

Public Document Pack

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Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



CS/NG

20 May 2021

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To: Members of the Planning Committee

Dear Sir / Madam

NOTICE OF REMOTE MEETING
PLANNING COMMITTEE
WEDNESDAY, 26TH MAY, 2021 at 1.00 PM

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Robins'.

Robert Robins
Democratic Services Manager

Please note: This will be a remote meeting. The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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

AGENDA

1 **APPOINTMENT OF VICE-CHAIR**

2 **APOLOGIES**

3 **DECLARATIONS OF INTEREST**

4 **LATE OBSERVATIONS**

5 **MINUTES** (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting held on 31 March 2021

6 **ITEMS TO BE DEFERRED**

7 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

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

REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO PLANNING COMMITTEE ON 26 MAY 2021

| Item No | File Reference | DESCRIPTION |
|--|----------------|---|
| <u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u> | | |
| 7.1 | 061790 | 061790 - R - Full application - Proposed residential development for 25 no. affordable dwellings, public open space with new pedestrian links, landscaping, means of highway access, pumping station and schemes for biodiversity net gain and surface water attenuation at land adjacent to 150 Mancot Lane, Mancot (Pages 9 - 42) |
| 7.2 | 052236 | 052236 - R - Outline - Outline application for residential development and associated works at Atlas Yard, Corwen Road, Pontybodkin (Pages 43 - 58) |
| 7.3 | 062192 | 062192 - A - Full Application - for extensions and alterations to create enlarged lounge and foyer/entrance area together with 2 ground floor and 6 first floor en-suite bedrooms at The Crooked Horn Inn, Bryn Sannan, Brynford (Pages 59 - 76) |

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours



Procedural Note on the conduct of meetings

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call - where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote

At County Council and Planning Committee meetings speaker's times are limited. A bell will be sounded to alert that the speaker has one minute remaining

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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PLANNING COMMITTEE **31 MARCH 2021**

Minutes of the meeting of the Planning Committee of Flintshire County Council held as a remote attendance meeting on Wednesday, 31 March 2021

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Mike Allport, Chris Bithell, Ian Dunbar, Veronica Gay, Gladys Healey, Patrick Heesom, Paul Johnson, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips and Owen Thomas

APOLOGIES: Councillor Derek Butler, and Legal Services Manager

ALSO PRESENT: Councillor Haydn Bateman attended as an observer

IN ATTENDANCE:

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

26. DECLARATIONS OF INTEREST

There were no declarations of interest.

27. LATE OBSERVATIONS

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

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=4857&Ver=4&LLL=0>

28. MINUTES

The minutes of the meeting on 3 March 2021 were confirmed as a correct record, as moved and seconded by Councillors Chris Bithell and Richard Lloyd.

RESOLVED:

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

29. ITEMS TO BE DEFERRED

No items were recommended for deferral.

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

RESOLVED:

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

31. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there was one member of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.18 pm)

.....
Chairman

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

PLANNING COMMITTEE ON 31 MARCH 2021

| ITEM NO | TOWN/ COMMUNITY COUNCIL | SITE/PROPOSAL | THIRD PARTY / LOCAL MEMBER OBSERVATIONS | RESOLUTION |
|---------|-------------------------------|--|--|---|
| 061148 | Buckley Town Council | Full application - Change of use from Bistre Youth and Community Centre, Nant Mawr Road, Buckley, comprising former school building and car parking to mixed use as café, bakery school, playgroup/nursery, mixed use sports hall, sports training facility/academy with external covered sports hall and associated additional car parking, | <p>A statement of objection from the local Member, Councillor Neville Phillips, was appended to the report on the agenda.</p> <p>A statement of objection from a local resident was appended to the report on the agenda.</p> <p>A statement of support from the applicant was appended to the report on the agenda.</p> | That planning permission be granted subject to the conditions set out in the report, in accordance with the officer's recommendation. |
| 061974 | Caerwys Town Council | Full application – retention of residential dwelling as built and proposed completion of dwelling at Pen Uchaf Farm, Pen Y Cefn Road, Caerwys, Mold | <p>A statement of support from the applicant was appended to the report on the agenda.</p> <p>A statement of support from the local Member, Councillor Tudor Jones, was appended to the report on the agenda.</p> | That planning permission be refused in accordance with the officer's recommendation for the reasons set out in the report. |

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 26 MAY 2021**

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

SUBJECT: **061790 - FULL APPLICATION - PROPOSED RESIDENTIAL DEVELOPMENT FOR 25 NO. AFFORDABLE DWELLINGS, PUBLIC OPEN SPACE WITH NEW PEDESTRIAN LINKS, LANDSCAPING, MEANS OF HIGHWAY ACCESS, PUMPING STATION AND SCHEMES FOR BIODIVERSITY NET GAIN AND SURFACE WATER ATTENUATION**

APPLICATION NUMBER: **061790**

APPLICANT: **WALES AND WEST HOUSING ASSOCIATION**

SITE: **LAND ADJACENT TO 150 MANCOT LANE, MANCOT**

APPLICATION VALID DATE: **16TH SEPTEMBER 2020**

LOCAL MEMBERS: **COUNCILLOR BOB CONNAH**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SIZE OF PROPOSAL IN RELATION TO SCHEME OF DELEGATION**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for a proposed residential development for 25 no. affordable dwellings, public open space with new pedestrian links, landscaping, means of highway access, pumping station and schemes for biodiversity net gain and surface water attenuation at land adjacent to 150 Mancot Lane, Mancot, Flintshire.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01

1. The Local Planning Authority consider there is insufficient evidence to identify the need to bring forward this speculative site outside the settlement boundary of Mancot. In the absence of the evidence of need and in light of the satisfactory levels of residential housing completions, commitments and allocations as set out in the planned housing trajectory in the Deposit LDP, the Council does not attach considerable weight to the need to increase housing delivery. The proposal therefore conflicts with the principles set out in PPW11 and the Future Wales Plan 2040.
2. The Local Planning Authority considers that insufficient evidence has been provided to identify the very exceptional circumstances necessary to justify inappropriate development within an area of open countryside and within an area of Green Barrier. The proposals would result in a form of unsustainable development which would unacceptably harm the openness, purpose and function of the Green Barrier in this location contrary to Unitary development plan policies GEN1, GEN3 and GEN4 and national policy contained within Planning Policy Wales (11th Edition – February 2021) and Policy 22 of the Future Wales Plan 2040.
3. The site is located within an area where the Local Planning Authority have been advised by Natural Resources Wales that there is an unacceptable risk of flooding for it to be considered suitable for residential use. The submitted Flood Consequence Assessment fails to comply with A1.12, A1.14 and A1.15 of TAN15. As such the proposal fails to comply with Planning Policy Wales (11th Edition – February 2021), TAN15 and policies STR1, GEN1 and EWP17 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01

Local Member: Councillor B Connah

- Requests committee determination
- Queries validity of PAC process
- Area is green Belt land and outside village settlement boundary
- Area is a flood plain and whole area has been subject to flooding in the past

- Local Drainage issues
- Difficulties with access onto Mancot Lane
- Requests site visit but acknowledges that this may not be possible due to current restrictions.

Queensferry Community Council

The land proposed for these houses is historically known to flood and lies on a floodplain and must drain into current infrastructure in ward. Have been told by National Rivers Authority that any future development draining into drainage system would overload it in direct proportion resulting in increased risk to Homes, Businesses and well-being of ward.

Hawarden Community Council:

Object- Objection Development is on green belt area, on a flood plain and not in the settlement plans.

Community and Business Protection

Further information to clarify the potential risks to/as a result of the development from ground/mine gas is needed.

If planning permission is granted, I would ask that a prior to commencement condition requiring a land contamination assessment and any subsequent remediation and verification works is imposed upon it.

Highways Development Control

The Transport Statement makes adequate assessment of access requirements, parking provision and pedestrian and public access requirements and includes proposals for visibility splays, footway widening and changes to road markings and signage. Implementation of these works within the highway will require separate approval of the Highway Authority but submission and approval of detail should be covered by a planning condition.

Detailed design should include an assessment/improvement of street lighting provision and dropped kerb access to bus stops. In order to accommodate cycle usage, the improvement/widening of the existing footpath towards the school should be considered. Parking restrictions have recently been imposed on Mancot Lane in order to manage parking/drop off outside the school premises. Future residents of the development site are likely to benefit from an extension of parking restrictions; the cost of making a Traffic Regulation Order should be covered by a S106 agreement. (£4k to cover the cost of advertising, consultation and making an order).

Housing

Identified Housing Need:

The demand for affordable housing in Flintshire is demonstrated by the Local Housing Market Assessment and Flintshire Council’s housing waiting lists.

Local Housing Market Assessment (LHMA) Update 2018 (Final report (addendum) Feb 2020)

The LHMA for Flintshire identifies an annual shortfall of 238 affordable units.

The assessment recommends a need for the following property types:

- 1/ 2 bedroom (45.6%)
- 3 bedroom (28.3%)
- 4+ bedroom (12%)
- Older persons stock (14.1%)

And this should be split between the following tenures:

- Social rented (30%),
- Intermediate rent (30%)
- Affordable ownership (40%)

There is also a need for specialist accommodation in Mancot. The specialist housing register lists those applicants who require adapted/ wheelchair properties and whose needs are not easily met within the current social housing stock. There are currently 6 applicants who require a 3 bed adapted property in Mancot.

Affordable

Housing Partner: Wales and West Housing

Preferred Mix of units:

- 15 x 2 bed houses
- 3 x 3 bed houses
- 1 x 4 bed house
- 3 x 1 bed bungalows
- 1 x 2 bed bungalow
- 2 x 3 bed adapted bungalows
- 25 Total

As demonstrated above, Mancot is an area of significant housing demand. The mix of units being proposed is acceptable and would provide a variety of property types that will help a range of people and the dwellings will be made available for social rent. Housing Strategy is supportive of this application and the scheme has been placed in the reserve social housing grant programme so that funding may be allocated should planning permission be approved.

| General Needs Housing – social rent (SARTH waiting list as at 1.10.20) | | | | | | | |
|--|------------------------------|---------------------------------------|------------------------------|---------------------------------------|-------------|-------------|-------------|
| | 1 Bed Bungalow General needs | 1 Bed Bungalow (mini group over 55's) | 2 Bed Bungalow General needs | 2 Bed Bungalow (mini group over 55's) | 2 Bed House | 3 Bed House | 4 Bed House |
| Mancot | 20 | 45 | 12 | 14 | 95 | 35 | 18 |

Aura Leisure

In accordance with Planning Guidance Note No.13 POS provision, the Council should be seeking an off-site contribution of £733.00 per house/dwelling, in lieu of onsite POS. The payment would be used to enhance play facilities in the community, it would be for junior play provision. Working with Planning Policy we have considered previous pooled contributions and we confirm that the pooled contributions thresholds have not been exceeded with regards to this community.

Education

| | Nearest Primary School | Nearest Secondary School |
|---|-------------------------------|---------------------------------|
| School Name | Sandycroft CP School | Hawarden High School |
| Age Range | 3-11 | 11-18 |
| School Capacity | 320 | 1145 |
| Number on Roll ⁽¹⁾ | 307 | 1133 |
| Surplus Places | 13 | 12 |
| Surplus Percentage | 4.06% | 1.05% |
| 5% of Capacity ⁽²⁾ | 16 | 57 |
| Trigger for Contributions (95% of Capacity) | 304 | 1088 |

Sandycroft CP School

It is the intention of Education & Youth to seek a developer contribution.

The contribution sought will be for a total of £73,542.00

Hawarden High School

It is the intention of Education & Youth to seek a developer contribution.

The contribution sought will be for a total of £73,876.00

Natural Resources Wales

The site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004), and is shown to be located partially within the 0.5% (1 in 200) and 0.1% (1 in 1,000) annual exceedance probability (AEP) event flood outlines on the Natural Resources Wales Flood Risk Map. The development proposal is for the construction of 25 dwellings at the site, which is currently greenfield. As such, this is deemed to be an introduction of new highly vulnerable land use in line with figure 2 of TAN15.

1. We are unable to comment fully as the FCA presents two options for flood risk mitigation. The FCA does not identify which option is proposed for flood mitigation nor does it provide sufficient details of either option.

In order to comply with A1.14 of TAN15, the site must be designed to be flood free in the 0.5% AEP breach event with an allowance for climate change. All residential areas including parking, driveways and gardens should be demonstrated to be flood free. The details of the proposed mitigation have not been fully set out in the FCA, which states that the detailed design will come at a later stage. This is not acceptable and we require that the mitigation and the required flood compensation areas/volumes are detailed at this point in the planning process. This is to ensure that the appropriate areas and levels are marked correctly and secured on any approved plans. Without this information the mitigation measures fail to comply with A1.14 of TAN15. Detailed designs supported by appropriate flood modelling and calculations are required.

2. The FCA does not address the impacts of the proposed development and associated land raising as mitigation, on flood risk elsewhere. The FCA therefore fails to comply with A1.12 of TAN15. Whilst it is proposed that the flood storage volume is compensated for by re-profiling the open green space to the north of the site, this is not fully detailed in the FCA.

As previously noted, the impact of the proposals on flood risk elsewhere needs to be fully assessed. We expect pre and post development modelling to be undertaken to demonstrate that the proposed mitigation measures and compensation areas would not cause detriment elsewhere.

3. The FCA fails to comply with A1.15 of TAN15 as it does not assess the flood risk to the site during the 0.1% AEP tidal breach event with an allowance for climate change, using the Shotton breach scenario.

To summarise the above, having reviewed the revised FCA we raise significant concerns to this application. The FCA should be updated to address the above points. The primary issue is that the mitigation measures and associated flood compensation have not been fully detailed, therefore failing to comply with A1.14. Secondly, there is no assessment of the impacts of flood risk elsewhere and therefore the application also fails to comply with A1.12. Finally, the FCA also needs to provide the data required to assess compliance with A1.15 of TAN15.

Biosecurity: We consider biosecurity to be a material consideration owing to the nature and location of the proposal. Ecological surveys confirmed the presence of Himalayan balsam. This species is listed

under the provisions of the Invasive Alien Species (Enforcement and Permitting) Order 2019.

We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Ecology

The recommendations within the outline mitigation plan is acceptable with the detailed Conservation Plan which includes (Section 2.3) compliance monitoring and biosecurity (Invasive Species, Himalayan balsam, control) to be conditioned.

The habitats present on site have value for nesting birds plus there are numerous records of hedgehogs within the vicinity and the Conservation Plan should include reasonable avoidance measures during site clearance, with those habitats to be retained protected from accidental damage.

Land contamination

No adverse comments

CPAT

There are no archaeological implications for the proposed development at this location.

Dwr Cymru/Welsh Water:

No response at time of writing

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

Neighbours: Press Notice, Site notice, Neighbour notification

7 no. Letters of objection received

- Strain on local amenities
- Traffic congestion
- Loss of privacy/overbearing
- Loss of green barrier
- Speculative nature of development
- Flood risk
- Bats in trees on site

5.00 SITE HISTORY

5.01 No relevant history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 New Development
GEN1 General Requirements for New Development
GEN3 Development in the Open Countryside
GEN4 Green Barriers
D1 Design Quality, Location and Layout
D2 Design
D3 Landscaping
EWP14 Derelict and Contaminated Land
EWP17 Flood Risk

Future Wales: The National Plan 2040 (2021)
Planning Policy Wales 11th Edition (February 2021)

7.00 PLANNING APPRAISAL

7.01 Proposal

7.02 This is a full application for proposed residential development for 25 affordable dwellings, public open space with new pedestrian links, landscaping, means of highway access, pumping station and schemes for biodiversity net gain and surface water attenuation.

7.03 The scheme is a major application and as such the Pre-Application Consultation process has been followed by the Applicant. The Local Member has queried whether or not the process had been correctly followed. This has been checked and I am satisfied that the process has been followed correctly in line with the most recent COVID guidelines.

7.04 Site

7.05 The site is situated to the north of the settlement boundary of Mancot in the Flintshire Unitary Development Plan, located off Mancot Lane. The site is located in an area of designated Green Barrier and in the open countryside. The site is also partially located within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004).

7.06 The site is characterised by its openness, greenness and rural character in stark comparison to the more urban character of the adjacent settlements.

7.07 Principle

- 7.08 The site is located outside the settlement boundary of Mancot in the open countryside and within a Green Barrier in the adopted UDP, areas where there is a presumption against residential development in accordance with Policy GEN4, and therefore the proposed development is clearly contrary to the development plan. It is acknowledged that parts of the UDP are now outdated, particularly in respect of settlement boundaries, as reflected in a number of appeal decisions that were made prior to July 2018 when the Minister dis-applied para 6.2 of TAN1 and launched her call for evidence into the provision of housing via the planning system, which has now concluded with the deletion of TAN1 in its entirety as it was not fit for purpose.
- 7.09 The key determining factor for this application is whether the proposal represents sustainable development and whether there are material planning considerations which would outweigh the development plan. A further factor, which is given weight by the applicant, is whether weight should be attached to increasing housing land delivery.

7.10 Sustainable Development and Green Barrier

- 7.11 There is no dispute that Mancot is a sustainable settlement given that it is a category B settlement in the adopted UDP and a Tier 3 Sustainable Settlement in the Deposit LDP. Over the UDP period 2000-2015 the settlement saw 58 completions which represented just under a 2% growth. In the first 4 years of the LDP Plan period the settlement has seen a further 17 completions. It must be borne in mind, however, that the UDP growth rates (8-15% for a category B settlement) were not 'targets', and the 2% growth in 2000-2015 does not represent underdevelopment of the settlement.
- 7.12 The settlement also directly adjoins Hawarden where the Deposit LDP has allocated land at Ash Lane for 298 dwellings and this will meet wider housing needs including Mancot, and not just Hawarden. The housing needs of Mancot will therefore be met through the LDP allocation, for both market and affordable housing. Since the Deposit Plan was consulted on in the Autumn of 2019, representations and responses have been reported to Cabinet and Council and the Plan approved for submission to Welsh Government and Planning Inspectorate Wales for examination. The current examination will provide the means to examine the soundness of the Plan, its strategy, level of growth, policies and allocations.
- 7.13 The application site was proposed for development in the UDP by an objector in the form of an omission site. In her Report on the UDP the Inspector comments '*The land is an integral part of the open countryside and part of the narrow green barrier between Mancot and Pentre which prevents the coalescence of the settlements*'. In

preparing the LDP a Green Barrier Review has been undertaken (Background Paper 01) which concludes that the site still forms an integral part of the green barrier which seeks to retain the narrow gap between Mancot and Pentre, thereby confirming the clear view of the UDP Inspector on this location. When considering this application with regard to the national and local policy position today nothing has changed in terms of the planning context since the Inspector came to that view.

