not less than £1,100 per dwelling in order to enhance existing recreation provision at the existing children's play area at North Street Play Area, Shotton.

#### **Welsh Water/Dwr Cymru**

No objections. Recommends the imposition of a condition requiring proposed drainage scheme to be submitted and agreed.

#### **Natural Resources Wales**

No objections to the proposal.

#### Coal Authority

Advises that standard advice applies. Accordingly, The Coal Authority raises no objection to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

### **4.00 PUBLICITY**

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

8 no. of objections have been received upon the following grounds:

- Increase in the volume of traffic
- Congestion already a problem within the area
- Increase in on-street parking
- Insufficient parking
- Increase in noise levels during construction and by associated vehicles
- Shotton Lane is one car width due to on-street parking
- Land would be better used as a public car park
- Poor visibility available
- Speed is a problem
- Emergency vehicles would have difficulty accessing the site
- Inadequate drainage
- Impact on residential amenity

### **5.00 SITE HISTORY**

5.01 **059473** Change of use to allow siting of temporary free standing structures to house racing pigeons – Approved 20.03.19

**053424** Erection of perimeter fence – Refused 08.05.15

**049129** Temporary siting of telecommunications mast – Refused 13.12.11

### **6.00 PLANNING POLICIES**

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

Policy STR1 - New Development

Policy STR4 - Housing

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development Inside Settlement Boundaries

Policy D1 - Design Quality, Location and Layout

Policy AC13 - Access and Traffic Impact

Policy HSG3 - Housing on Unallocated Sites within Settlement Boundaries

Policy HSG8 - Density of Development

Policy SR5 - Outdoor Playing Space and New Residential Development

**Local/Supplementary Planning Guidance Notes**  
PGN 13 - Open Space Requirements

**National Planning Policy**  
Planning Policy Wales Edition 10 (December 2018)

**7.00 PLANNING APPRAISAL**

**7.01 Introduction**

This is an outline planning application with all matters reserved for subsequent approval. It proposes the erection of 14 No. dwellings on land at Shotton Lane Social Club, 72 Shotton Lane, Shotton.

**7.02 Site Description**

The application site was the former place of the Shotton Lane Social Club which closed in August 2010. The club buildings were subject to fire damage which later led to the building's destruction. The remaining structures on site have since been demolished and the site cleared. The site which extends for 0.37 ha has remained vacant of built development, but has in the interim been used as a temporary location for the housing of racing pigeons.

**7.03** The site is situated within a residential character area comprising a range of house types, however semi-detached dwellings are most prominent. The site is bounded by the rear gardens of the immediate residential development off Shotton Lane to the Southeast and Clarence Street to the Northeast.

**7.04** Access to the former social club site was taken from Clarence Street.

**7.05 Proposed Development**

This outline application proposes the development of this 0.37 hectare site for the purposes of residential development. All matters of detail are reserved for future consideration. Indicative details submitted suggest that the site could be developed for up to 14 No. semi-detached dwellings, together with the creation of a new central vehicular access off Shotton Lane.

**7.06 Principle of Development**

The application site is within the settlement of Shotton which is a main town, Category A Settlement within the Flintshire Unitary Development Plan. It is therefore a focus for growth and residential development. The site is brownfield land with a mixture of uses and is not fully utilised at present. The site is within a predominantly residential area and is not allocated for employment use. It is considered that the proposed residential use of the site would be more compatible with the adjoining uses, and has the potential to improve the character and appearance of the street scene along

Shotton Lane, subject to the agreement of the detailed design. The principle of residential development is therefore acceptable.

- 7.07 The proposed site is considered to comply with the key principles of Planning Policy Wales 10 (PPW10) in terms of the presumption in favour of sustainable development, and the sequential approach taken to the re-use of previously developed land in preference to greenfield sites. In accordance with paragraph 3.51 of PPW10, land within settlements should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints identified can be overcome.

7.08 Highways

The site was formerly accessed from Clarence Street. The submitted indicative layout suggests the creation of a new central vehicular access point off Shotton Lane. The Highway Authority notes that the application is in outline only, with all matters including access reserved. The principle of creating a new access off Shotton Lane is not opposed. The Highway Authority therefore confirms that there is no objection subject to the imposition of conditions.

- 7.09 I note objections raise concerns regarding the noise and disruption that would be caused during the development of this site, in particular during construction. As such the controls of a Construction Traffic Management Plan would seek to control and minimise disruption where possible. The Highway Authority have therefore requested the imposition of such a condition for which I consider to be wholly reasonable.

- 7.10 A number of objections raise concerns in relation to the development of this site would only further exacerbate the on-street parking problems currently experienced. Members are reminded that this application is in outline with all matters reserved, therefore only the principle of development is for consideration at this stage. The reserved matters details include the provision of access and parking arrangements to be in accordance with the relevant planning policies and Supplementary Planning Guidance Note no. 11 Parking Standards. The level of parking is however dependent on the exact number of dwellings and the site layout which are again reserved for subsequent approval.

- 7.11 Furthermore, I have considered the merits of the site location and conclude that the site is well positioned and supports the key planning principles set out in PPW10, in particular the theme 'Active and Social Places' chapter 4, which states that developments should be located where they encourage a *“modal shift and be easily accessible by walking, cycling and public transport, by virtue of their location, design and provision of on and off site sustainable transport infrastructure.”* By doing so, sustainable forms of development such as this, help to

reduce the reliance on travel by private car, and the adverse impacts of motorised transport on the environment and people's health.