- 7.14 The agent has repeated and submitted their objection through the LDP process. The objection is based on the agents view that the review of the Green Barrier is based upon a crude assessment and is not fit for purpose, and that there is no sound justification for the continued Green Barrier designation. However it is considered that the agents own assessment is superficial and ignores the views of the UDP Inspector referred to above, the proper site context in terms of its contribution as a Green Barrier, and also fails to recognize the guidance in PPW11 and the Future Wales Plan relating to the actual purpose and function of green barriers.
- 7.15 The significance of the Green Barrier designation is set out clearly in PPW11 which has a strong presumption against inappropriate development. Welsh Government identify that housing development (including affordable housing) is inappropriate development within a Green Barrier. PPW maintains the principle that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the purpose of the Green Barrier.
- 7.16 It should be emphasised that PPW guidance in respect of Green Barriers changed considerably between versions 9 and 10. The earlier version permitted affordable housing exceptions schemes on the edge of settlements in green barriers whereas this was omitted from version 10, and this has again been omitted from PPW11. The implication of this is that both market housing and now affordable housing is regarded by Welsh Government as 'inappropriate' development in a green barrier. Para 3.73 states '*When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Substantial weight should be attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation.*'
- 7.17 Given the weight attached to protecting designated Green Barriers in PPW11, and the clear harm to the openness of the Green Barrier and harm to open countryside that this proposal would cause, it is not considered that the proposal represents sustainable development. Given that the site sits within a designated Green Barrier in the adopted UDP makes the agent's 'objections' to the Green Barrier designation a moot point in the context of its materiality to the

consideration of this application. If the applicant and agent wish to argue that the site is not properly designated as a Green Barrier and that this site is better than the Council's other allocated site at Ash Lane, then the proper place to do this is through the LDP Examination and not through a planning application.

7.18 Furthermore Policy 22 – Green Belts in the North within the very recently published Future Wales Plan re-emphasises that development in areas of Green Belt should only be considered where very exceptional circumstances exist. This reinforces the significant weight attributed to the status of Green Barrier in the overall planning balance.

7.19 In summation, in respect of the Green Barrier the agent argues in para 3.88 of the Planning Statement that 'In Summary the Green Barrier does not involve any land that is of any particularly special landscape character and the gap will be preserved'. This represents a misunderstanding of the purpose and designation of Green Barriers as they are not designated on the basis of any intrinsic landscape or other other 'quality', but are based on 'openness'. The proposed built development will clearly contribute to coalescence and is, by its nature and location in the designated Green Barrier, inappropriate development.

7.20 The agent has made no compelling case regarding very exceptional circumstances which would outweigh the harm to the purpose of the Green Barrier in this location or to justify the harm to the open countryside location. As such it is contrary to the advice within Planning Policy Wales 11, the Future Wales Plan 2040 as well as the relevant Flintshire Unitary Development Plan policies and in particular policy GEN4.

7.21 Housing Land Supply and Delivery

7.22 With the permanent revocation of TAN1 there is no longer a requirement to demonstrate a 5 year supply of housing land. Instead, housing delivery for each authority will be measured against the trajectory of the adopted LDP. For those authorities who adopt a Plan following the publication of the revised Development Plan Manual guidance, applicable to Flintshire, the Anticipated Annual Build Rate (AABR) method will be used. This is a significant material change as the applicant's case is that the application should be considered as an exception to Green Barrier policy as it would help meet a shortfall in 5 year housing land supply. This is no longer a directly relevant consideration, and as such this approach carries limited weight in the planning balance.

7.23 Welsh Government have confirmed that in relation to the new approach to measuring housing provision against the LDP trajectory,

whilst the LDP is not yet adopted the use of the draft LDP trajectory is a material consideration in assessing speculative applications such as this proposal. In terms of present LDP performance in enabling the delivery of housing, in the first 4 years of the LDP Plan period, the County has seen annual completions of 662 (2016), 421 (2017), 608 (2018) and 454 (2019) which gives a total of 2,145 completions or an average of 536 units per annum. This is in excess of the Plan requirement of 6950 dwellings (or 463 units per annum) and is very close to the Plan's overall housing provision of 7,950 dwellings (or 530 units per annum). The LDP is therefore on track to deliver not only the amount of housing it is required to meet, but also the rate provided in the Plan taking account of the flexibility allowance of 14.4%.

7.24 The evidence base alongside the Deposit LDP clearly demonstrates that the Plan has and will continue to deliver its housing requirement. In the context of the new arrangements for monitoring housing provision, notwithstanding that the LDP is not yet adopted, evidence of actual housing provision in the first four years of the plan period demonstrates that the plan is in line with its draft trajectory, which is a material consideration in determining this application for speculative development on a site in Green Barrier and not allocated in the UDP or emerging LDP. It is also important to mention that Welsh Government, in their formal representations on the Deposit Plan have no fundamental concerns about the soundness of the Plan. In their covering letter Welsh Government states '*The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect*'. In the supporting document the Welsh Government 'support in principle' the scale and location of homes and jobs. This formal response does not suggest that there are concerns about the Plan 'not delivering' or being unsound.

7.25 It therefore must be concluded that as Housing Delivery is not an issue in Flintshire that matter cannot be considered a 'very exceptional circumstance' which outweighs the harm the development would cause to the purpose of the Green Barrier in this location. This significantly erodes the main basis of the planning case of the applicant that housing supply provides a 'very exceptional circumstance' to allow for development within the Green Barrier.

7.26 **Flood Risk**

7.27 The application site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004), and is shown to be located partially within the 0.5% (1 in 200) and 0.1% (1 in 1,000) annual exceedance probability (AEP) event flood outlines on the Natural Resources Wales Flood Risk Map.

- 7.28 The general approach of PPW, supported by the TAN, is to advise caution in respect of new development in areas at high risk of flooding by setting out a precautionary framework to guide planning decisions. The overarching aim of the precautionary framework is, in order of preference, to:-
- Direct new development away from those areas which are at high risk of flooding.
 - Where development has to be considered in high risk areas (zone C) only those developments which can be justified on the basis of the tests outlined in section 6, justifying the location of development, and section 7, assessing flood consequences are located within such areas.
- 7.29 The development proposal is for the construction of 25 dwellings at the site, which is currently greenfield. As such, this is deemed to be an introduction of new highly vulnerable land use in line with figure 2 of TAN15 and as such the tests in Sections 6 and 7 of the TAN apply. Consequently a Flood Consequence Assessment (FCA) has been provided in support of the application, and has been considered by Natural Resources Wales.
- 7.30 In order to comply with the flooding frequency thresholds set out in A1.14 of TAN15, the site must be designed to be flood-free in the 0.5% AEP breach event with an allowance for climate change. All residential areas including parking, driveways and gardens should be demonstrated to be flood free. The details of the proposed mitigation have not been fully set out in the FCA that has been submitted in support of the application, and which states that the detailed design will come at a later stage. NRW do not consider that this approach is acceptable and require that the mitigation and the required flood compensation areas/volumes are detailed prior to the determination of the planning application. This is to ensure that the appropriate areas and levels are marked correctly and secured on any approved plans. Without this information the mitigation measures fail to comply with A1.14 of TAN15.
- 7.31 The FCA does not address the impacts of the proposed development and associated land raising as mitigation, on flood risk elsewhere. The FCA therefore fails to comply with A1.12 of TAN15. Whilst it is proposed that the flood storage volume is compensated for by reprofiling the open green space to the north of the site, this is not fully detailed in the FCA, as is required. NRW consider that the impact of the proposals on flood risk elsewhere needs to be fully assessed and expect pre and post development modelling to be undertaken to demonstrate that the proposed mitigation measures and compensation areas would not cause detriment elsewhere.

7.32 The FCA fails to comply with A1.15 of TAN15 as it does not assess the flood risk to the site during the 0.1% AEP tidal breach event with an allowance for climate change, using the Shotton breach scenario.

7.33 As the application fails to adequately address these points and be compliant with TAN15 it is considered that the proposal fails to be in accordance with Policies GEN1 and EWP17 of the Flintshire Unitary Development Plan.

7.34 **Affordable Housing**

7.35 The proposal offers a 100% affordable housing scheme. Housing Strategy have confirmed that Mancot is an area of significant housing demand. Furthermore they consider that the mix of units being proposed would provide a variety of property types that will help a range of people and the dwellings will be made available for social rent, which again would meet a need on the housing register. Housing Strategy is therefore supportive of this application.

7.36 The merits of the affordability of the housing provided by this scheme are accepted, however as mentioned before Planning Policy Wales 11 does not differentiate between market or affordable housing scheme in considering whether residential development is inappropriate in a Green Barrier. Within the allocation of housing sites coming forward in the emerging LDP, as well as windfall sites in appropriate locations there will be opportunities for the Council to secure affordable dwellings in order to meet local housing need in accordance with its policies.

7.37 As such the affordable nature of the scheme is not a very exceptional circumstance which is considered to outweigh the harm to the designated Green Barrier by its erosion of the narrow area of countryside and contribution to coalescence that this proposal would represent.

7.38 **Highways**

The development fronts onto Mancot Lane, with a new vehicular access from Mancot Lane and a spine road running through the middle of the site, with the dwellings arranged off this spine road.

7.39 The Highway Authority have been party to prior consultation regarding these proposals. The Transport Statement makes adequate assessment of access requirements, parking provision and pedestrian and public access requirements and includes proposals for visibility splays, footway widening and changes to road markings and signage. Implementation of these works within the highway will require separate approval of the Highway Authority but submission and approval of detail should be covered by a planning condition. Detailed design should include an assessment/improvement of street lighting provision

and dropped kerb access to bus stops. In order to accommodate cycle usage, the improvement/widening of the existing footpath towards the school would need to be considered.

7.40 Parking restrictions have recently been imposed on Mancot Lane in order to manage parking/drop off outside the school premises. Future residents of the development site are likely to benefit from an extension of parking restrictions. Highways Development Control have advised that the cost of making a Traffic Regulation Order should be covered by a S106 agreement. (£4k to cover the cost of advertising, consultation and making an order).

7.41 In general it is considered that the development is acceptable from a Highways point of view, subject to the imposition of suggested conditions.

7.42 **Ecology**

7.43 The development has been made with an apparent 'biodiversity net gain', couched presumably as mitigation for the loss of a large amount of green space by the development. The application has been accompanied by an outline ecological mitigation plan, and this document can be seen as an aspirational setting out of broad aims that would be fed into a conservation plan, which would be secured by a condition, should planning permission be granted.

7.44 Protected species surveys submitted in support of the application conclude that the site is considered unlikely to support roosting bats, badgers, reptiles, great crested newt or any other protected species, although the site is likely to be used as a foraging resource by low numbers of common bat species. The proposal has identified the north east of the site, in an area identified as being suitable for the SUDs ponds, to implement a scheme of ecological enhancement. These enhancements would need to be secured by submission of final details through the discharge of suitable conditions, were the proposal to be deemed acceptable. This would be in accordance with the relevant development plan policy, Policy WB6, for the enhancement of nature conservation interests

7.45 NRW consider biosecurity to be a material consideration owing to the nature and location of the proposal. Ecological surveys confirmed the presence of Himalayan Balsam. This species is listed under the provisions of the Invasive Alien Species (Enforcement and Permitting) Order 2019. They have therefore advised that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

7.46 The ecological mitigation identified appears to be acceptable and in accordance with the relevant development plan policies. I do not

consider that the 'biodiversity net gain' as mentioned in the development proposal has been explicitly demonstrated as being above and beyond what would normally be expected for this sort of development. It proposed to utilise land that cannot be developed as a result of the needs for flood water attenuation and other site constraints, as you might expect. It does not, however, provide such significant bio-diversity gains they should be considered very exceptional circumstances. As such the measures described do not outweigh the serious harm the proposal would cause to the purpose of the Green Barrier and this open countryside location.

7.47 Agricultural Land

7.48 In accordance with Flintshire Unitary Development Plan Policy RE1 development is resisted on sites where there would be a loss of agricultural land of Grades 1,2,or 3a.

7.49 The Agricultural Land Classification of the site was assessed in November 2018. The land was classified using the system outlined in the Ministry of Agriculture, Fisheries and Food (MAFF now Defra) publication: 'Agricultural Land Classification of England and Wales - Revised guidelines and criteria for grading the quality of agricultural land' (October 1988). At the time of the assessment the land was not in agricultural use and the land was under scrub and unmanaged grass. The site is similarly not in agricultural use at present.

7.50 The outcome of the assessment is that the 100% of the area was sub-grade 3b. This sub-grade of agricultural land is considered to be 'moderate quality agricultural land', that is:
"Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year."

7.51 It is not considered to be 'best and most versatile' agricultural land and the proposal is therefore not considered to be contrary to the UDP policy. It should be noted that the fact the land is lower grade agricultural land is not, in itself a very exceptional circumstance and does not outweigh the harm the proposal would cause for the Green Barrier and the open countryside.

7.52 Character and Appearance

7.53 The development proposed a mix of dwelling types, including 2, 3 and 4 bed two-storey houses and 1, 2 and 3 bedroom bungalows. The dwelling are arranged around the central spine road and are provided with their own amenity space and parking areas. The development allows for a level of amenity space that accords with SPGN2- Space around dwellings in area and depth. This ensures that the development would not unacceptably impinge upon neighbouring

living conditions or privacy by imposing an unacceptable relationship with the new dwellings. The dwellings on the south western corner of the site, which back onto three detached dwellings at 'The Green', appear to be slightly shallower in depth, but again would generally comply with the supplementary guidance with regard to acceptable interface distances to the neighbouring dwellings as well as garden depth and area.

- 7.54 In terms of the design the dwellings proposed are generally finished with red brick with grey tile roofs and some rendered gable details. In general I would conclude that the dwellings proposed are acceptable for the location and would reflect the local vernacular. The proposal would therefore comply with the relevant development plan policies from the point of view of their design and general arrangement, density and housing mix offered.
- 7.55 The general arrangement of the development around the central spine road allows for a site layout that allows for a good level of amenity space to be afforded to each dwelling, whilst maintaining an acceptable overall density that reflects the local characteristics. The mix of housetypes, including bungalows, helps to create a varied and attractive development.
- 7.56 In the planning statement the positive effect of placemaking created by the scheme is mentioned as a benefit of the development. Were the development in a location that was not a designated Green Barrier then these aspects may be acceptable, however, it is considered that all development should aid in placemaking and this is not a feature that is in any way unique to this scheme. In fact when you consider the potential harm to the openness of the green barrier it can be seen that this speculative proposal would negatively affect placemaking in the community and therefore be contrary to the important PPW11 assigns place making as a central thread of positive planning.

7.57 **Planning Obligations**

- 7.58 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

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.

- 7.59 Whilst the recommendation for this application is for refusal, for the reasons already discussed and summed up below, should Members be minded to grant planning permission the following matters would need to be addressed through the entering into of a legal agreement.
- 7.60 Education has demonstrated that both the nearest Primary school, Sandycroft Primary, and nearest Secondary School Hawarden High have hit the triggers for requiring Developer contributions, as set out in SPGN no. 23- Developer Contributions to Education and calculated on the basis of all the dwellings other than those which are exempt in the planning guidance. Education would be requesting a financial contribution of £73,542.00 in respect of Sandycroft CP School, and £73,876.00 in respect of Hawarden High School.
- 7.61 Aura Leisure have identified that, in accordance with Planning Guidance Note No.13 POS provision, the Council should be seeking an off-site contribution of £733.00 per house/dwelling, in lieu of onsite POS. The payment would be used to enhance play facilities in the community, it would be for junior play provision.
- 7.62 It would also be required for a legal agreement to secure the affordable tenure of the units on site in perpetuity and a contribution to secure necessary highway requirements.
- 7.63 At the time of writing the report Hawarden High School has collected more than 5 contributions. However a distinct a separate project to accommodate more capacity at the school which is considered to meet
- 7.64 CIL requirements is imminent and it would be possible to assign the commuted sum to that project. It is therefore considered that these
- 7.65 contributions comply with the requirements of section 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

Other matters

The site is located in an area where there is a history of extensive coal mining past and where unrecorded mine shafts have been known to collapse at the surface. A land contamination report has been submitted in support of the application. The report identifies gas/vapour and refers to Radon protection for the dwellings. Should planning permission be granted for the development, however, it would be necessary to impose appropriate conditions to secure suitable gas risk assessment and gas protection measures for gases other than Radon.

8.00 CONCLUSION

The proposal represents inappropriate development that will harm the openness of an existing green barrier and an open countryside

location, contrary to PPW11 and the Future Wales Plan. Despite the planning case advanced by the agent and applicant that the proposal is justified in terms of lack of housing land delivery, it can be robustly demonstrated that the Plan is delivering completions over the first 4 years of the Plan period and by the trajectory which forms part of the Housing Land Supply Background Paper, and which accompanies the Deposit LDP in the current examination. This is now the method of monitoring provision following deletion of TAN1 and can be relied on to demonstrate housing delivery. When this is taken alongside the progression of the Plan almost at the end of the examination and the provision for growth within that plan it is not considered that the scheme represents the 'very exceptional circumstances' such as to warrant harm to the green barrier.

Given that the LDP has allocations that are capable of, and are delivering early housing, it is also unclear from the planning application how this site can come forward significantly quicker than the sites allocated by the Council in the Deposit LDP, or why it is therefore needed.