7.12 S106 Contributions and CIL Compliance

The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

7.13 An off-site commuted sum of £1100.00 per unit in lieu of on-site provision to enhance existing facilities at North Street Play Area, Shotton is required. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date.

7.14 It is considered that the contribution required meets the Regulation 122 tests.

7.15 Other matters

Concerns have been raised in respect of the adequacy of the existing drainage infrastructure to accommodate further flows from new development. Dwr Cymru/Welsh Water have been consulted upon the drainage aspects of the proposal and advise that a condition is imposed requiring the submissions of a surface and foul water drainage scheme for the site. No objection to the proposals has been raised by Dwr Cymru/Welsh Water in relation to system capacity concerns.

7.16 Concerns have also been raised regarding the impact of the proposal on the residential amenity of neighbouring properties. As the proposal is in outline form it is not possible to consider issues relating to privacy and overlooking as if the application were approved these would be examined in a later reserved matters application.

**8.00 CONCLUSION**

8.01 The application site is within the settlement of Shotton which is a main town, Category A Settlement within the Flintshire Unitary Development Plan. It is therefore a focus for growth and residential

development. The site is brownfield land with a mixture of uses and is not fully utilised at present. The site is within a predominantly residential area and is not allocated for employment use. It is considered that the proposed residential use of the site would be more compatible with the adjoining uses, and has the potential to improve the character and appearance of the street scene subject to the agreement of the detailed design. The principle of residential development is therefore considered to be acceptable.

- 8.02 With respect to the previously developed nature of the application site, site investigations are required with regard to possible land contamination in order to inform any remediation which may be required as part of the development proposal. Further, it is considered that as part of the reserved matters, the detailed layout and design can mitigate any impacts on residential amenity and clearly demonstrate the proposed parking arrangements.
- 8.03 It is considered that the proposal complies with planning policy. Accordingly, I recommend that planning permission is granted subject to conditions as set out within paragraph 2.01 of this report.
- 8.04 Other Considerations  
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.05 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.06 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.07 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### **LIST OF BACKGROUND DOCUMENTS**

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

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **26<sup>th</sup> JUNE 2019**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF A SINGLE  
STOREY DETACHED DWELLINGHOUSE AND  
SINGLE STOREY GARAGE STRUCTURE,  
INCLUDING ALL OTHER ASSOCIATED WORKS  
(RETROSPECTIVE) AT TALOSSAMME,  
ABBOTTS LANE, PENYFFORDD.**

**APPLICATION  
NUMBER:** **059613**

**APPLICANT:** **MR AND MRS A BOWERS**

**SITE:** **TALOSSAMME, ABBOTTS LANE,  
PENYFFORDD**

**APPLICATION  
VALID DATE:** **21<sup>ST</sup> FEBRUARY 2019**

**LOCAL MEMBERS:** **COUNCILLOR C HINDS  
COUNCILLOR D WILLIAMS**

**TOWN/COMMUNITY  
COUNCIL:** **PENYFFORDD COMMUNITY COUNCIL**

**REASON FOR  
COMMITTEE:** **LOCAL MEMBER REQUEST  
IMPACT OF DESIGN ON NEIGHBOURING  
AMENITY AND STREETSCENE**

**SITE VISIT: YES**

### **1.00 SUMMARY**

- 1.01 Full application for the erection of a single storey detached dwellinghouse and single storey garage structure, including all other works associated with completion at land adjacent to 'Talossamme', Abbots Lane, Penyffordd, Chester CH4 HW.

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

- 2.01
1. In accordance with approved plans
  2. No surface water to connect to the public sewerage network
  3. Restricted permitted development rights
  4. Retention of boundary hedgerows

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor C Hinds

Does not fit into local area, should be amended to have pitched roof

Councillor D Williams

Given the concern that has been expressed by neighbours, I wish to request a committee decision and site visit. The justification for this request is for committee members to view the perceived attempt to flaunt the planning system, view a contemporary proposal that is considered inappropriate in such a location, and provide member with the opportunity to debate the issues that have come about from this proposal.

I would like to express my concerns over this proposal, which is in effect an amendment to the approved plan. This amendment is necessary due to the developer building the dwelling higher than approved. The approval on appeal was for a single story dwelling, and although single story, a normal single story gutter height would have been significantly less than a construction with a flat roof. This increased wall height is therefore greater than that of a single story dwelling, and the proposed additional increase is therefore unacceptable.

It appears that an error has been made that has resulted in the height increase. In my opinion, there can be no excuse for such an error where a professional builder should be building to plan and such an error should not occur. If there was an error in the plan and a modification was made during building, this error should have been corrected in a different way to increasing the height.

As this is a new application, I also wish to express my concerns over such a contemporary design in this rural setting. The style of the building with the flat roof, and suggested finishes (that are very vague in the application) are completely out of keeping amongst predominantly brick and rendered structures with pitch roofs. Although the previous application set the precedence for approval, this is a new application and should be treated as such.

There is concern that the north facing walls with door and window is closer than statutory guidance permits. Actual heights and distances

between dwellings are not entered on the submitted plan, so to permit such a proposal without this information would be inappropriate as resultant issues for neighbours will not have been taken into account.