Furthermore there are significant flood risk concerns on the site and it has not been demonstrated that the application adequately addresses the points raised by Natural Resources Wales in order to be compliant with TAN15, and as such it is considered that the proposal fails to be in accordance with Policies GEN1 and EWP17 of the Flintshire Unitary Development Plan.

Therefore I recommend that the proposal is refused for the reasons given in paragraph 2.01.

8.01 Other Considerations

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

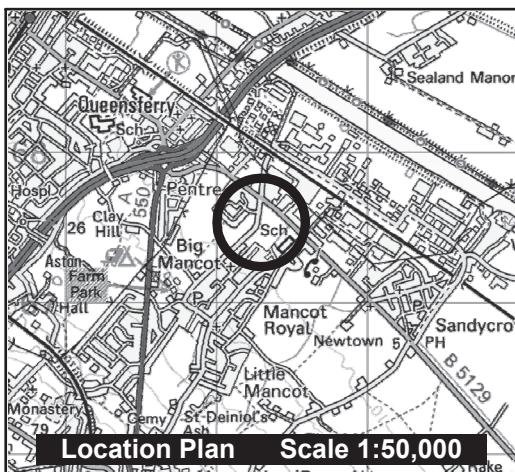
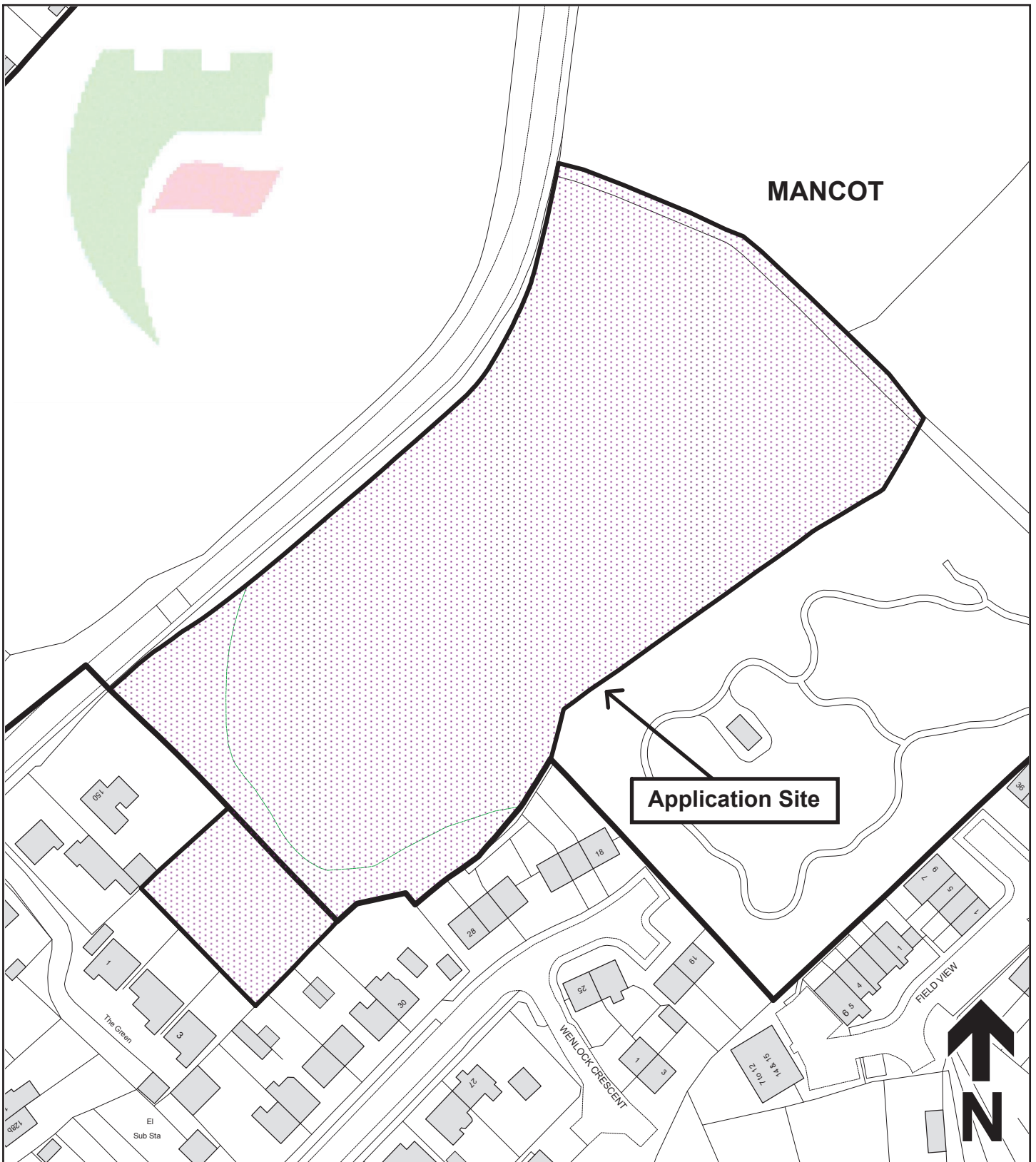
Responses to Consultation

Responses to Publicity

Contact Officer: James Beattie

Telephone: 01352 703262

Email: james.beattie@flintshire.gov.uk



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

Legend

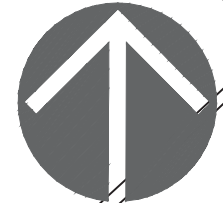
-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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| OS Map ref | SJ 3267 |
| Planning Application | 61790 |

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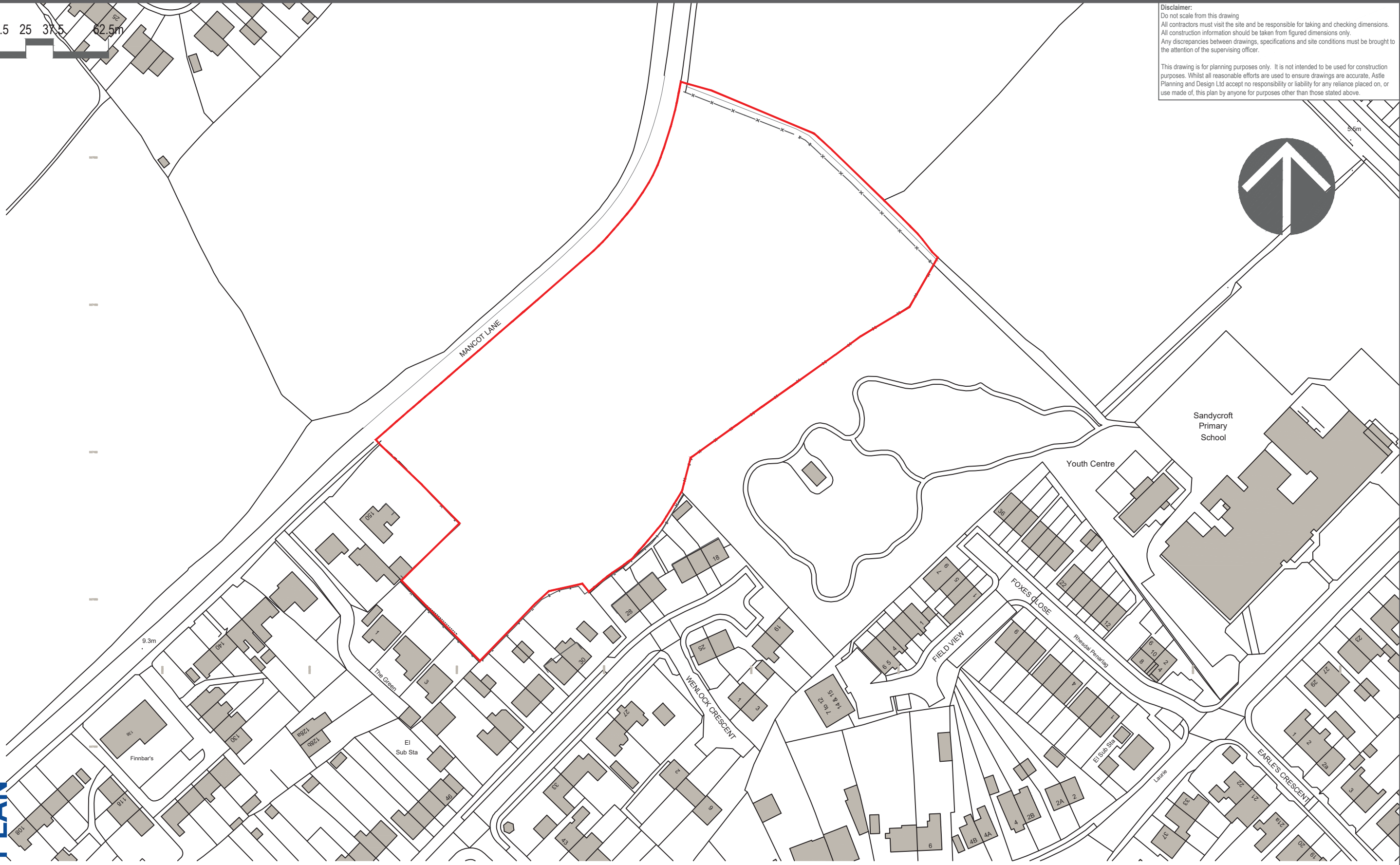
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MANCOT LANE - MANCOT

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LOCATION PLAN

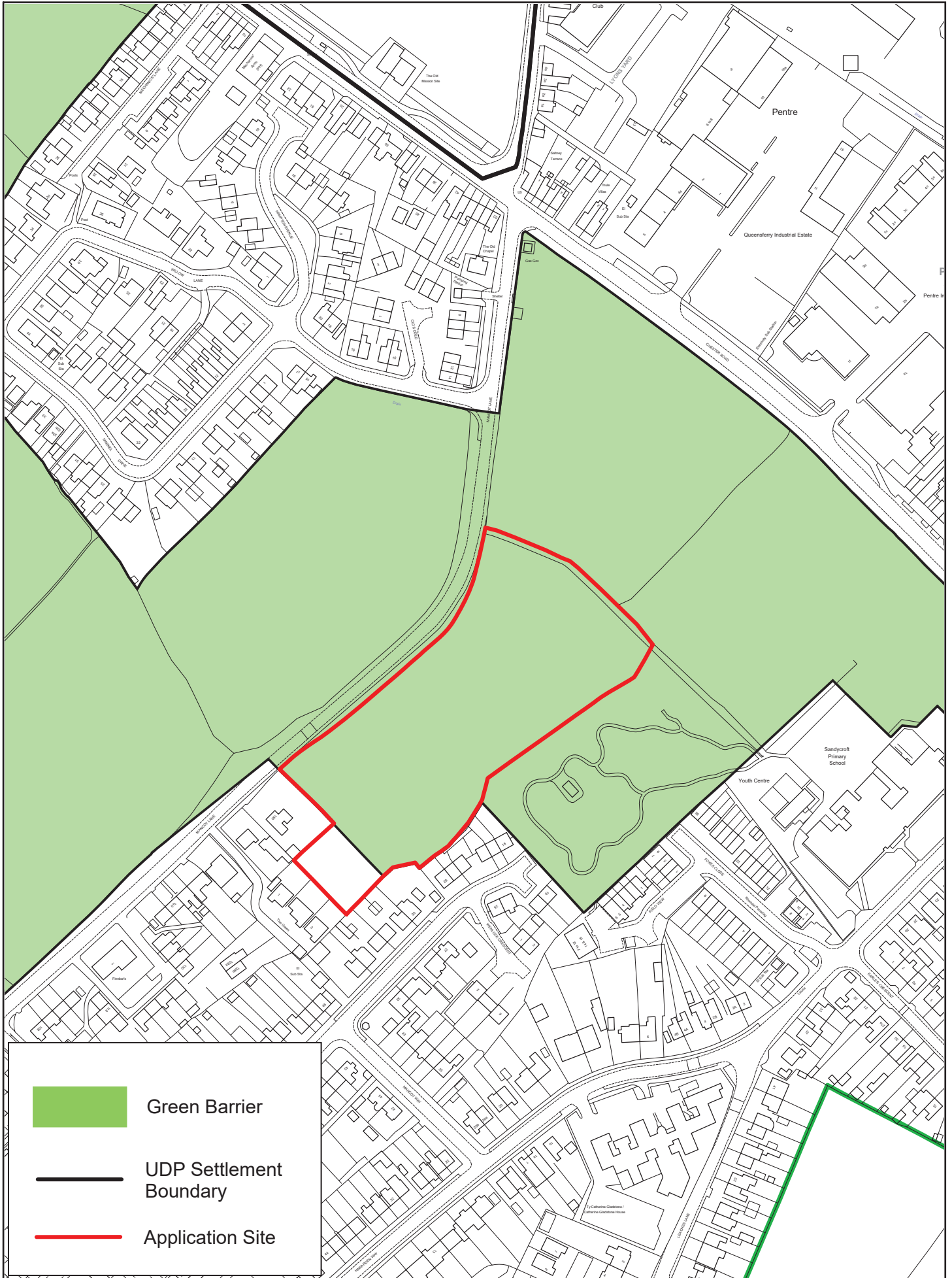


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| | | | | |
|------|------------|----------------------------|----|-----|
| P1 | 08.04.2020 | Red edged boundary revised | AE | LMC |
| Rev. | Date | Description | By | Chd |

| | | | |
|--|--|--|---------------------------------------|
|  architecture masterplanning urban design | Astle Planning & Design Limited The Steam Mill, Steam Mill Street, Chester, CH3 5AN 01244 886644 info@astlepd.co.uk www.astlepd.co.uk |  Project Land off Mancot Lane MANCOT | Drawing Title Location Plan |
| | Client  | Drawn by AE Checked by _____ Date Jan '2020 Status Planning Scale @ A3 1:1250 Job no. WW001 Dwg.no. LP01 Rev. P1 | |

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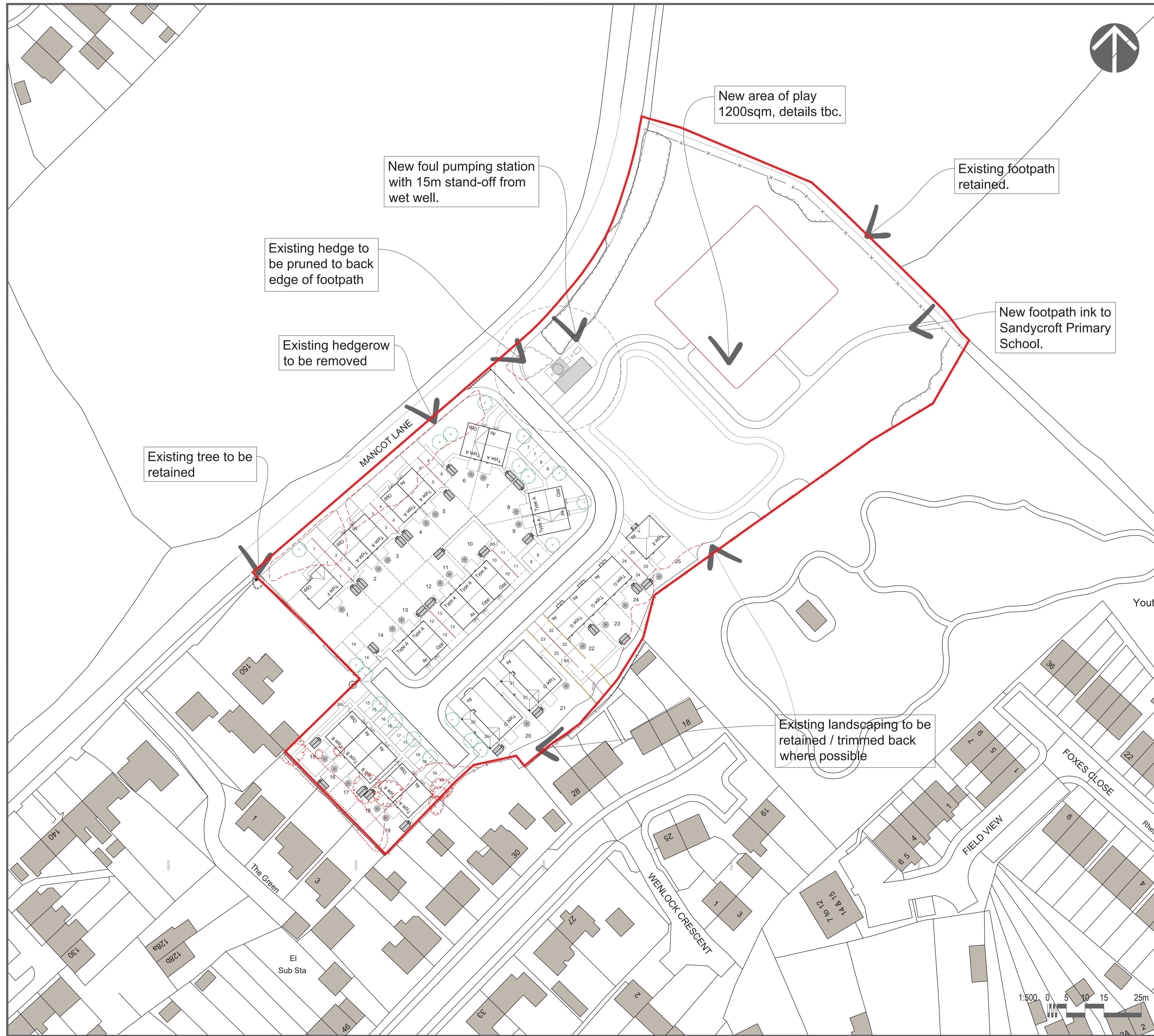
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| House Type | Blade | sqm | Storey | Type | Unit Nos |
|--------------|--------|-----|----------------|-------------|-----------------|
| Type A | 2B4P | 86 | 2 storey house | Semi Det | 16 |
| Type B | 3B5P | 95 | 2 storey house | Semi / terr | 3 |
| Type D | 3B DDA | 115 | Bungalow | Detached | 2 |
| Type E | 2B4P | 58 | Bungalow | Detached | 1 |
| Type F | 4B6P | 111 | 2 Storey house | Detached | 1 |
| Type G | 1B2P | 51 | Bungalow | Terraced | 3 |
| Total | | | | | 25 Units |

References:
Highways - Transport Statement Ref no. J000147-01-TS01 Rev b Dated March 2020
OS Plan - Licence no. 100022432
Topographical Survey - TMB Surveying Ltd drawing No. MBS735 dated 09.05.16
Red Edge Boundary - Provided by client dated 18.09.19
Tree Survey - Tree Solutions dwg no. 20/AIA/FLINTS/25 - dated April 2020

MANCOT LANE - MANCOT

PLANNING LAYOUT



Layout Key

- Development Boundary Based on xxx Drawing xx.xx.xxxx
- Plot Number
- Existing Building
- Traditional Street
5.5m Carriage Way
2m Footways either side
- Private Drive & Parking Allocation Number
- Private Paths & Patios
- Proposed sewer easement - 6m wide
- Proposed location of sheds
- Approximate position of rotary dryer. Details tbc.
- Indicative landscaping. See Landscaping details for further information

| Rev. | Date | Description | By | Chk |
|------|------------|--|----|-----|
| P7 | 12.06.2020 | Balancing pond added to layout and play area re-positioned accordingly | AE | LMC |
| P6 | 08.04.2020 | Red edged boundary updated and house type sizing added to schedule of accommodation | AE | LMC |
| P5 | 30.03.2020 | Motorcycle parking removed from layout, play area within POS revised to accord with LA sizing guidance | AE | LMC |
| P4 | 01.03.2020 | Layout updated to show revised templates for the Type D & E house types. Also adaptable highway opposite plot 25 revised to address comments received from client. | AE | LMC |
| P3 | 20.02.2020 | Bin storage area added to terraced plots, 10% parking spaces widened for disabled access, additional parking spaces added to plot 1, motorcycle parking added to layout within POS | AE | LMC |
| P2 | 14.02.2020 | Remove type C, add a type D | AE | LMC |
| P1 | 07.02.2020 | First issue | AE | LMC |

Client: **Wales & West**

Project: **Land off Mancot Lane MANCOT**

Drawing title: **Planning Layout**

Drawn by: AE Checked by: Date: Jan '2020

Status: **Planning** Scale @ A1 1:500

Job no: **WW001** Dwg no: **PL01** Rev: **P7**

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LAND OFF MANCOT LANE

MANCOT

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HOUSETYPE RANGE
DETAILED PLANNING APPLICATION
June 2020 - ALL DRAWINGS 1:100

Project code: WW001HT01/ Revision: B/ Scale: 1:100@A3





FRONT ELEVATION

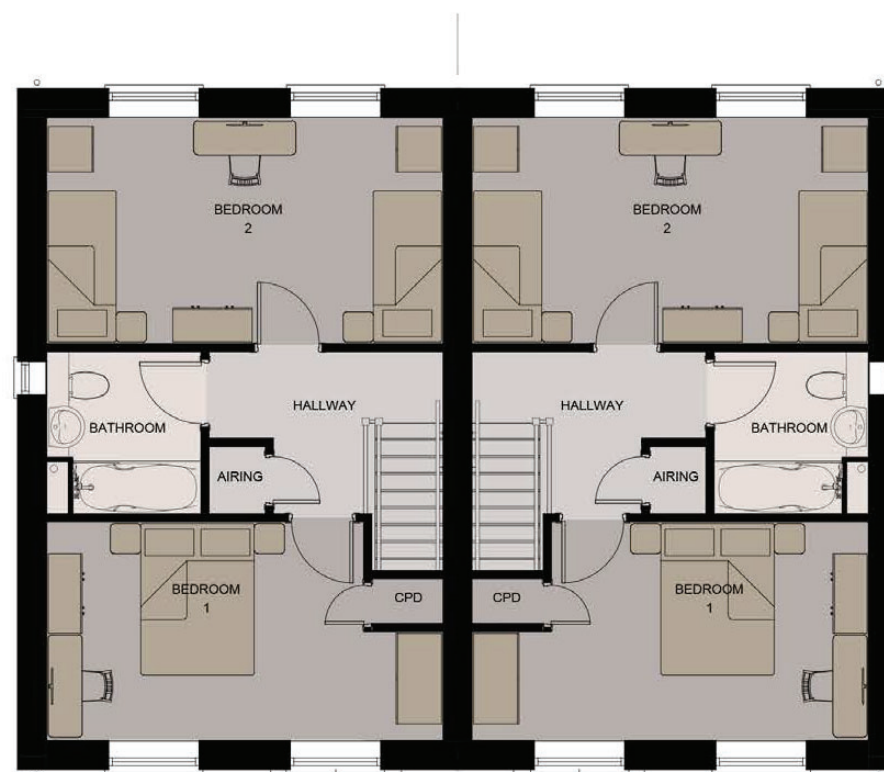
REAR ELEVATION

SIDE ELEVATION

Page 34



GROUND FLOOR PLAN



FIRST FLOOR PLAN



TYPE A - 2B4P

PLOTS 6-9 ONLY

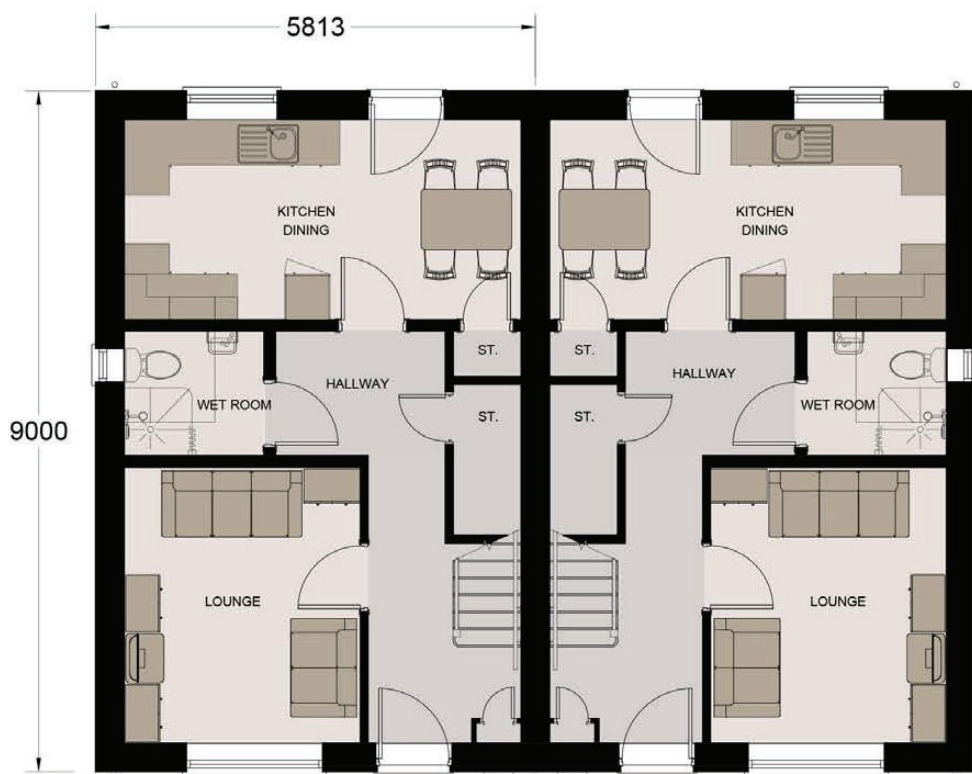


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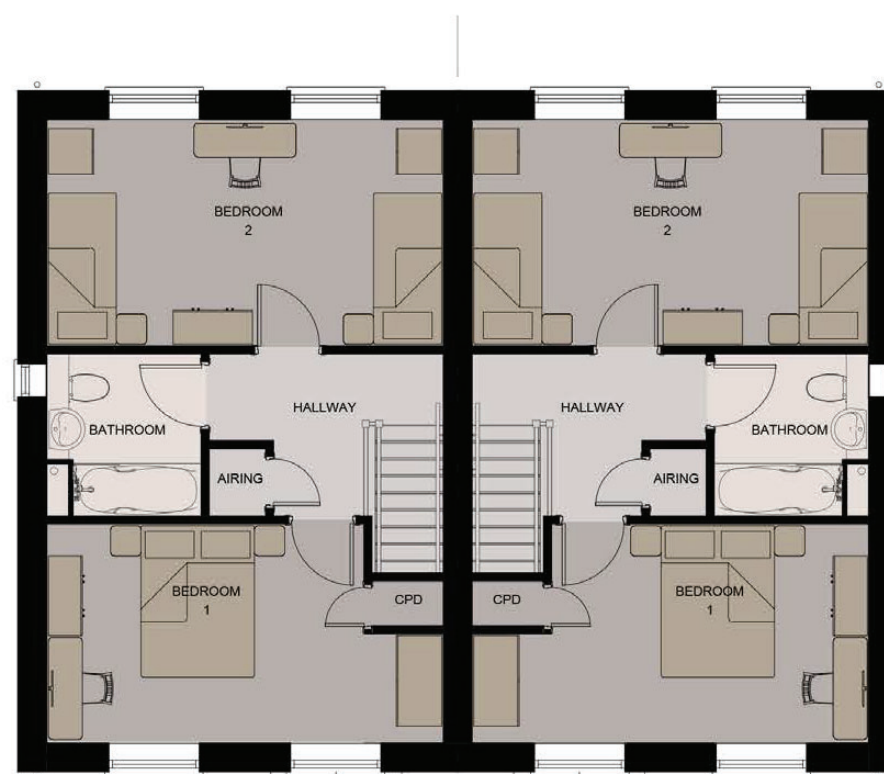
REAR ELEVATION