Penyffordd Community Council

No response at time of writing

Highways Development Control

No objection to proposal

Community and Business Protection

No adverse comments

Welsh Water/Dwr Cymru

Requests conditions

**4.00 PUBLICITY**

**4.01 Neighbour Notification**

4 Letters of Objection received

- Not a traditional single storey dwelling, overly dominant and overlooks neighbouring properties
- Out of character of local area
- Height on previous schemes was already an issue
- Queries future use of property given layout which is more commercial in nature

**5.00 SITE HISTORY**

**5.01 045547-** Outline - Erection of a detached dwelling. Refused 18/12/2008. Allowed on Appeal 28/7/2009

**049790-** Erection of a dwelling Approved 11/9/2012

**049792-** Renewal of Outline planning permission reference 045547 Approved 30/10/2012

**053856-** Renewal of Outline planning permission reference 049792 Approved 14/08/2015

**057284-** Erection of detached dwelling and garage Approved 6/10/2017

**057903-** Erection of 1no. dwelling Approved 15/2/2018

**058409-** Application for the approval of details reserved by condition nos. 3 (site levels), 4 (drainage) and 6 (materials) attached to planning permission ref. 057903- Approved 6/6/2018

## **6.00 PLANNING POLICIES**

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

STR1- New Development

STR4- Housing

GEN1-General Requirements for Development

GEN2- Development Inside Settlement Boundaries

TH1- Development Affecting Trees and Woodlands

AC13- Access and Traffic Impact

HSG3- Housing on Unallocated Sites within Settlement Boundaries

EWP12- Pollution

EWP13- Nuisance

EWP16- Water Resources

D1- Design Quality, Location and Layout

D2- Design

Local Planning Guidance Note 2: Space Around Dwellings

## **7.00 PLANNING APPRAISAL**

7.01 This is a full application for the erection of a single storey four bedroom dwelling and detached garage of a contemporary design on land adjacent to Talossamme, Abbots Lane, Penyffordd. The application is being applied for in retrospect and the dwelling is substantially complete.

### **7.02 Site Description**

The application site is land to the side of Talossamme and served by an access track off Abbots Lane which passes both Talossammee and Graigwen. The site has a number of fruit trees on it and a brick built outbuilding. It is bounded by mature hedging to the residential properties which surround the site. To the north west of the site are tennis courts. 5 and 7 Park Lane are bungalows. Talossamme and Graigwen are two storey semi-detached dwellings.

### **7.03 Planning History**

Outline planning permission was granted on appeal by application 045547 on 28.07.09. This considered that the principle of development was acceptable in terms of the impacts of tandem development and vehicles passing other properties to access the site. This application proposed that the dwelling would be single storey to protect the privacy of the occupiers of Talossamme and those on Alyn Drive and Park Drive.

7.04 This outline planning permission was renewed on the 30<sup>th</sup> October 2012 under planning reference 049792, and again on the 14<sup>th</sup> August 2015 under planning reference 053856.



- 7.05 Further planning permission was granted for a single storey dwelling, reference 057284 on the 6.10.2017. The design approved was a contemporary design with marked similarities to the current proposal. A further planning permission was granted under planning permission 057903. This was a similar proposal to that previously approved under reference 057284, albeit with solar panels on the roof
- 7.06 Conditions attached to approval reference 057903, relating to Drainage, landscaping and materials were subsequently fully discharged and the current submission reflects the details approved through these conditions.
- 7.07 Principle of Development  
The principle of development, for a single dwelling on this site is well established. The Council has approved the principle to erect a dwelling five times following the initial appeal decision. This continued support from the Council for a dwelling in this location is a material consideration which attracts significant weight in the overall planning balance, In 2017 the detailed application established a contemporary design, this was again approved by the Council under delegated powers.
- 7.08 Proposed Development  
It is proposal is retrospective as the dwelling is largely complete. The dwelling is a detached house of a contemporary flat roof design with a detached garage. The dwelling is rendered with timber cladding and is open plan style with 4 bedrooms off the main living space. It is also proposed to erect a detached garage which is flat roof design with a height of 3.5 metres and rendered, this does not differ from previously approved schemes. The existing hedge boundary treatments would remain.
- 7.09 The previously approved scheme is in many ways identical to that currently being applied for, where it differs, however is the maximum height of the flat roof of the approved dwelling at 4.1 metres with a chimney at 4.9 metres compared to the current proposals with a maximum flat roof height of 4.5 metres and chimney at 5.2 metres. That is an increase in the flat roof height of 400 millimetres and an increase in the height of the chimney of 300 millimetres.
- 7.10 Whilst this differs from the approved scheme to a material degree, necessitating the new planning submission to regularise the development, I do not consider that this height increase renders the scheme unacceptable when viewed against the previously approved designs.
- 7.11 In reading the appeal decision on the original application it appears that the reason for the single storey dwelling restriction was not specifically the height and the impact on the street scene of the new

dwelling but the impact on privacy of surrounding occupiers of first floor windows. It is therefore considered that the design of the dwelling, which retains all accommodation at ground floor level, is acceptable and meets the requirements of the Inspectors decision. There is no potential for overlooking into adjacent properties.

- 7.12 The dwelling therefore complies with the separation distances in Local Planning Guidance Note 2: Space Around Dwellings. Permitted development rights can be removed in order to protect the future privacy and living conditions of existing neighbour. This has been the case with the subsequent approvals, and remains the case with the current design as whilst the maximum height of the flat roof has increased by 400mm the dwelling remains a single storey dwelling and no adverse overlooking is caused.
- 7.13 While there are a variety of dwellings types in the area it is also considered that this contemporary design is acceptable in this location as due to the height of the building it will not be unduly prominent within the street scene. Whilst there is a distinct character to the houses surrounding the tennis courts the new dwelling is largely screened from these properties and does not occupy a prominent place in the street scene. In the wider context there is a variety of different housetypes and I do not consider the use of a contemporary design to be prejudicial to the prevailing local character. The use of render and timber boarding is acceptable and appropriate for the design of the property.
- 7.14 The garden area is split between an area to the east and an area to the south west of the dwelling. It is considered that in combination these exceed the required 70m<sup>2</sup>.
- 7.15 Parking and turning is provided adjacent to the garage and within the garage. More than 3 spaces can therefore be provided to comply with the required parking standards.
- 7.16 Other matters
- Initial concerns were raised with regard to drainage capacity. This was dealt with in the last approval and a drainage scheme was submitted to the local planning authority and Welsh Water, and subsequently approved.
- 7.17 Abbots Lane is a public right of way however this will not be affected by the development.
- 7.18 Local Member has requested that the dwelling should have a pitched roof. It is considered this would be overbearing feature, as identified by the Inspector when allowing the appeal.