SIDE ELEVATION

Page 35



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION



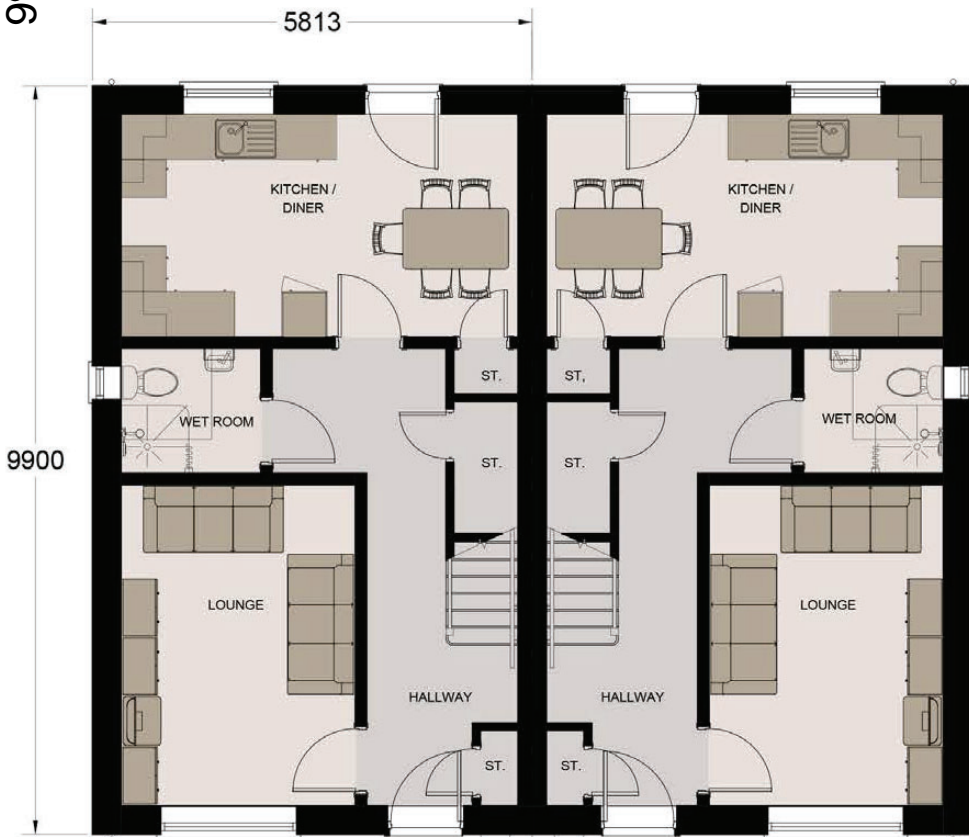


FRONT ELEVATION

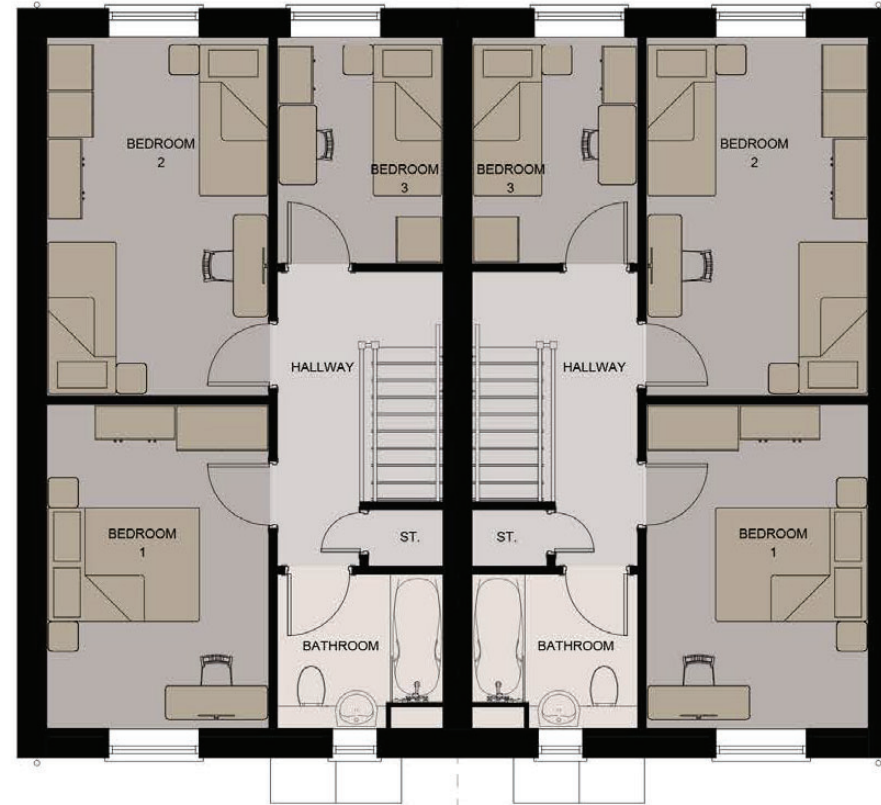
REAR ELEVATION

SIDE ELEVATION

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GROUND FLOOR PLAN



FIRST FLOOR PLAN





FRONT ELEVATION

REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN

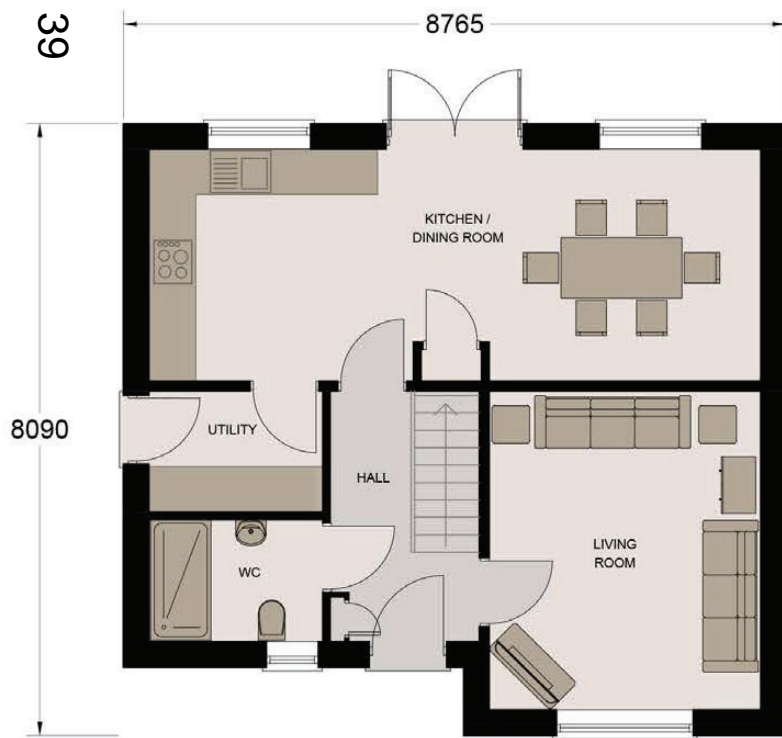


FIRST FLOOR PLAN



FRONT ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION

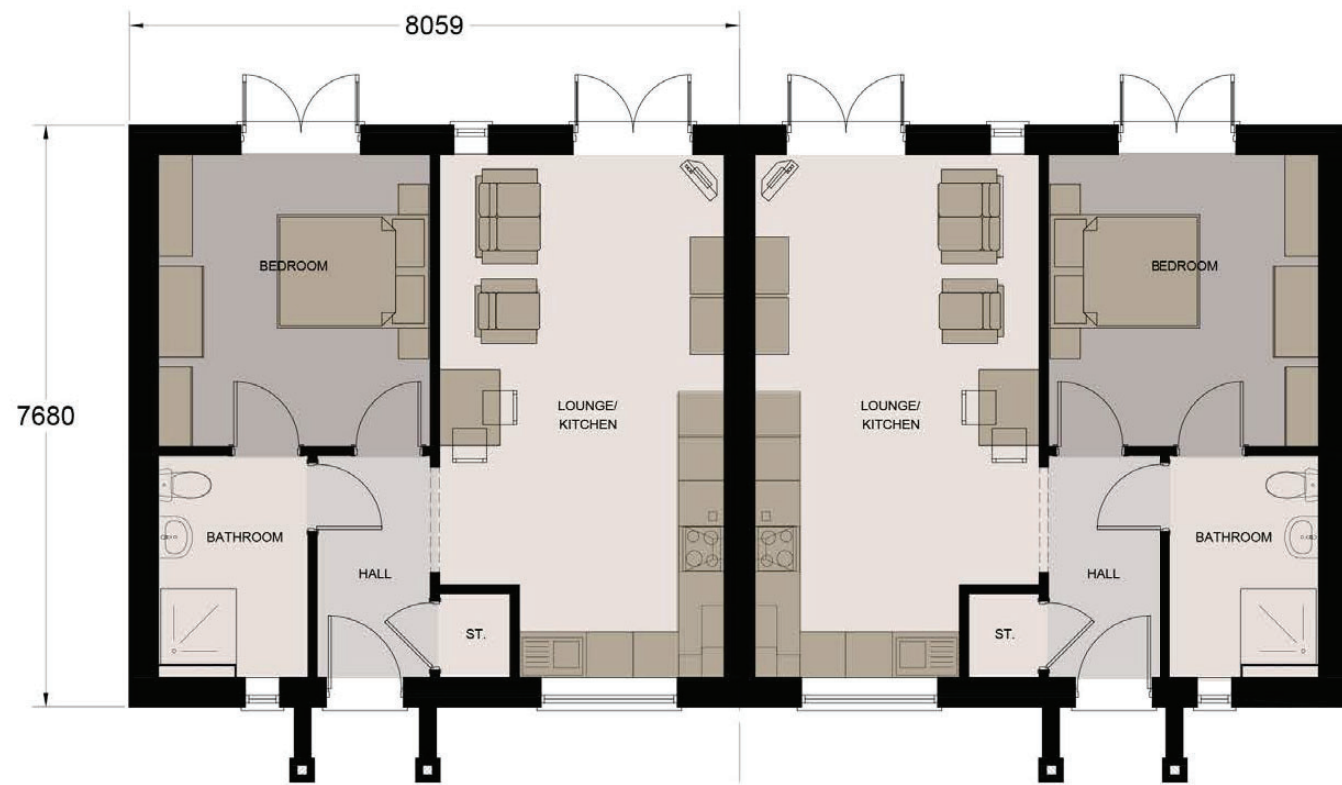
SIDE ELEVATION



FRONT ELEVATION

REAR ELEVATION

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GROUND FLOOR PLAN



SIDE ELEVATION

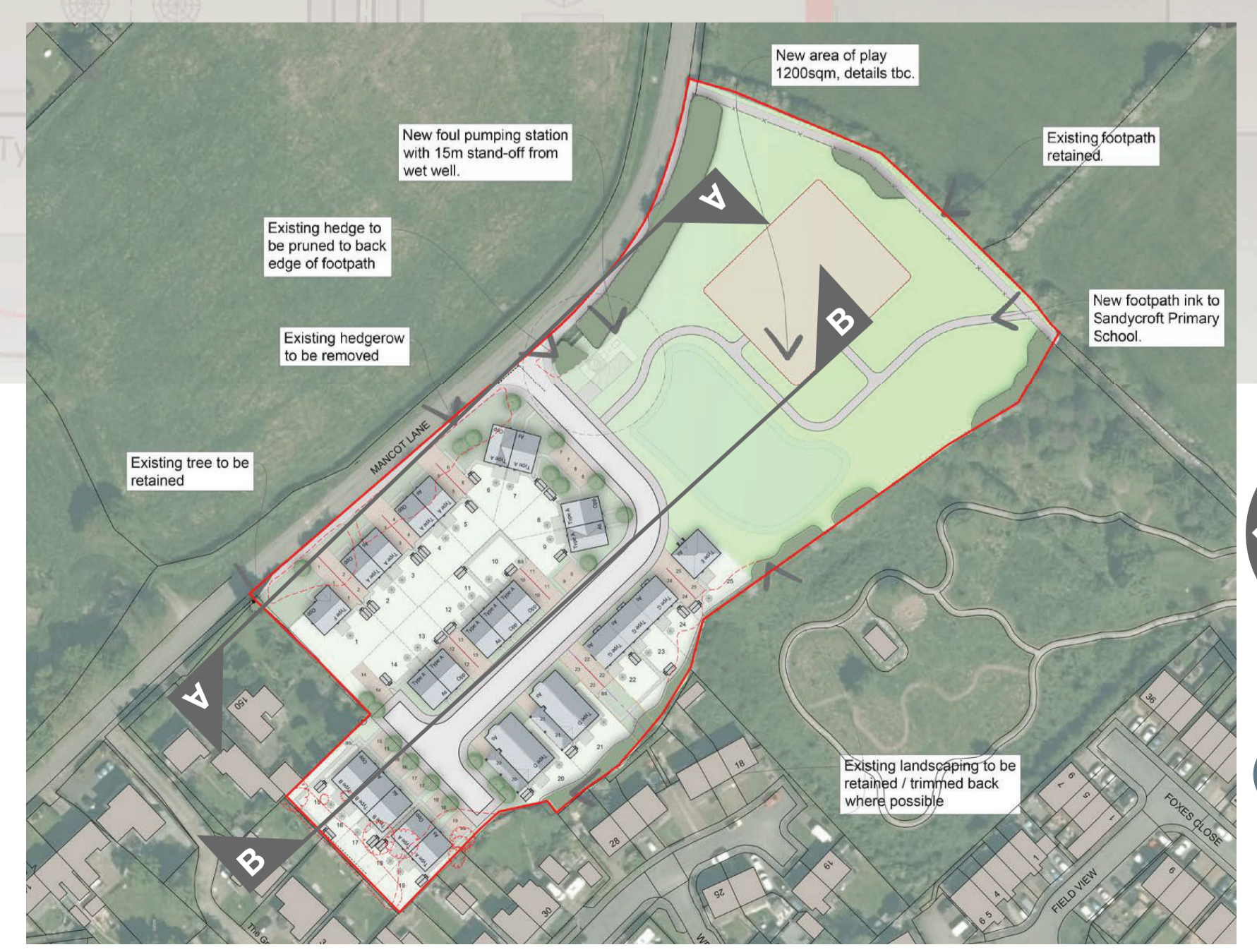
LAND OFF MANCOT LANE, MANCOT

INDICATIVE STREET SCENE SECTIONS

STREET SCENE SECTION A-A



STREET SCENE SECTION B-B



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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26th May 2021**

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

SUBJECT: **OUTLINE APPLICATION – RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS WITH ALL MATTERS EXCEPT FOR ACCESS RESERVED**

APPLICATION NUMBER: **052236**

APPLICANT: **MR PAUL HARDING**

SITE: **ATLAS EXPRESS LIMITED,
ATLAS YARD, CORWEN ROAD,
PONTYBODKIN, MOLD, CH7
4TG**

APPLICATION VALID DATE: **2ND JUNE 2014**

LOCAL MEMBERS: **COUNCILLOR D HUGHES**

TOWN/COMMUNITY COUNCIL: **LLANFYNYDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **AT THE REQUEST OF CLLR D. HUGHES WHO WISHES COMMITTEE MEMBERS TO ASSESS THE IMPACTS OF FLOODING**

SITE VISIT: **NO**

1.00 **SUMMARY**

1.01 The application consists of an outline planning application for residential development on approximately 0.2ha of land. All matters (appearance, landscaping, layout and scale) have been reserved for future consideration except for access.

1.02 The indicative details submitted show the site could be developed for 6 detached dwellings. The detailed layout and design of the houses does not form part of this application and therefore only very little weight should be attached to that indicative plan in the overall planning balance.

2.00 **RECOMMENDATION: REFUSE OUTLINE PLANNING PERMISSION FOR THE FOLLOWING REASONS: -**

2.01 Reasons

1 The site is located within an area where the Local Planning Authority have been advised by Natural Resources Wales that there is an unacceptable risk of flooding for it to be considered suitable for residential use. The submitted Flood Consequence Assessment fails to comply with A1.12, A1.14 and A1.15 of TAN15. As such the proposal fails to comply with Planning Policy Wales (11th Edition – February 2021), TAN15, Policy 8 of the Future Wales Plan and Policies STR1, GEN1 and EWP17 of the Flintshire Unitary Development Plan.

2 The proposal does not provide an adequate mechanism either through the completion of a Section 106 Obligation/ Unilateral Undertaking or advance payment for the affordable housing contribution and public open space commuted sum required in connection with the development. This is therefore contrary to Policies IMP1 and HSG10 of the Flintshire Unitary Development Plan and Supplementary Planning Guidance Note 13 – Open Space Requirements

3.00 **CONSULTATIONS**

3.01 Local Member
Councillor Dave Hughes

- This piece of land would benefit from development as it is an eyesore.
- It is suggested by some that it could flood in very extreme weather conditions but that is very much speculation with no evidence to support that and this could easily be overcome if that be true.

- Local residents would welcome development. Not only this is my view but also that of the Llanfynydd Community Council.

3.02 Llanfynydd Community Council

No Objection to the application for the following reasons.

1. The proposed development would tidy up the site and village.
2. It is a Brownfield site and is in the right area for development.
3. NRW have concerns the site would be at risk from flooding - The development would not be impacted from the culvert across the road or surface water run-off.
4. At present wagons are parked on the site - The wagons are washed close to the highway in which the water travels across the wash area clogging the highway drains with muck and debris, this causes an issue with Highway drainage.
5. Station Yard (close to the Atlas Yard) has not come forward for development even though the site has planning permission.
6. Atlas Yard to come forward on its own merits and not be tied to the Station Yard development.

Community and Business Protection

No adverse comments. Requests that a condition requiring a contaminated land assessment and proposed remediation scheme be imposed.

Highway Development Control

Recommend that any permission be subject to the imposition of conditions in respect of access, visibility, construction details, parking & construction traffic management plan.

Natural Resources Wales

Significant concerns with the proposed development as submitted and recommend that additional hydraulic modelling is submitted to inform the Flood Consequences Assessment and demonstrate that flooding can be managed to an acceptable level, in the absence of which, objects to the application. Advises as follows;

We are in receipt of the hydraulic model and accompanying report (HYD126_ATLASYARD_HRDRAULIC_ASSESSMENT_FINAL_05 February 2019), submitted in support of this planning application for residential development at Atlas Yard, Pontybodkin.

We refer you to Section 6 of TAN 15 and the Chief Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2(paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2. Notwithstanding this policy position, we have reviewed the model and

report to provide you with technical advice on flood risk at the site, following receipt of the overriding planning reasons from your authority on 3.5.2019 and 3.7.2019.

We provide the following comments on the application:

1. We are satisfied that the updated model is fit for purpose and suitable for use in terms of informing a Flood Consequence Assessment (FCA) for the site.
2. However, we have reviewed the model results and have some major concerns with what is shown. Based on the proposed scenario model result plots, whilst the properties would remain flood free in the 1% Annual Exceedance Probability (AEP) blockage event with an allowance for climate change, flooding of most of the site would be expected, including gardens and parking areas. Paragraph A1.14 of TAN15 requires the development to be designed to be flood-free in the design event in this case the 1% AEP blockage event with an allowance for climate change). 'development' in the context of A1.14 is considered to be everything within the red line site boundary, as detailed by the planning application. To meet the indicative thresholds set out in table A1.14 the entire site defined by the red line boundary should be designed to be flood-free for the relevant design event. However, for some new development proposals, allowing selective flooding to certain parts of the site may offer a means of mitigating risk, including to third parties off site. Therefore, in certain circumstances, some limited flooding may be considered acceptable as part of wider flood risk management proposals if it can be demonstrated by a developer that the risks and consequences of flooding can be managed down to a tolerable level. If this is the case, we would still require all highly vulnerable elements of the development (properties, gardens and parking areas) to be designed to be flood free.

This approach is supported by Planning Appeals (e.g APP/A6835/A/15/3136858, 1 Queen Street). In the appeal decisions for 1 Queen Street, the Planning Inspectorate clearly stated that the development, which included car and cycle parking at the ground floor level, would be residential and thus classified as 'highly vulnerable'. We therefore consider gardens and parking to form an integral part of the highly vulnerable development. Based on the model results, the proposal would not currently comply with A1.14 of TAN15, given that the gardens and parking areas would flood on the 1% AEP blockage event with an allowance for climate change.

3. In respect to flood elsewhere, TAN15 requires that for events up to the 0.1% AEP event, the application demonstrates that there would be no detriment to flood risk elsewhere. Detriment is considered to be any increase of 5mm or more (as outlined in GN08: Modelling for flooding consequences assessments). Based on the model results for the 1%AEP event with an allowance for climate change, an area of detriment with depth increases in the region of 15mm would be expected north of the site, which

includes detriment to 2 existing properties. this detriment is considered to be unacceptable and the statement in Section 5.3.1 of the report which states that 15mm is within the acceptable limit set by NRW is incorrect. It should also be noted that this appears to be for a free flowing scenario; we would also expect detriment to be considered for a culvert blockage scenario. The model results therefore do not comply A1.12 of TAN15, and any FCA submitted for the site would need to demonstrate no detriment in up to the 0.1 % AEP culvert blockage event.

It should be noted that given that detriment to flood risk elsewhere is shown for the existing scheme, which proposes raising of finished floor levels, it will likely be difficult to demonstrate compliance with A1.12 of TAN15 based on a scheme which proposes raising of the site(or all highly vulnerable elements as a minimum).

4. We are aware that the model has been produced on the basis that a Grampian Condition could be imposed restricting development/occupancy of the proposed Atlas Yard site until after the culverts on the Station Yard site have been opened up, and we have previously advised that the Applicant enters into discussions with your authority regarding whether the imposition of such a conditions would be viable. We would reiterate this point and if agreement has been reached, would welcome confirmation of this.
5. If additional modelling work is undertaken, we would want to review the updated model in order to assess how the proposed development scheme has been represented in the model.

In view of the above, we continue to raise significant concerns with the application. The model results presented do not comply with TAN15 and the proposals fails to comply with TAN15, both in terms of the site being designed to be food free in the design event (a1.14) and the impacts of the proposals on flood risk elsewhere (A1.12). An FCA prepared on this basis would therefore also not comply with TAN15.

The applicant should be required to undertake additional hydraulic modelling, which should subsequently be used to inform an updated FCA, prior to the determination of the application. We can then advise you whether the model outputs and revised FCA is in accordance with the technical criteria in Appendix 1 of TAN15. If no further information is submitted, or the revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would recommend that the application be refused.

If, contrary to the requirements of TAN15, your Authority is minded to grant permission, we should be informed of all matters that influence this decision, prior to granting permission, allowing sufficient time for further representations to be made. During this time, we will also consider whether the application should be referred to Welsh Government for a potential call-in.

Dwr Cymru/Welsh Water

No objection subject to the imposition of a condition to restrict foul water only into public sewerage system

Aura

In lieu of on site Public Open Space, request the payment of £1100 per dwelling to enhance existing facilities

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification.

4.02 An email of support has been received.

- does not understand why NRW are objecting to the application as it is not impacted by the culvert across the road at the back of Rhyd Osber water does not cross the road in times of heavy storms as shown in the photos during Storm Christoff.
- The culvert took all the water but there was run off from Tir y Fron lane and swell from the rear of the watercourse and the old railway line.
- The site is level with the road, does not flood and the houses will be built with steps up.
- A property which is further down the road from the site, is the first to be impacted from water off the highway as it is lower than road level, all the modelling unfortunately shows this.
- Supports the development of the site so that there is less water flowing onto the highway from the brownfield site which is currently used as a lorry park and vehicles are washed near the entrance leaving grit on the highway which is washed into the highway gullies.
- The adjacent Station Yard site has planning permission, and there was more concerns regarding development of that site impacting on the area and it was approved although it has not yet been developed.

5.00 SITE HISTORY

5.01 There is no relevant planning history to the site. However, the site forms part of the allocated housing site (HSG1(39)) within the Flintshire Unitary Development Plan. The remainder of the allocation (in different ownership) has been granted outline permission which is listed below:

5.02 Outline residential development on land at SPA Davies and Sons, Station Yard, Corwen Road, Coed Talon, Granted 23.07.2015

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

| | |
|-----------------|---|
| Policy STR1 | New Development Policy |
| Policy STR4 | Housing |
| Policy STR10 | Resources |
| Policy GEN1 | General requirements for development |
| Policy GEN2 | Development inside settlement boundaries |
| Policy HSG1(39) | New Housing Development Proposals |
| Policy HSG8 | Density of Development |
| Policy HSG10 | Affordable housing within settlement boundaries |
| Policy AC13 | Access and Traffic Impact |
| Policy L3 | Green Spaces |
| Policy EWP 14 | Derelict and Contaminated Land |
| Policy EWP 16 | Water Resources |
| Policy EWP17 | Flood Risk |
| Policy SR5 | Play areas and new housing development |
| Policy IMP1 | Planning conditions & planning obligations |

Future Wales Plan

Policy 8 – Flooding

6.02 Supplementary Planning Guidance

Supplementary Planning Guidance Note 2: Space Around Dwellings
Supplementary Planning Guidance Note 4: Trees and Development.
Supplementary Planning Guidance Note 13: Open Space Requirements

6.03 National: Guidance

Future Wales~: The National Plan 2040

Planning Policy Wales Edition 11 February 2021

Technical Advice Note (TAN) 15: Development and Flood Risk

7.00 **PLANNING APPRAISAL**

7.01 Proposal and Site description

This outline application proposes to use the 0.2ha of previously developed land for residential development. All matters (appearance, landscaping, layout and scale) have been reserved for future consideration except for access.

7.02 The new vehicular access would be from the A5104. It would replace a substandard access to Harcroft and include the provision of a road and footway to adoptable standards. The access is 5.5metres wide and would provide visibility splays of 2.4mx43m.

7.03 The site lies within the settlement boundary of Coed Talon & Pontybodkin which is predominantly residential in character. It comprises a vehicle repair yard sited between the existing properties Talcoed, Gemstone and 2 dwellings at Harcroft.