- 7.19 Local Member has also said as this is a new application there is an opportunity to explore matters of design. The principle of design has been established in the 2017 planning approval. This is a material consideration which would attract weight in the overall planning balance and to which the Council must have regard.
- 7.20 Local Member expressed it is not appropriate to approve a plan where measurements are not annotated on the plan. Annex 7 of Development Management Manual Wales Validation requirements states that a valid plan is required to be to a recognised scale and show the direction of North. As such the Council cannot require a plan with the measurements annotated on them.
- 7.21 Third party have raised concerns about the future use of the building. The dwelling would have the normal rights afforded to it by the Town and Country Planning (Use Classes) Order Wales. Any change to a children nursery would require planning permission.

## **8.00 CONCLUSION**

- 8.01 It should be noted that in considering the current proposal before the Committee the key point is the 400 mm increase in the building compared to the approved scheme, and whether the increase in height materially alters the planning balance to render the current proposal unacceptable in planning terms.

- 8.02 I consider, for the reasons discussed above, that the proposal to be acceptable and recommend approval subject to the conditions identified in paragraph 2.01.

### **8.03 Other Considerations**

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

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

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

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

## **LIST OF BACKGROUND DOCUMENTS**

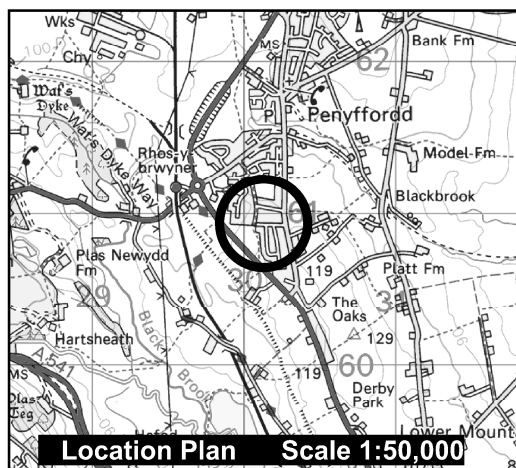
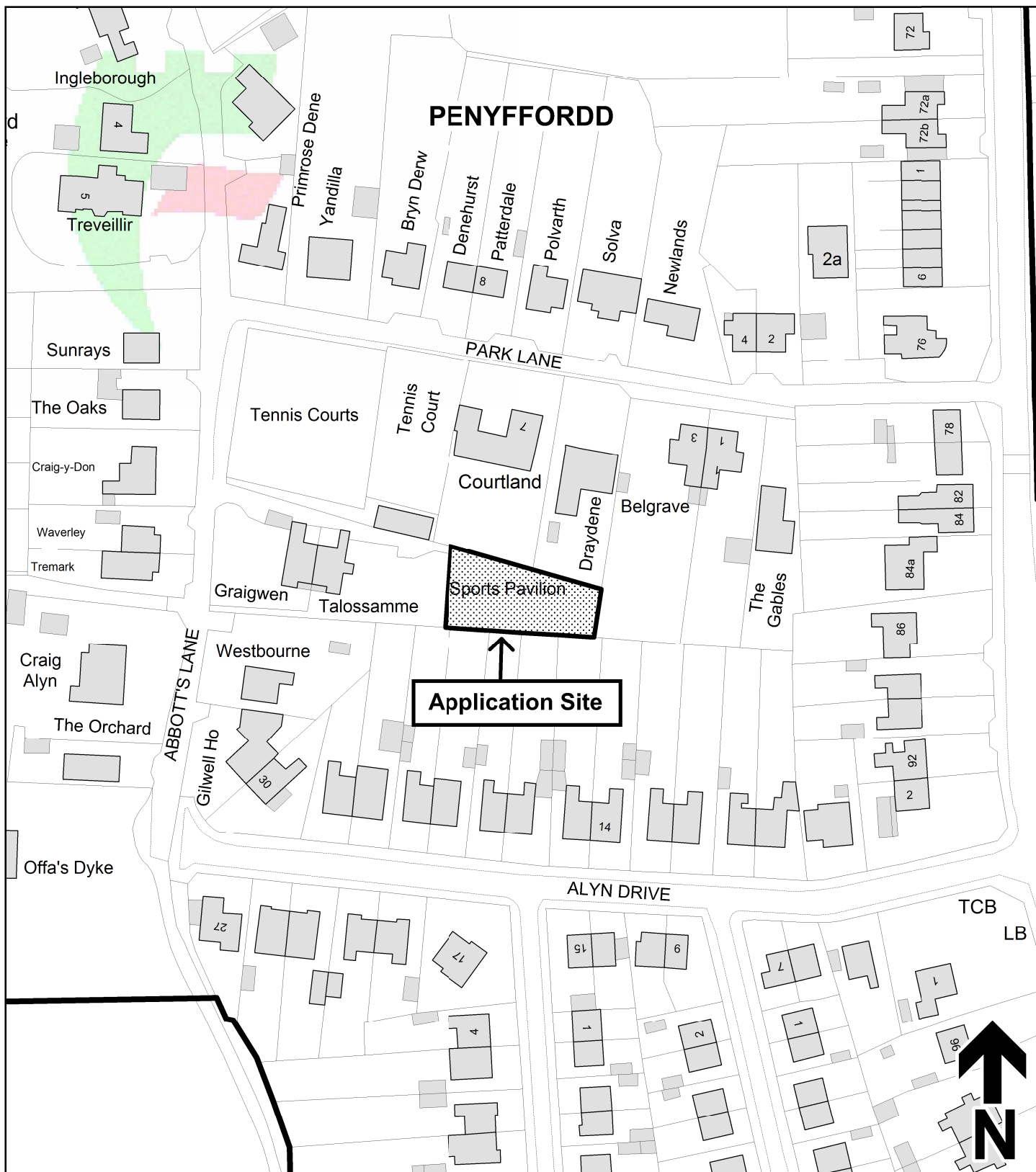
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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### Legend