- 7.03 Dense landscaping forms the north, south and western boundary to the site. There is a fence on the eastern boundary which separates the site from Harcroft.
- 7.05 Immediately to the north is SPA Davies and Sons, Station Yard, which is accessed c.140metres west, on Corwen Road. Black Brook, a tributary of the River Alyn, runs along the western boundary as both a watercourse and a culvert in sections.
- 7.06 Main Issues:
The main issues to be considered in determination of this planning application relate to :-
- a) Principle of the development
 - b) Housing land supply
 - c) Flood Risk
 - d) Highways
 - e) Land Contamination Issues
 - f) Drainage
- 7.07 Principle of the Development.
The site forms part of the allocated housing site (HSG1(39)) in the settlement of Coed Talon & Pontybodkin within the Flintshire Unitary Development Plan. The remainder of the allocation (in different ownership) has been granted outline permission for residential development under 051831.
- 7.08 Whilst the housing site allocation would support the principle of residential development, the allocation itself would not have been accompanied by a full detailed site analysis, with these matters being considered in the required subsequent planning application. Therefore, in considering proposals for development all material planning consideration must be fully assessed, including flood risk.
- 7.09 In accordance with UDP policies STR1, STR4, STR10 and GEN2, the principle of residential development on a previously developed site within a settlement that has been allocated for housing is acceptable, but this is subject to demonstrating an acceptable level of risk/consequences associated with flooding.
- 7.10 Housing Land Supply
The site is allocated as a Housing Commitment (Station Road/Depot) in the emerging LDP (2019).
- 7.11 Welsh Government have now permanently revoked TAN1. The result of this is that there is no longer a requirement to demonstrate a 5 year supply of housing land. Instead, housing delivery for each authority will be measured against the trajectory in the adopted LDP. The new approach to measuring housing provision against the LDP trajectory, whilst the LDP is not yet adopted, Welsh Government have confirmed that the use of the draft LDP trajectory is a material consideration in assessing applications such as this proposal. In

terms of present LDP performance in enabling the delivery of housing, in the first 4 years of the LDP Plan period, the Council has seen annual completions of 662 (2016), 421 (2017), 608 (2018) and 454 (2019) which gives a total of 2,145 completions or an average of 536 units per annum. This is in excess of the Plan requirement of 6950 dwellings (or 463 units per annum) and is very close to the Plan's housing provision of 7,950 dwellings (or 530 units per annum). The LDP is therefore on track to deliver the amount of housing it is required to meet.

- 7.12 It is also important to mention that Welsh Government, in their formal representations on the Deposit Plan have no fundamental concerns about the soundness of the Plan. In their covering letter Welsh Government states 'The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect'. In the supporting document the Welsh Government 'support in principle' the scale and location of homes and jobs. This formal response does not suggest that there are concerns about the Plan 'not delivering' or being unsound.
- 7.13 For the reasons outlined above the site would make a valued contribution to the Council's housing land supply.
- 7.14 Flood Risk
The site is located within Flood Zone C2 and the nature of the proposals means they are classed as highly vulnerable development.
- 7.15 TAN 15 is a significant material consideration in the determination of the application. TAN 15 states that ***“highly vulnerable development and Emergency Services in zone C2 should not be permitted”***.
- 7.15 TAN 15 goes on to advise (section 6) that “Development, including transport infrastructure, will only be justified if it can be demonstrated that:-
- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
 - ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and
 - iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
 - iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.
- 7.17 The above indicates that justifying the location of development should comply with either Criterion 1 **or** Criterion 2 and both Criterion 3 and 4.

- 7.18 It is not accepted that it could be argued that the development of 0.2ha of land for housing (approx. 6 dwellings) is required to sustain the existing settlement of Coed Talon & Pontybodkin or region in accordance with criteria I and ii.
- 7.19 As outlined above the site is previously developed land. It concurs with the aims of aims of PPW and meets the definition of previously developed land satisfying Criteria 3.
- 7.20 More critically the potential consequences of a flooding event have been considered and NRW have raised significant concerns as the FCA and hydraulic modelling submitted do not demonstrate that the risks and consequences of flooding can be managed to an acceptable level.
- 7.21 Therefore, it is considered that criteria 4 has not been satisfied.
- 7.22 Additional hydraulic modelling and an updated FCA have been required since 12/08/2019 when the NRW provided their response.
- 7.23 The applicant/agent has been given the opportunity to address the concerns of the NRW. However, no additional hydraulic modelling or updated Flood Consequences Assessment have been submitted at the time of writing this report, nor has there been any written confirmation that the applicant/agent is prepared to provide this information.
- 7.24 TAN 15 makes clear that whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development.
- 7.25 Furthermore the Future Wales Plan Policy 8 Flooding makes clear that development should be prioritised in places that are not at flood risk, followed by places where flood risk can be managed in an acceptable way. As the agent has not submitted evidence that the consequences of flooding can be managed the proposal directly conflicts with this recently adopted Development Plan.
- 7.26 It is considered that there is inadequate information to demonstrate that flooding can be managed to an acceptable level. Consequently, the proposals are contrary to Policy EWP17, TAN15 and Policy 8 of the Future Wales Plan.
- 7.27 Highways
The new access replaces the existing substandard access to Harcroft. Visibility splays required are 2.4m x 43m in both directions which appear to be achievable and can be secured by condition. It is considered that the proposed access is adequate and safe and in accordance with policy AC18.

- 7.28 Land Contamination Issues
Given the previous uses, a scrap yard and railway yard and station, the land is likely to be contaminated. This can be adequately addressed with a condition requiring a detailed assessment and where required detailed remediation measures. For the reasons outlined above, the proposal satisfies policy EWP 14.
- 7.29 Drainage
The foul drainage would be discharged via the main drains. Welsh Water have no objection subject to the imposition of a condition to restrict foul water only into public sewerage system. This can be secured and controlled by a condition. This would satisfy policy EPW16.
- 7.30 Planning Balance
The application site is part of an allocated housing site on previously developed land within the settlement boundary of Coed Talon & Pontybodkin and its redevelopment for housing would be welcomed if all outstanding development management matters could be resolved.
- 7.31 However, the FCA and hydraulic modelling is inadequate and out of date and does not demonstrate that flooding can be managed to an acceptable level. It is therefore considered the proposal fails to comply with the National and Local Development Plan and national planning guidance (TAN 15) in relation to flooding.
- 7.32 The planning matters in favour of the development do not outweigh the fundamental issue that the management of the risk of flooding for highly vulnerable development within in Flood Zone C2 has not been evidenced.
- 7.33 **CONCLUSION**
In conclusion, it is considered that the Flood Consequences Assessment in its current form fails to demonstrate that flooding can be managed to an acceptable level in accordance with policies GEN1 and EWP17 and Policy 8 of the Future Wales Plan. Additional information has been requested but has not been provided.
- 7.34 Consequently, the principle of residential development cannot be supported.
- 7.35 Given the key issue of flooding has not been resolved, there has been no discussions on preparing a Section 106 Legal Agreement or other mechanism.
- 7.36 The application is therefore recommended to be REFUSED.
- 8.00 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.

8.01 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.

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

8.03 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.

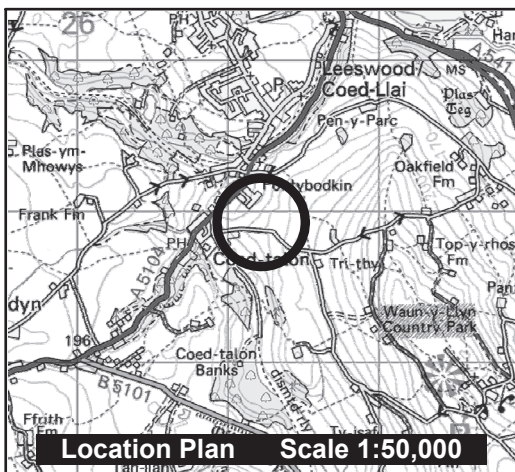
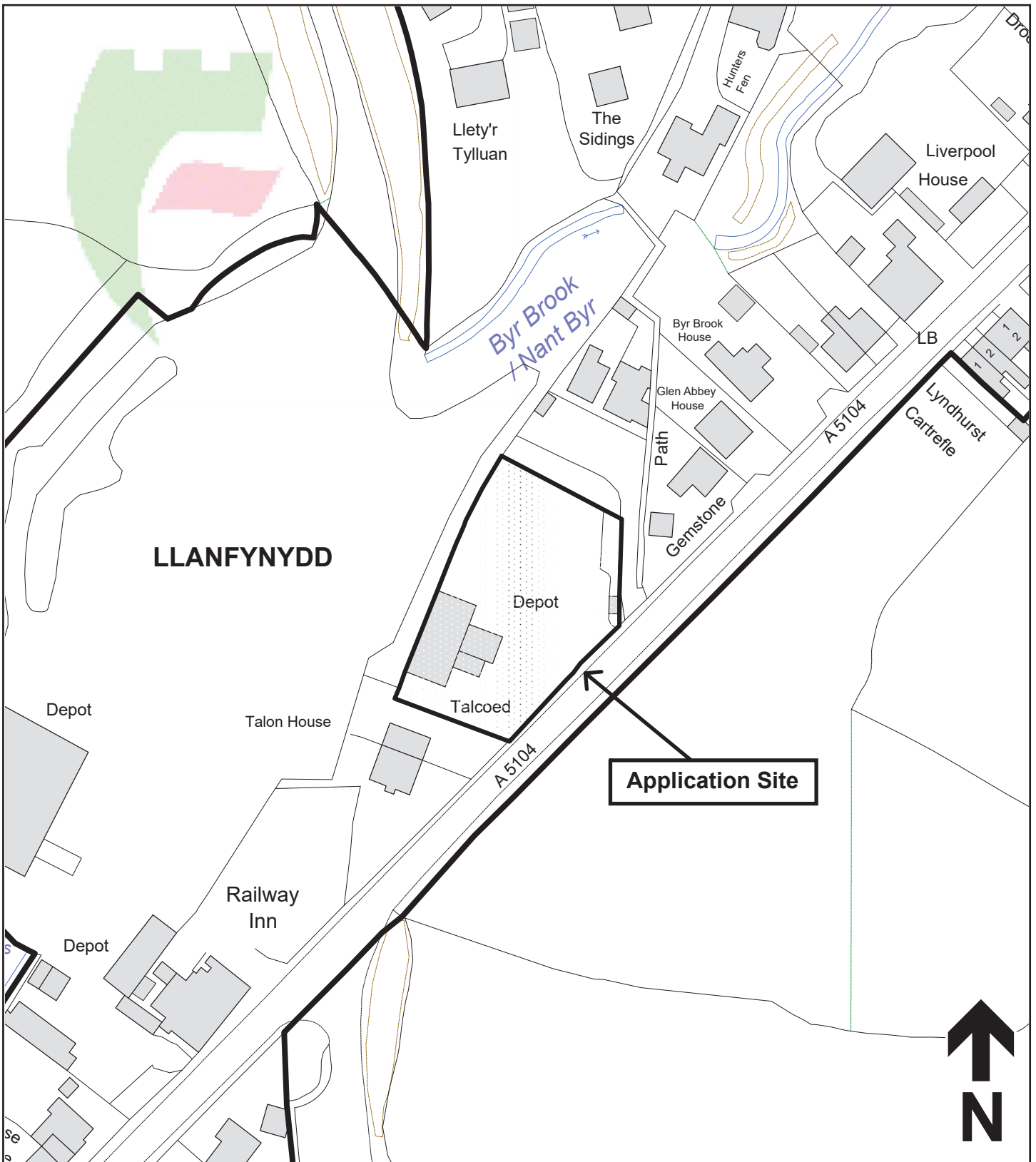
9.01 **LIST OF BACKGROUND DOCUMENTS**
Planning Application & Supporting Documents
National & Local Planning Policy

Responses to Consultation Responses to Publicity

Contact Officer: Glyn Jones



Telephone: 01352703281

Email: david.glyn.jones@flintshire.gov.uk



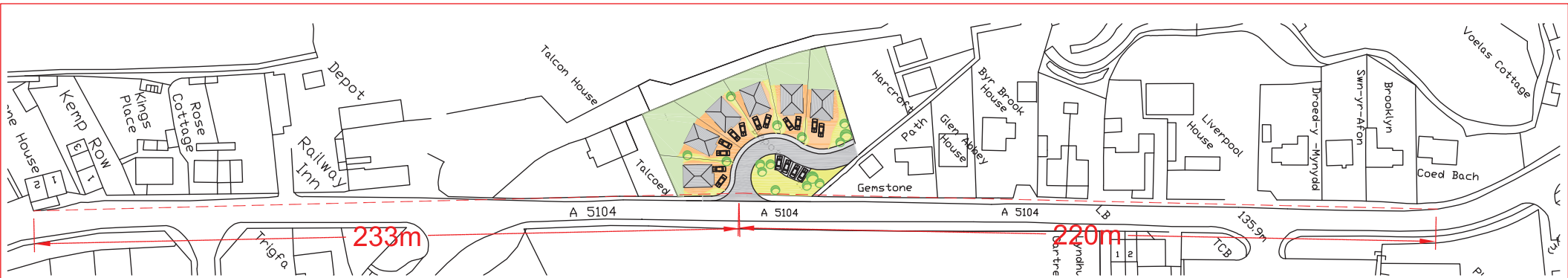
Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

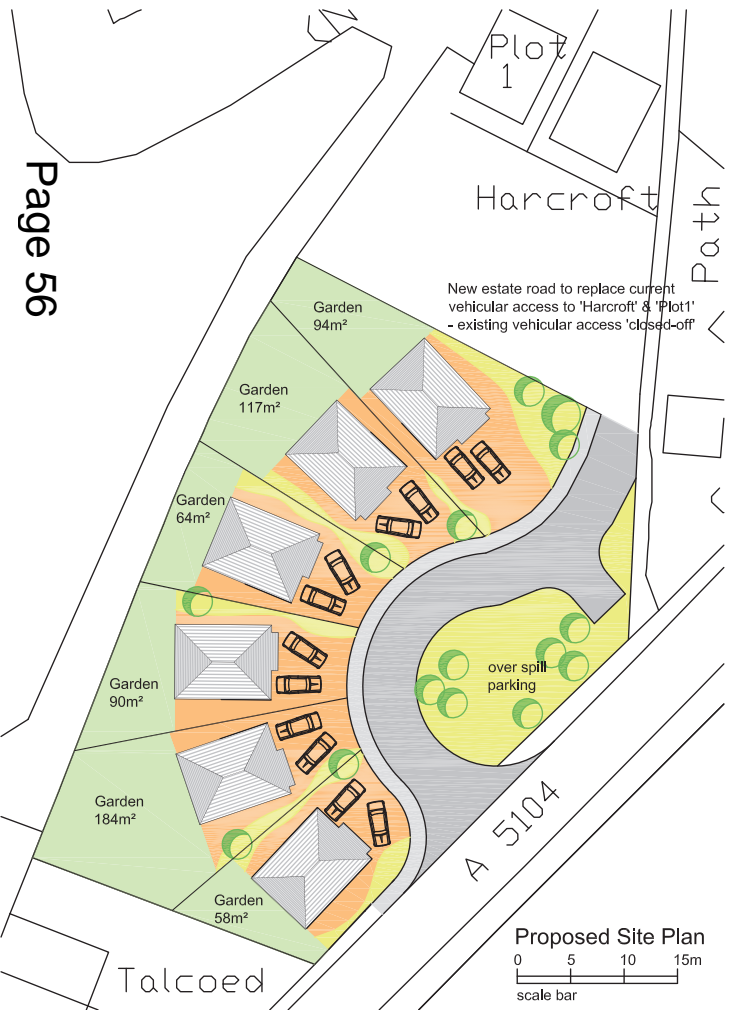
-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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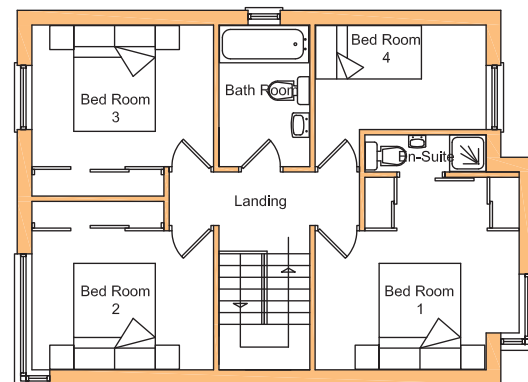
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| OS Map ref | SJ 2659 |
| Planning Application | 52236 |