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Planning Application **59613**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **26<sup>TH</sup> JUNE 2019**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF TWO DWELLINGS AND DETACHED GARAGE AT LAND OFF ALLTAMI ROAD, BUCKLEY.**

**APPLICATION NUMBER:** **058818**

**APPLICANT:** **MR. BINGHAM**

**SITE:** **LAND OFF ALLTAMI ROAD, BUCKLEY**

**APPLICATION VALID DATE:** **7<sup>TH</sup> AUGUST 2018**

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

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

**REASON FOR COMMITTEE:** **MEMBER REQUEST**

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

### **1.00 SUMMARY**

- 1.01 This application is for the erection of two, two storey detached dwellings on a small field situated in between The Orchard and Ash Cottage on the Northern side of Alltami Road, Buckley.
- 1.02 The main issues to be considered are the principle of the development in planning policy terms, the living conditions of the existing and proposed occupiers, the effects upon the character and appearance of the area, the highway and wildlife implications.
- 1.03 It is considered that whilst the proposals would constitute tandem development in principle, they would not have a significant detrimental impact on the living conditions of the existing or proposed

occupiers, the character and appearance of the area, highway safety or wildlife.

- 1.04 Therefore the recommendation is to grant planning permission subject to conditions and a Section 106 Obligation/Unilateral Undertaking to those listed below.

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

- 2.01 That conditional planning be granted to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to secure the following:-

Payment of £1,100 per dwelling in lieu of on-site POS. The payment would be used to enhance toddlers play provision at Ewloe Heath Play Area.

Payment of £1,750 per dwelling for GCN terrestrial and aquatic habitat enhancements to benefit the Deeside and Buckley Newt Sites SAC.

If the Obligation/Unilateral Undertaking (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Chief Officer (Planning, Environment & Economy) be given delegated authority to **REFUSE** the application.

The proposal is recommended for approval subject to the following conditions:-

**Conditions**

1. Time limit on commencement.
2. In accord with approved details.
3. Samples of all external materials to be submitted and approved in writing prior to commencement.
4. Landscaping scheme to be further submitted and approved.
5. Implementation of landscaping scheme.
6. Access to have a visibility splay of 2.4 m x 43 m in both directions and which no significant obstruction to visibility.
7. Positive means to prevent the run off of surface water from any part of the site onto the highway shall be provided in perpetuity.
8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
9. Submission and implementation of amphibian mitigation and avoidance measures to the satisfaction of the Local Planning Authority.
10. Archaeological watching brief conducted in accordance within an approved written scheme of investigation.



11. Disposal of foul water for Plot 2 to go to existing public sewer.
12. Boundary treatments of proposed dwellings to be further submitted and approved.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

Councillor Mrs C.A. Ellis

Requests both Committee determination and a site visit due to overlooking and highway visibility.

Buckley Town Council

No observations.

Highways Development Control

The access does satisfy the requirements in terms of ensuring vehicles entering and leaving the adopted highway without causing undue interference with the free flow of traffic along it. Therefore, recommends any permission includes the suggested conditions of the required visibility splays and positive means to prevent the run-off of surface water being provided.

Community and Business Protection

No adverse comments to make regarding this proposal.

Aura

In accordance with LPGN No. 13 POS provision, the Council should be seeking an off-site contribution of £1,100.00 per dwelling, in lieu of on-site POS.

The payment would be used to enhance toddlers play provision at Ewloe Heath Play Area. Working with planning policy considered previous pooled contributions and confirm that the pooled contributions thresholds have not been exceeded with regards to Ewloe Health play area.

Welsh Water/Dwr Cymru

It minded to grant planning consent, advise that the suggested condition and notes are included with the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets. The suggested condition being that no surface water/or land drainage to be allowed into the combined sewer.

Natural Resources Wales

Recommends that permission should only be granted, if the scheme can meet the requirements of a Habitat Regulation Assessment (HRA) and a condition requiring the submission and implementation of amphibian mitigation and avoidance measures be placed upon any planning permission granted.

Clwyd-Powys Archaeological Trust

Records indicate that the southern of the two proposed houses is located on the site of the remains of a 18<sup>th</sup> – 19<sup>th</sup> cottage. Site is now likely to be represented by earthworks only and is not visible due to dense tree cover. CPAT have no detailed record of this building which is likely to be at least 120 years old. Due to tree cover, impossible to investigate this site. Therefore require an appropriate level of archaeological monitoring as a condition of consent during the initial ground preparation and foundation cutting works to identify and record any features of the cottage buildings that may be revealed.

Airbus

No aerodrome safeguarding objection to the proposal based on the information given.

SP Energy Networks

No response received to date.

Wales & West Utilities

Have plant and apparatus within the vicinity of the site and the developer be advised of this.

**4.00 PUBLICITY**

**4.01 Neighbour Notification**

Two letters of objection received. The grounds of objection being:-

- Infringement of part of Plot 2 onto the neighbouring property.
- Loss of part of the hedgerow and trees upon the boundary.

**5.00 SITE HISTORY**

5.01 No previous applications have been submitted on the site.

**6.00 PLANNING POLICIES**

**6.01 Flintshire Unitary Development Plan**

STR1 – New Development.

STR4 – Housing.

STR7 – Natural Environment.

GEN1 – General Requirements for Development.

GEN2 – Development Inside Settlement Boundaries.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

TWH2 – Protection of Hedgerows.

HE7 – Others Sites of Lesser Archaeological Significance.

WB1 – Species Protection.  
 WB2 – Sites of International Importance.  
 WB3 – Statutory Sites of National Importance.  
 AC13 – Access & Traffic Impact.  
 HSG3 – Housing on Unallocated Sites within Settlement Boundaries.  
 SR5 – Outdoor Playing Space & New Residential Development.  
 EWP12 – Pollution.  
 EWP13 – Nuisance.

SPGN No. 2 – Space Around Dwellings.  
 SPGN No. 3 – Landscaping.  
 SPGN No. 8 – Nature Conservation & Development.  
 SPGN No. 11 – Parking Standards.  
 LPGN No. 13 – Open Space Requirements.

#### National

Planning Policy Wales Edition 10 December 2018.  
 Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015).  
 Technical Advice Note 5, Nature Conservation & Planning (2009).  
 Technical Advice Note (TAN) 12: Design (2016).  
 Technical Advice Note (TAN) 18: Transport (2007).  
 Technical Advice Note (TAN) 24: The Historic Environment (2017).

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description & Proposals**

The site comprises of a long narrow rectangular field amounting to approximately 1,306 m<sup>2</sup>. It is situated in between the existing properties of The Orchard, Ash Cottage and Maycroft on its western and eastern sides respectively, on the northern side of Alltami Road, Buckley and within a tight grouping of a mix of single and two storey dwellings.

- 7.02 The proposals involve the erection of two detached, two storey, four bedroomed houses with a detached single storey double garage for Plot 2. The dwellings will measure approximately 11 m x 10 m x 7 m (height to ridge) and constructed with facing brick and rendered walls with tiled roofs. The existing access to the field will be altered to accommodate the proposed developments.

### **7.03 Main Issues**

The main issues to be considered within the determination of this application are the principle of the development in planning policy terms, the effects upon the living conditions of the both the existing and proposed occupiers, the effects upon the appearance and character of the area, highway safety, the wildlife implications and the community infrastructure/Section 106 contributions.

7.04 Principle of Development

The site is located within the settlement boundary of Buckley, with the town being classed as a Category A settlement as defined by the adopted Flintshire Unitary Development Plan. Policy HSG3 applies in this case.

7.05 This policy allows the residential development proposed, provided it does not constitute tandem development. This being defined as consisting of one house immediately behind the other, considered unsatisfactory because of difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house at the front.

7.06 Whilst the proposals may constitute tandem development in principle, they are considered acceptable as their arrangement does not give rise to a significant adverse impact on the living conditions of either further or existing for either future or existing occupiers, for the reasons detailed in paragraph 7.08 below.

7.07 This is a similar situation to the site at Talossamme which is at agenda item 6.4. This was considered also as tandem development but was subsequently granted on appeal under 045547, as it was considered there was sufficient interface distance between the properties and vehicular movements which did not have a significant adverse impact upon the living conditions of either the existing or proposed occupiers of the dwelling.

7.08 Living Conditions

The proposals involve the erection of two, two storey detached dwellings set behind one another which share the same driveway adjacent to the existing and proposed occupiers of The Orchard and Plot 1 respectively. Therefore, the proposals could be classed as being tandem or backland development.

7.09 However, both proposed dwellings meet the separation distances between one another and provide the required amount of private amenity space within the SPGN No. 2 – Space Around Dwellings. The separation distance between the rear of Plot 1 and the front of Plot 2 being 22m with the required minimum distance being 22m.

7.10 In addition, Plot 1, that will share the driveway with Plot 2, will have no windows to habitable rooms upon this side elevation and the rear amenity area will be protected by close boarded fencing. Also along this side boundary with the existing occupier is a close boarded wooden fence and thick hedgerow. The Orchard also has no windows upon this side elevation.

7.11 Given the above it is considered that the proposals would not have a significant detrimental impact upon the living conditions of the proposed occupiers of the dwellings, not lead to excessive

disturbance upon the existing occupiers of The Orchard and therefore would not constitute as being tandem or backland development.