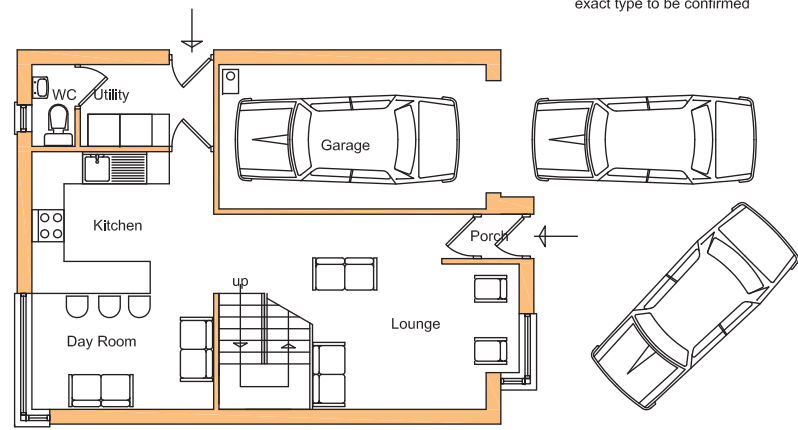
Visibility Splays



Proposed Site Plan
0 5 10 15m
scale bar



First Floor Plan
0 1 2 3m
scale bar

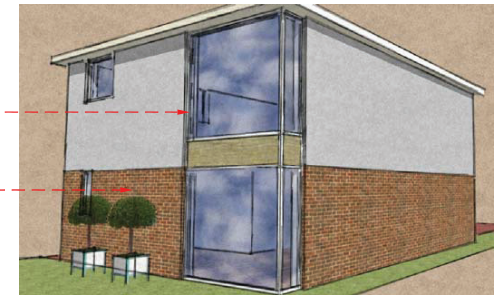


Ground Floor Plan
0 1 2 3m
scale bar



Typical Front View - not to scale

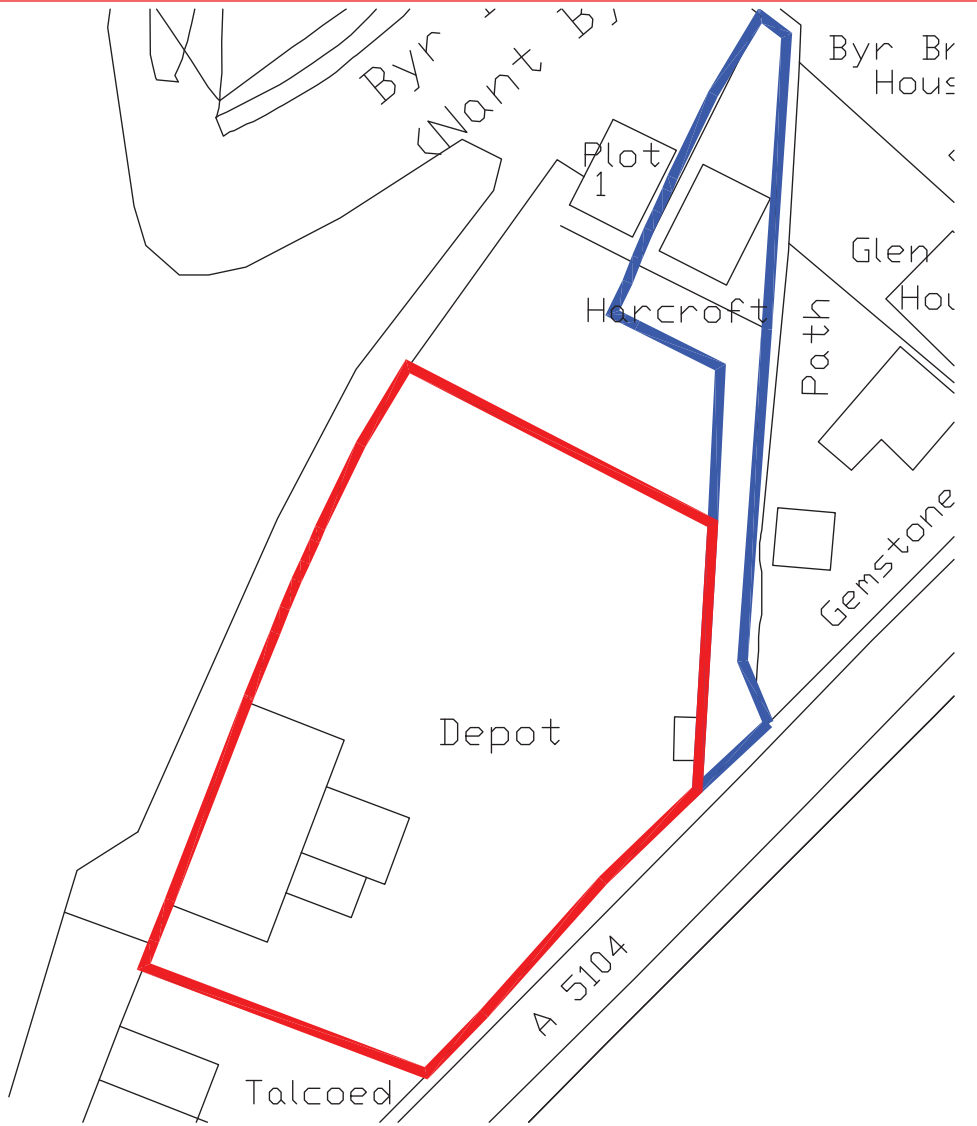
- Roof - Grey concrete roofing tiles
- Upper walls - White through coloured render
- Horizontal T&G cedar timber boarding



Typical Rear View - not to scale

- Windows - White Upvc double-glazed units
- Lower walls - Facing brickwork; exact type to be confirmed

| | |
|--|------------------------------|
| Revisions: | |
| address ATLAS YARD, CORWEN ROAD PONTYBODKIN | |
| project Outline Application for Residential Development | |
| description & scale Proposed Site Layout Plan, Floor Plans and Views - scale 1:500 & 1:100 @ A3 | |
| date April 2014 | job number/revision PA/03 |



Site Plan
0 5 10 15m
scale bar

Location Plan
0 25 50 75m
scale bar

Revisions:

address **ATLAS YARD, CORWEN ROAD
PONTYBODKIN**

project
Outline Application for Residential Development

description & scale
**Existing Location & Site Plan
scale 1:2500 & 1:500 @ A3**

date **April 2014** job number/revision **PA/01**

Statement from Agent

Pontybodkin is a pleasant community along the Corwen Road but its appearance is marred by a transport yard/scrap yard. The UDP allocates it for housing. Adjacent to the site is a small stream and a site recently approved for housing that included works to improve flows in the stream.

The application was made in June 2014.

In a very recent storm when lots of places around did flood, the site remained clear. Rain water ran down the main road but bypassed the site.

We have raised the floor levels by around ½ a metre so the houses will be completely safe – the only issue might be the gardens and parking areas. We are confident that the flood assessment shows that in the extremely unlikely situation of a massive downpour that for a very short time there may be some minor inconvenience to residents.

We have read the Welsh government's advice note on flooding and believe that it recognises that there may be some cases where the regeneration of brownfield sites can be considered an important issue. We believe that provided the risk is understood the redevelopment should be approved. We know the local Councillor lives very close by, knows the situation is supportive of our proposals.

We fully understand that the NRW's caution but with detailed flood assessment and local knowledge, we are confident that they are being too risk averse. If they are allowed to prevent any redevelopment of this site, the village will suffer.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26th MAY 2021**

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

SUBJECT: **FULL APPLICATION FOR PROPOSED ALTERATIONS AND EXTENSIONS TO CREATE ENLARGED ENTRANCE AND LOUNGE, TOGETHER WITH 8 EN-SUITE BEDROOMS**

APPLICATION NUMBER: **062192**

APPLICANT: **MR DAVID PIERCE**

SITE: **THE CROOKED HORN INN, BRYN-SANNAN, BRYNFORD, CH8 8AX**

APPLICATION VALID DATE: **1ST DECEMBER 2020**

LOCAL MEMBERS: **COUNCILLOR MS J.S. DAVIES**

TOWN/COMMUNITY COUNCIL: **BRYNFORD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER DUE TO CONCERNS OVER THE SCALE OF THE DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for proposed alterations and extensions to the building known as The Crooked Horn Inn, Bryn-Sannan, Brynford. The alterations will facilitate the creation of eight new en-suite bedrooms (two on the ground floor and six on the first floor) together with an enlargement of the existing foyer and lounge.

1.02 The existing structure has little architectural merit having been subject to a number of alterations and extensions in the past that have created a somewhat confusing looking building. Whilst the extensions will enlarge the footprint of the building, the improvement to the external appearance is significant, and the tourist use is considered acceptable in this location.

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

- 2.01
- Time limit on commencement
 - Compliance with approved plans
 - Restriction on occupancy to holiday accommodation only
 - Materials
 - Parking and turning of vehicles
 - Submission of a conservation plan in relation to Great Crested Newts
 - No storage of materials on the Special Area of Conservation (SAC)

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ms J.S. Davies – Requests planning committee determination due to concerns that the proposed works are overdevelopment and that the resulting building will be out of character with the surrounding area.

Brynford Community Council

Concerns raised regarding the scale of development (overdevelopment) and the business model being adopted at the premises. In addition, that the development has encroached onto Registered Common Land. Finally, concerns are raised that the existing accommodation is being used for residential use.

Highways Development Control

The parking on site has been maximised and therefore, subject to the imposition of conditions relating to the parking and turning of vehicles then no objections raised.

Community and Business Protection

No objections raised to the proposed development

Natural Resources Wales

The application site is located adjacent to the boundary of Halkyn Mountain Special Area of Conservation (SAC). No objection to the proposal subject to the imposition of conditions relating to storage of materials on the SAC and a conservation plan in relation to Great Crested Newts.

Clwyd Powys Archaeological Trust

Little of historical or architectural interest survives externally or internally on the building and therefore no observations to make.

4.00 PUBLICITY

4.01 Site Notice displayed and Neighbour notification letters posted. One letter of objection received and three letters of support raising the following:

- The proposed extensions will improve the appearance of the building and remove the flat roofs.
- The proposed development will secure jobs and the long term future of the building for the community
- Concerns with noise – existing issues with the use of the function room which would be exacerbated by the current proposals
- The existing B&B units are not occupied therefore there is no quantifiable demand for additional units.

5.00 SITE HISTORY

5.01 059907 - Proposed extensions to create additional first floor 2 bedroom B & B accommodation, internal alterations and minor extension to existing ground floor B & B unit – Approved 3rd August 2020

057809 - Proposed ground and first floor extensions to create five self contained B & B units – Approved 8th June 2018

056127 – Erection of an extension to provide function room and toilets, alteration of ground floor layout to create two No self contained B&B units . Approved 24th January 2017

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development
Policy STR6 – Tourism
Policy GEN1 – General Requirements for Development
Policy D1 – Design Quality, Location and Layout
Policy D2 – Design
Policy WB1 – Species Protection
Policy WB2 – Sites of International Importance
Policy AC13 – Access and Traffic Impact
Policy AC18 – Parking Provision and New Development
Policy T2 – Serviced Tourist Accommodation

Policy EWP 13- Nuisance

Future Wales Plan – Policy 1 Where Wales will grow

Additional Guidance

Planning Policy Wales Edition 11 (PPW11)

Technical Advice Note 6 – Planning for Sustainable Rural Communities

Technical Advice Note 13 - Tourism

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full application for the proposed alterations and extensions to the building known as The Crooked Horn Inn, Bryn-Sannan, Brynford. The main issues to consider in determination of this application are design, and the impact of the development on the living conditions neighbouring occupiers.

7.02 Site Description

The application site extends approximately 0.4 hectares in size and comprises a large detached building with car parking. The existing building has been significantly altered and is currently used as a public house, function room and tourist accommodation in the form of bed and breakfast rooms.

7.03 The site is accessed off Brynford Road and is located close to but outside of the settlement boundary of Brynford as identified in the Flintshire Unitary Development Plan. To the north-west and east of the application are detached dwellings whilst the remainder of the site is bordered by open countryside.

7.04 Proposed Development

The application proposes a scheme of works to the existing building including an extension to the front elevation to provide a new entrance and enlarged lounge for use with the public house. Additionally two en-suite bedrooms are proposed on the ground floor. A first floor extension will facilitate the provision of a further six en-suite bedrooms.

7.05 The external appearance of the building will be altered significantly from the existing local vernacular to that of a formal Georgian house style.

7.06 Members are made aware that works in accordance with a previous planning permission reference 059907 are currently being undertaken at the site.

7.07 Principle of Development

The lawful use of the application site is that of a public house with a function room and serviced tourist accommodation in the form of bed and breakfast rooms. The main policies to consider are T2, D2 and EWP13 of the Flintshire Unitary Development Plan (FUDP).

- 7.08 With regards to the provision of additional holiday accommodation policy T2 of the Flintshire Unitary Development Plan confirms that proposals for new tourist accommodation outside of settlement boundaries will only be supported in the form of extensions to existing serviced tourist accommodation. Proposals must ensure that they are appropriate in terms of design, cause no significant adverse impact on neighbouring impact and where appropriate be capable of being accessed by various modes of travel. Detailed consideration of matters including design and impact on amenity are outlined below.
- 7.09 Chapter 16 of the Flintshire Unitary Development Plan outlines the necessity to provide quality tourist attractions and accommodation within Flintshire. This site is located within easy access to the historical town of Holywell, the coast and countryside of the Clwydian Range Area of Outstanding Natural Beauty. The tourism opportunity is significant and beneficial for the wider economy.
- 7.10 Additionally, Planning Policy Wales Edition 11 gives national guidance on tourism stating that 'In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy'. The development as proposed in this application will result in an increase in employment opportunities in the local area as well as securing the long term viability of the public house. The demand for tourist accommodation recently is well documented and this development will enhance the provision in this area.
- 7.11 Furthermore Policy 1 of Future Wales looks to support development and growth in towns and villages in rural areas of an appropriate scale and support local aspirations and need.
- 7.12 Concerns have been raised through the Local Member and Community Council that the existing tourist accommodation is being used or has the potential to be used for permanent residential accommodation (in the form of a House of Multiple Occupation). No evidence has been provided to substantiate those concerns and no alleged breaches have been logged with the Councils Planning Enforcement service. In line with policy T2 of the FUDP it is recommended that a condition restricting the occupancy of the units to holiday accommodation be imposed on any permission.
- 7.13 To conclude, the proposed extensions and alterations to provide additional serviced tourist accommodation, new entrance and enlarged lounge are considered acceptable in principle given the existing use and the National and Local Policy and Guidance.

7.14 Character and Appearance

The existing building of the Crooked Horn Inn has little architectural merit having been subject to a number of alterations and extensions in the past that have created a confusing building with no discernible character. This is particularly evident on the front elevation where flat roof extensions are prominent and detract from the main entrance of the building.

7.15 The site is visually prominent in the locality especially when approaching the settlement of Brynford from the south. The proposal seeks to address previously poorly designed additions and remodel the building with well-balanced elevations in a classical 'Georgian' style. The resulting building, although not strictly reflective of the original structure, is considered to be visually a significant improvement.

7.16 Concerns have been raised that the proposals will result in overdevelopment of the site which would be harmful to the character of the area. Whilst it is acknowledged that the building would be larger and visually more striking, this has to be balanced against the visual impact of the existing structure and the relatively large plot the building sits on. In addition, consideration has been given to the orientation of the neighbouring properties and separation distances. Overall, it is not considered that the proposals will not amount to overdevelopment of the site.

7.17 Living conditions

The development proposed with this application is focussed on the front elevation of the building. Largely, the rear and side elevations will remain unaltered. The nearest dwelling to the site is Caerfa which is located approximately 17 metres to the east. The development as proposed does not provide any additional windows on the side elevation which could cause overlooking. In addition, due to the orientation of the neighbouring property there are no concerns with regards to overshadowing.

7.18 Concerns have been raised through the Local Member and residents that there are inherent issues with noise associated with the use of the function room at the premises and that this application will only exacerbate matters. The potential for noise was considered during determination of application 056127 and accordingly a condition relating to a noise reduction scheme was imposed in relation to the use of the function room. Members are advised that whilst the comments of the resident have been noted, no formal complaints relating to a breach of condition or noise nuisance have been received by either the Councils Planning Enforcement or Community and Business Protection services.

The provision of additional tourist accommodation units is not considered to give rise to any additional noise above that of the lawful public house use. The proposal is therefore considered compliant with policy EWP13 of the Flintshire Unitary Development Plan.

7.19 Highways

The existing site has a large car park located to the front of the premises. It is understood that the new application will result in the following:

- Use Class A3 - Net public floor area = 321m²
- Use Class D2 - Function room/dance hall = 169m²
- Use Class C1 -13 beds in total with 4 staff on at any one time

Based on these calculations the car parking provision is considered to be acceptable and in line with policy AC18 of the Flintshire Unitary Development Plan.

7.20 Additionally, Policy T2 of the Flintshire Unitary Development Plan advises that new tourist accommodation should wherever possible have access to various modes of travel. It is acknowledged that this site is not the most sustainable in terms of location, although there is a bus service which runs from Brynford village less than one mile away. However, consideration has to be given to the fact that this site benefits from existing tourist accommodation and pre-pandemic was a well utilised public house and function room. As outlined above, even at maximum capacity the site has adequate parking provision. As an individual matter, the lack of easy access to public transport is not considered to outweigh the benefits the application will bring to the visual appearance of the area but also importantly the increase in tourism.

7.21 Ecological Matters

The application site is located adjacent to the boundary of Halkyn Mountain Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). It is recommended that if planning permission is granted that the applicant be required to provide details in the form of a Conservation Plan (including Reasonable Avoidance Measures) in respect of Great Crested Newts.

Other Matters

Third party comments have raised the issue that the existing B&B units are not occupied and therefore there is no demand for the use. There is no national or local policy requirement for the applicant to demonstrate that there is a demand for the proposed works and therefore very minor weight is attached to this matter in the overall planning balance.

8.00 **CONCLUSION**

The extensions and alterations as proposed in this application will bring about a significant improvement to the appearance of the building. The additional tourist accommodation will provide a long term future for the premises for the benefit of the wider community. Concerns regarding noise have been considered but these must be weighed against the existing public house and function room use and on balance it is not felt that the proposal will exacerbate any noise generation.

The proposal is considered compliant with both local and national planning policy. Accordingly, I recommend that planning permission be granted subject to condition.