- 7.12 The site is surrounded on three sides by other residential properties (one and two storeys).
- 7.13 Proposed Plot 1, which fronts the road and is situated in between the existing bungalows of The Orchard and Ash Cottage, broadly meets the separation distances, side to side and front to side respectively. These being side to side with The Orchard being 15 m (minimum standard within the SPGN being 12m), and side to front with Ash Cottage being 12.3m (minimum 12m).
- 7.14 Proposed Plot 2, which is to the rear of the site, backs onto the bungalow of Holly Cottage, sides onto the two storey dwelling of Maycroft and fronts onto the bungalow of The Orchard. The separation distances being approximately 19m, 16m and 25m respectively (minimum standards being 22m, 12m and 22m). Whilst the full minimum standard is not being met from the back of the proposed dwelling to the existing dwelling of Holly Cottage, given the proposed and existing heights of the dwellings together with their positions (at right angles) to each other, it is considered the proposal will not have a significant detrimental impact upon the living conditions upon this proposed dwelling as it is considered it will not give rise to direct overlooking or the scale of the dwelling proposed would be overbearing.
- 7.15 Appearance & Character  
Both dwellings will be of two storey in a contemporary design and constructed within a mix of facing brick and rendered walls with tiled roofs. They are to be situated amongst an existing grouping of other dwellings upon this northern side of Alltami Road, which are a mix of types, styles and materials used in their construction. The neighbouring close provides for similar arrangement of dwellings behind one another.
- 7.16 Given the above it is considered that the proposals will not have a significant detrimental impact upon the character and appearance of the area.
- 7.17 Highway Implications  
The proposals involve alterations to the existing agricultural access, the provision of three car parking spaces per dwelling and manoeuvring space within the site.
- 7.18 Amended plans have been received which show that the access it satisfies the requirements of the Head of Highways Development Control in terms of the adequate provision of car parking and manoeuvrability within the site and ensuring vehicles may enter and

leave the adopted highway without causing undue interference with the free flow of traffic along it.

- 7.19 Given the above, it is considered that the proposals will not have a significant detrimental impact upon highway safety.

7.20 Wildlife Implications

The site is located within 150 m of the Buckley and Deeside Special Area of Conservation, 300 m of Great Crested Newt ponds and opposite an area of the Buckley Commons and Claypits SSSI designated for the mosaic of arid, neutral and marshy grassland, wet heath and scrub on common land as well as amphibian populations.

- 7.21 The terrestrial habitat to be lost for the housing development is grassland with hedgerows which provides potential terrestrial habitat and wildlife corridors/local dispersal route for Great Crested Newts.

- 7.22 There will be no direct impact on the SAC or the SSSI but there is potential for impacts on the Great Crested Newt population through the loss of terrestrial habitat and indirect effects due to the potential increase in recreational pressures within the SAC, especially when considered in conjunction with other developments (in combination effects).

- 7.23 As Great Crested Newts are a feature of the SAC, it is important to ensure that there are no long term effects on the population through agreed avoidance and mitigation measures.

- 7.24 European Protected Species (EPS) and their breeding sites and resting places are protected under Regulation 41 of the Conservation of Habitats & Species Regulations 2010 (As Amended) and under Article 12 of the EC Directive 92/43/EEC in the United Kingdom. Plans or projects that could affect EPS must satisfy the appropriate Article 16 derogation and two mandatory tests. Disturbance to an EPS whilst occupying a place of shelter and/or obstruction of access to a place of shelter are also prohibited under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000).

- 7.25 The submitted ecological assessment advises that work on site will be undertaken using Reasonable Avoidance Measures. A Mitigation Licence will be required from NRW prior to works commencing. Regulation 9(1) and 9(5) of the Conservation of Habitats & Species Regulations 2010 (As Amended) requires public bodies in exercise of their functions (to ensure compliance with and to have regard to the provisions of the 1992 'Habitats Directive' (92/43/EEC). Consequently the local planning authority decision making must be taken in accordance with the compliance

of the Habitats Directive. The local authority must be satisfied that a proposal satisfies the appropriate Article 16 derogation and two mandatory tests as part of the planning decision process. The need to consider this derogation is specifically identified in TAN5.

- 7.26 In consideration of “public need”, it is considered that the proposals seek to establish the use of the site for the purposes of residential development. The site lies within the identified settlement boundary of Buckley within the Adopted Flintshire Unitary Development Plan. Both national and local planning policies seek to direct the majority of new development of this form to within settlement boundaries.
- 7.27 Similarly, in consideration of “satisfactory alternatives”, the application site comprises an area of land which is not allocated for residential development but is located within the settlement boundary for Buckley as defined by the Adopted Flintshire Unitary Development Plan.
- 7.28 With regard to the test relating to the favourable conservation status of the GCN population, NRW advise that the proposals will not be detrimental to this species, provided that any planning permission granted is subject to a condition requiring the submission and implementation of agreed mitigation and avoidance measures.
- 7.29 In considering the proposed mitigation measures, scheme of reasonable avoidance measures and by a combination of conditions and a legal agreement securing a financial contribution for GCN terrestrial and aquatic habitat enhancements to benefit the Deeside and Newts SAC, NRW and the Local Planning Authority are satisfied that there will be no adverse effects upon the GCN population. It is considered that these proposals will ensure that the favourable conservation status of the species providing the habitat is secured and protected.
- 7.30 Section 106 Contributions & CIL Compliance  
The infrastructure and monetary contributions that can be required from proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 ‘Planning Obligations’. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:
1. Be necessary to make the development acceptable in planning terms;
  2. Be directly related to the development; and
  3. Be fairly and reasonably related in scale and kind to the development.

- 7.31 An off-site commuted sum of £1,100 per dwelling in lieu of on-site provision to enhance toddlers play provision at Ewloe Heath Play Area is required. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date.
- 7.32 A payment of £1,750 per dwelling for Great Crested Newt terrestrial and aquatic habitat enhancements to benefit the Deeside & Buckley Newt Site SAC is required.
- 7.33 It is considered that the contributions required meet the Regulations 122 tests.
- 7.34 Other Matters  
Concerns have been raised regarding infringement of part of Plot 2 onto the neighbouring property and loss of the hedgerow and trees upon the boundary with Ash Cottage.
- 7.35 The plans indicate that Plot 2 will be built entirely on the application site and the only part of the hedgerow to be lost will be to improve highway visibility and is minimal.

## **8.00 CONCLUSION**

- 8.01 It is considered that whilst in principle the proposals would constitute tandem development they will not have a significant detrimental impact upon the amenities of the existing and proposed occupiers of the dwellings, highway safety, wildlife or the character or appearance of the area.
- 8.02 Other Considerations  
  
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.03 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the



achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

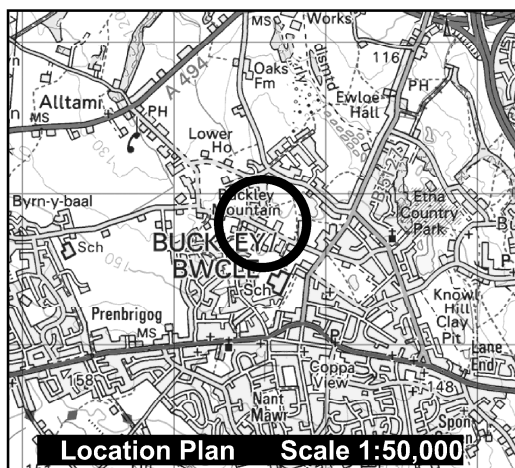
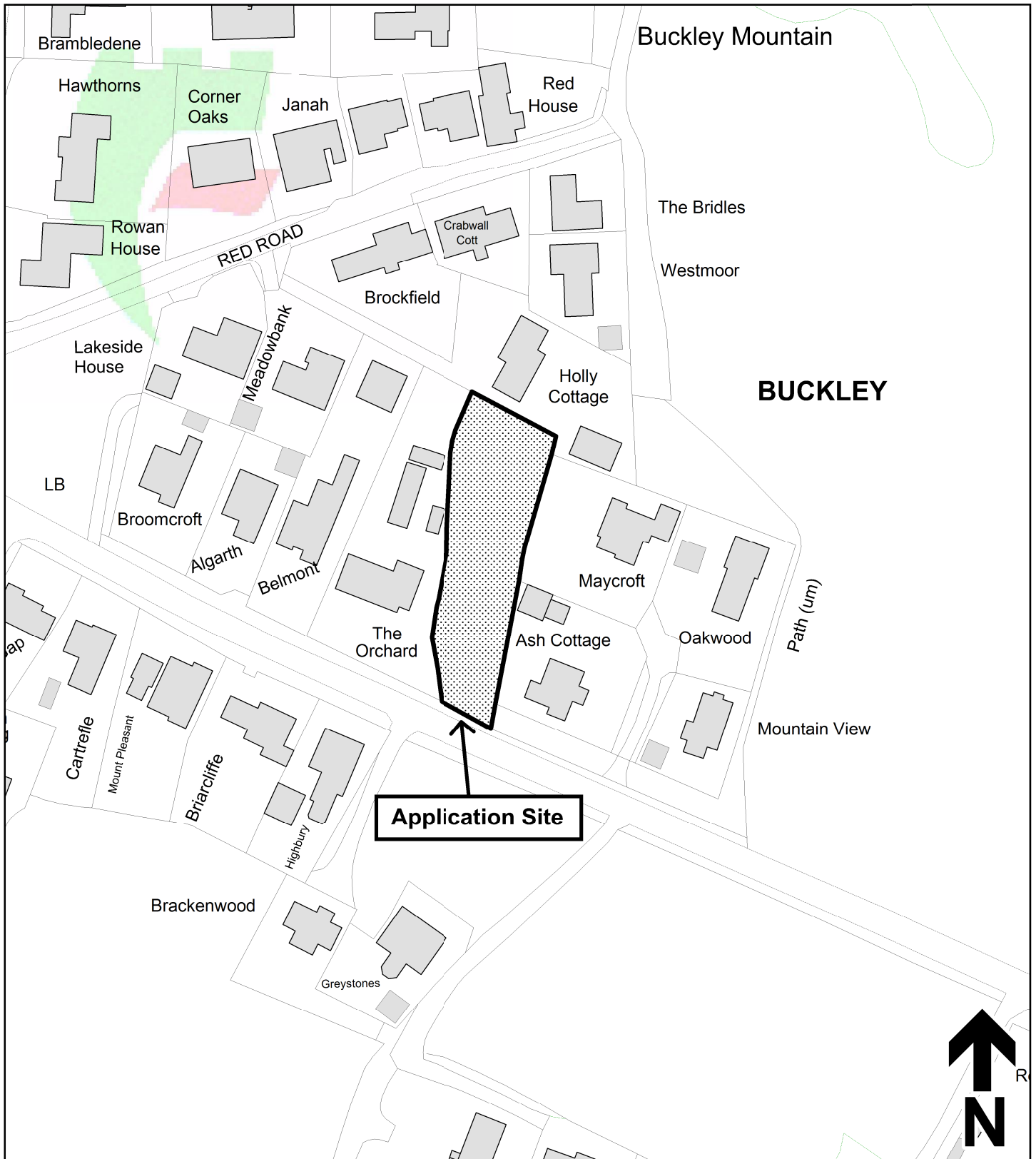
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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Chief Officer: Mr Andrew Farrow

### Legend



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
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Planning Application **58818**

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