8.01 Other Considerations

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

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

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

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

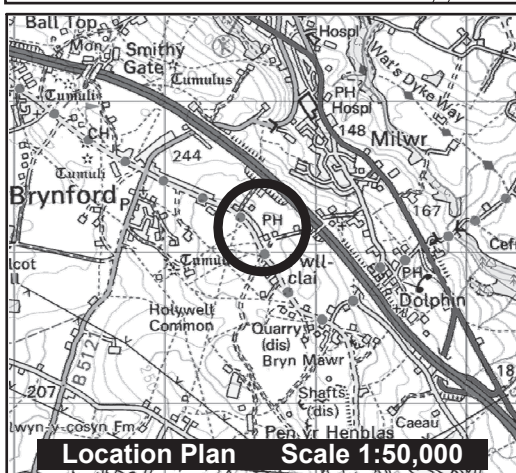
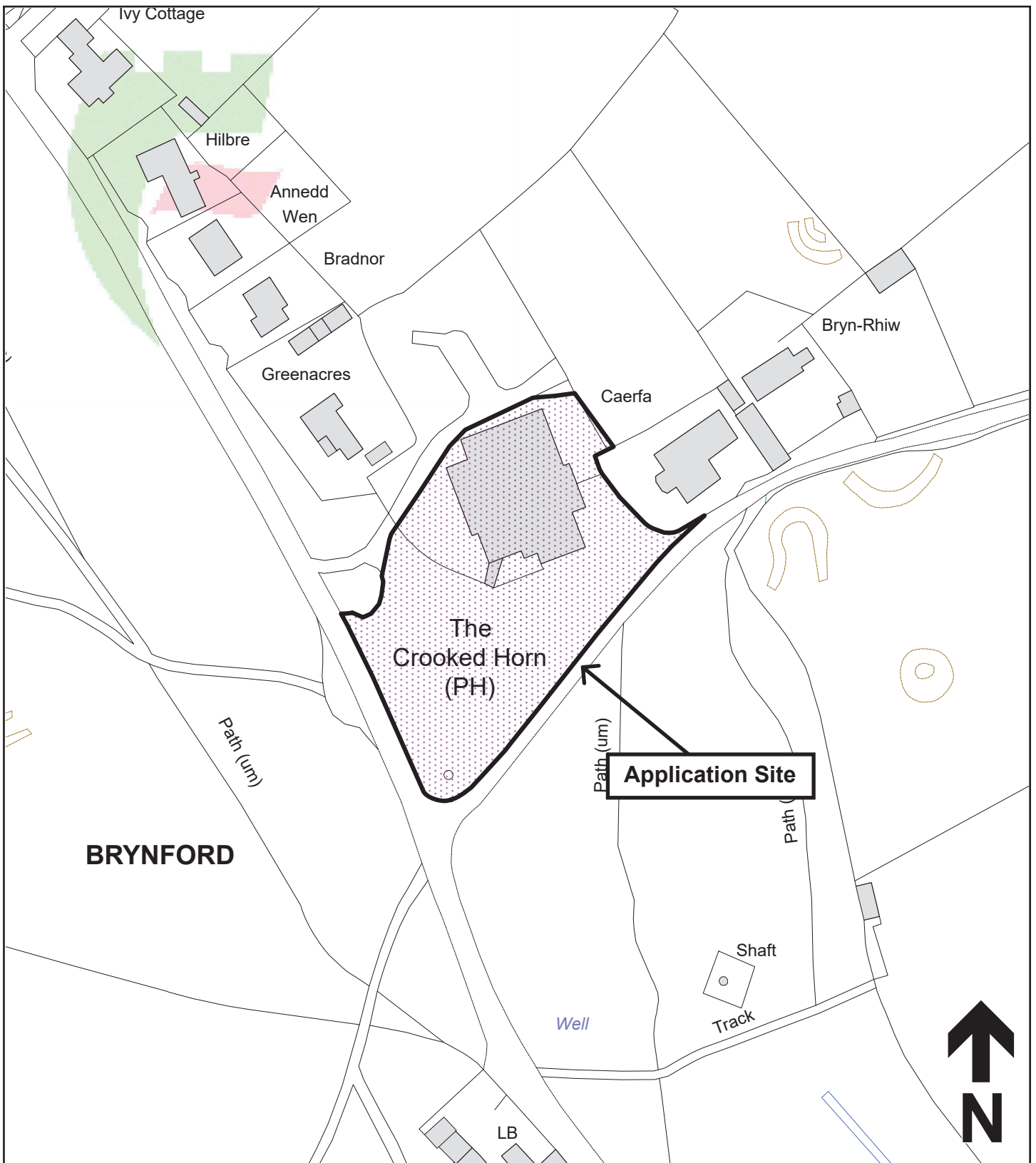
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Claire Morter

Telephone: 01352 703299

Email: claire.e.morter@flintshire.gov.uk



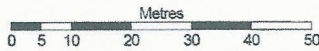
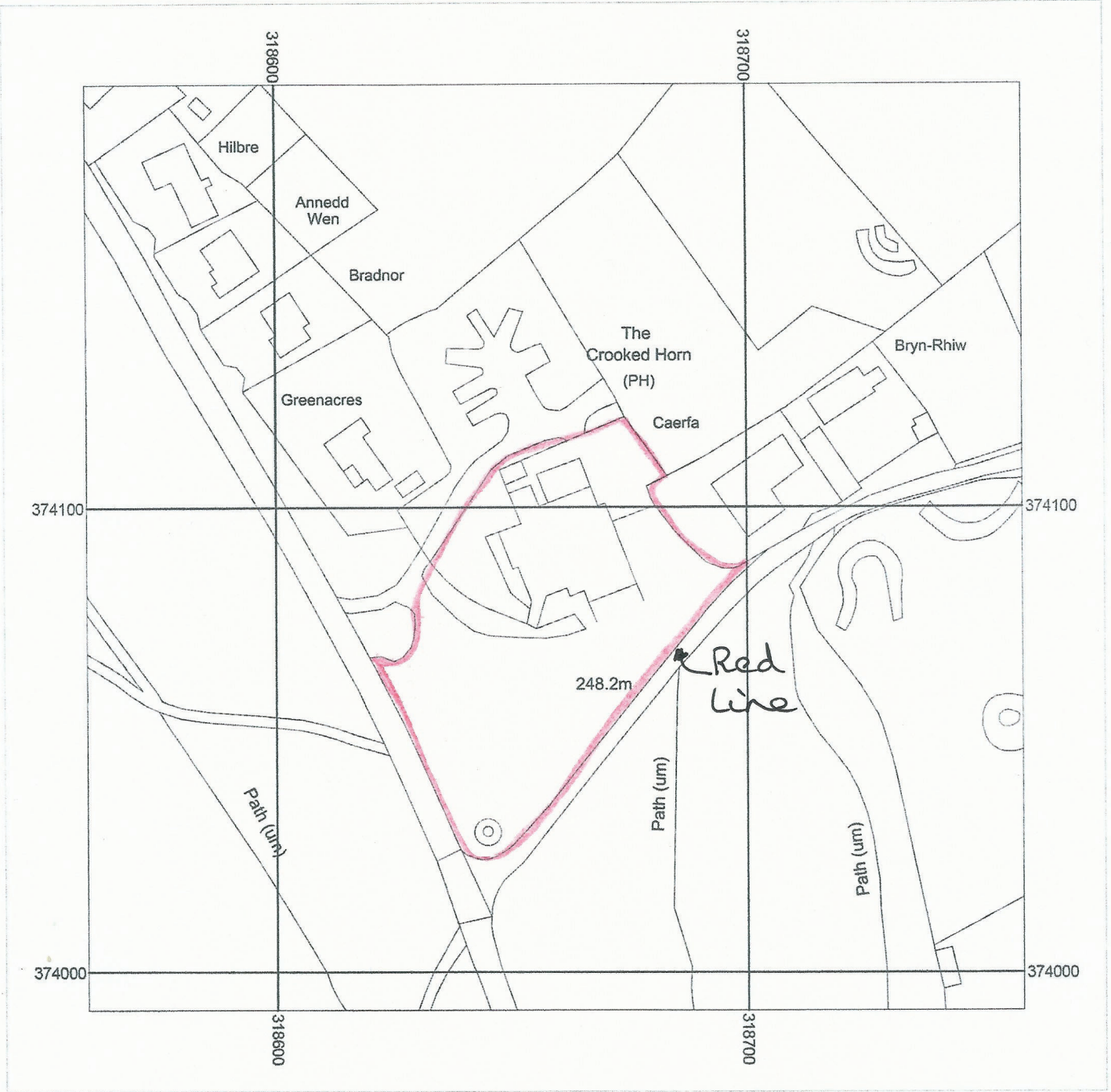
Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

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

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| Map Scale | 1:1250 |
| OS Map ref | SJ 1874 |
| Planning Application | 62192 |



Scale: 1:1250

Location Plan

The Crooked Horn
Brynford



Supplied by: Flintshire County Council
License number: 100031961
Produced: 19/10/2016
Serial number: 1749740

Plot centre co-ordinates: 318659,374091
Download file: Brynford 1250.zip
Project name: Brynford 1250



FRONT ELEVATION

Page 69



SIDE ELEVATION

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ELEVATIONS

The Crooked Horn, Brynford, Holywell CH8 8AX
SCALE 1:100 @ A3

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REAR ELEVATION

Page 70



SIDE ELEVATION

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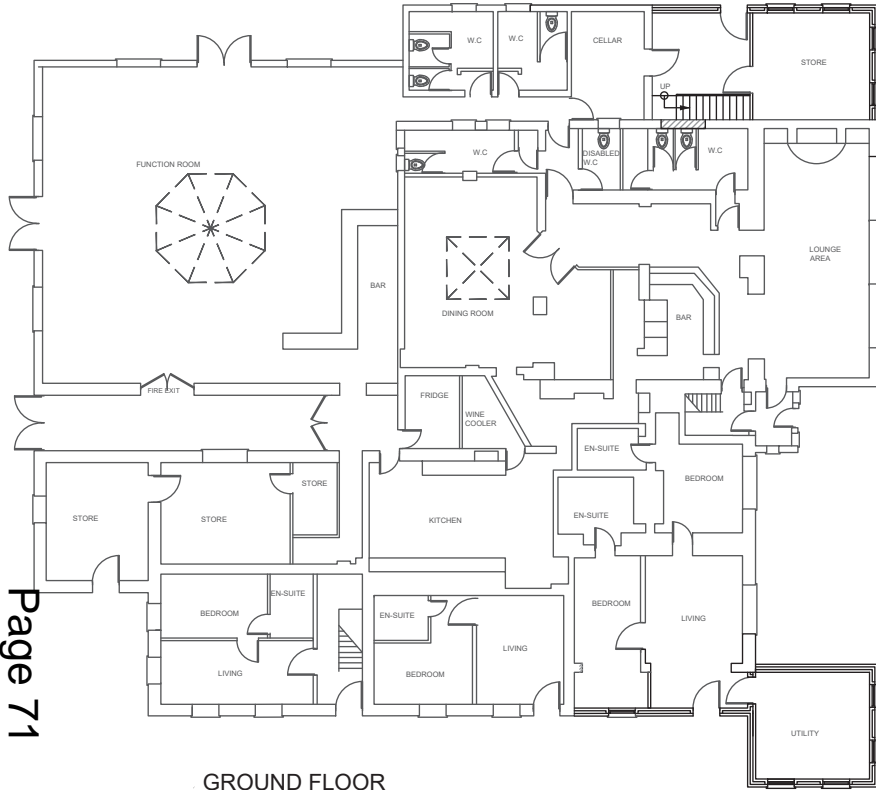
ELEVATIONS

The Crooked Horn, Brynford, Holywell CH8 8AX
SCALE 1:100 @ A3

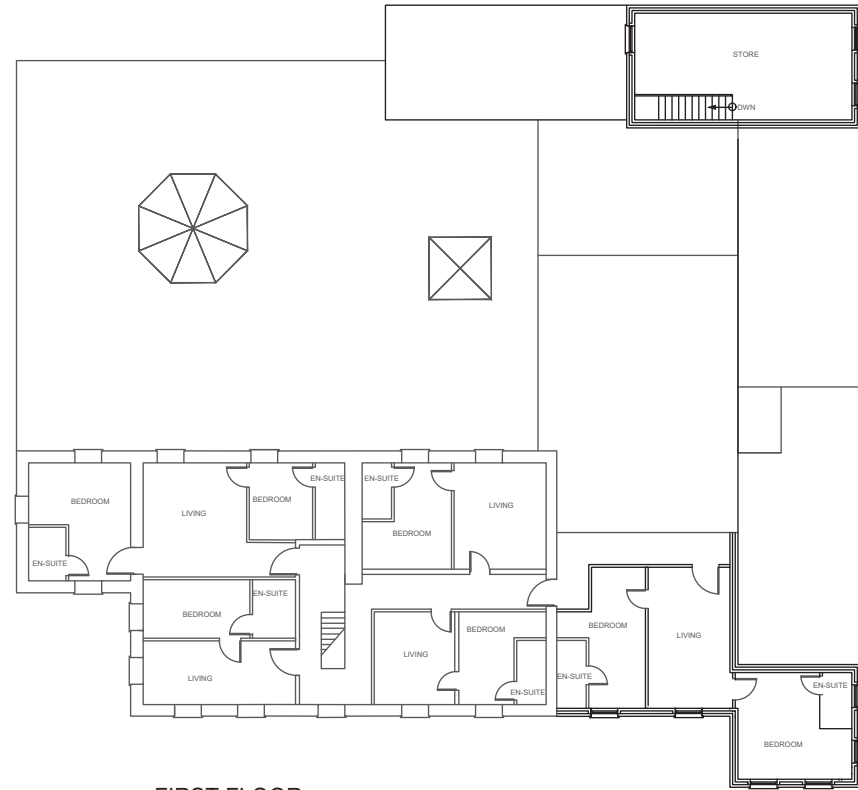
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GROUND FLOOR



FIRST FLOOR

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FLOOR PLANS

The Crooked Horn, Brynford, Holywell CH8 8AX
SCALE 1:200 @ A3

DrawingNumber: DP/AO/69/07
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PROPOSED FRONT ELEVATION

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PROPOSED ELEVATIONS

The Crooked Horn, Brynford, Holywell CH8 8AX
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PROPOSED REAR ELEVATION

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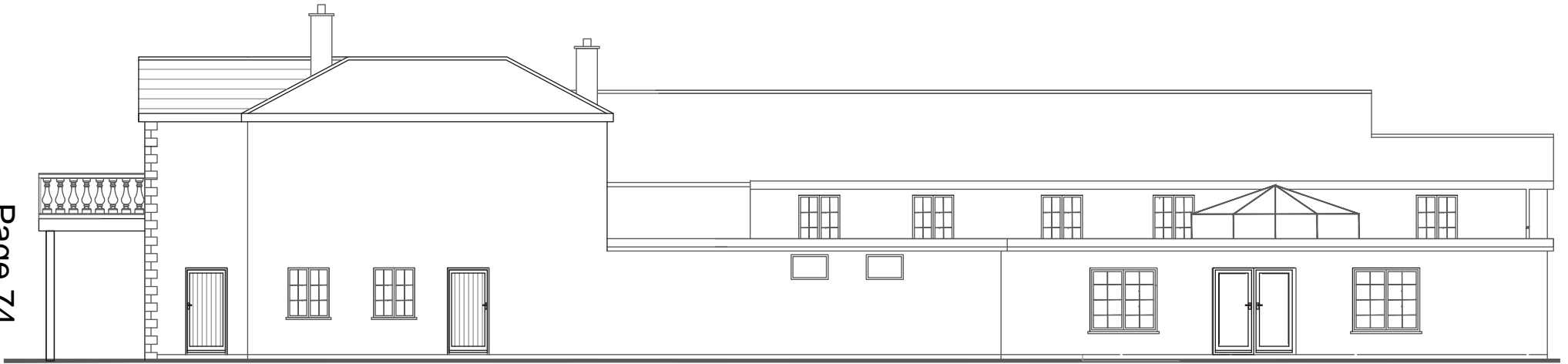
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PROPOSED ELEVATIONS

The Crooked Horn, Brynford, Holywell CH8 8AX
SCALE 1:100 @ A3

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PROPOSED SIDE ELEVATION

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PROPOSED ELEVATIONS

The Crooked Horn, Brynford, Holywell CH8 8AX
SCALE 1:100 @ A3

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PROPOSED SIDE ELEVATION

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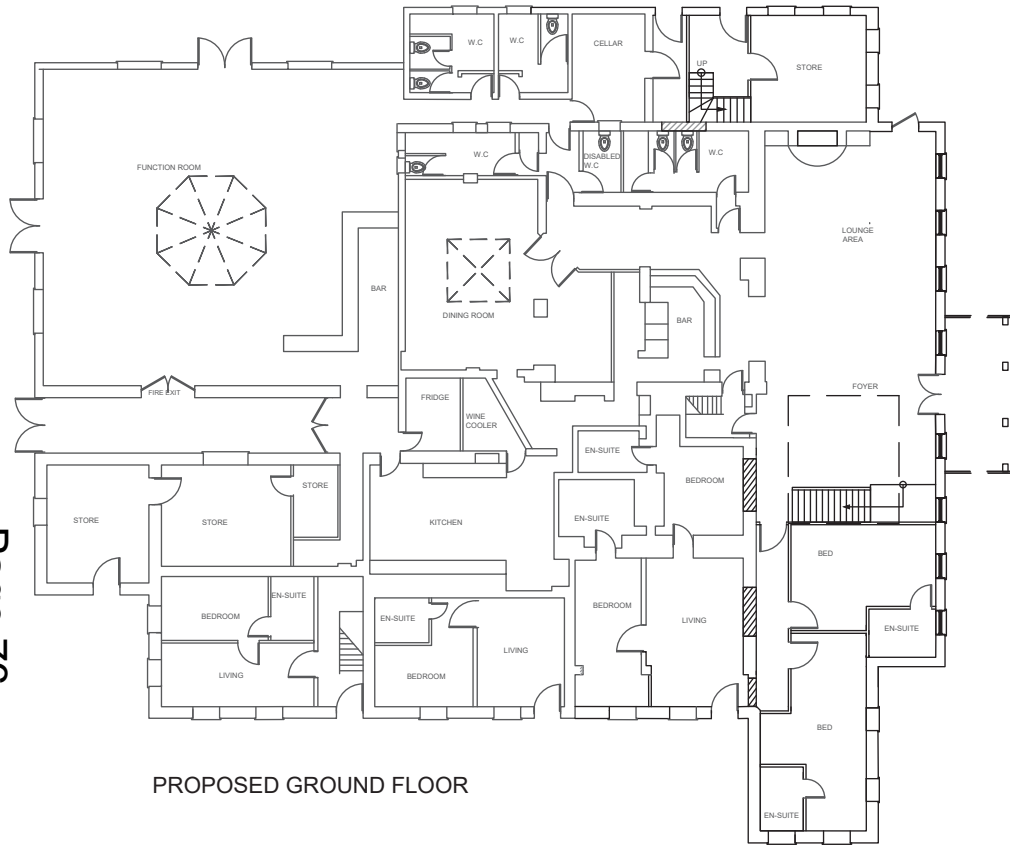
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PROPOSED ELEVATIONS

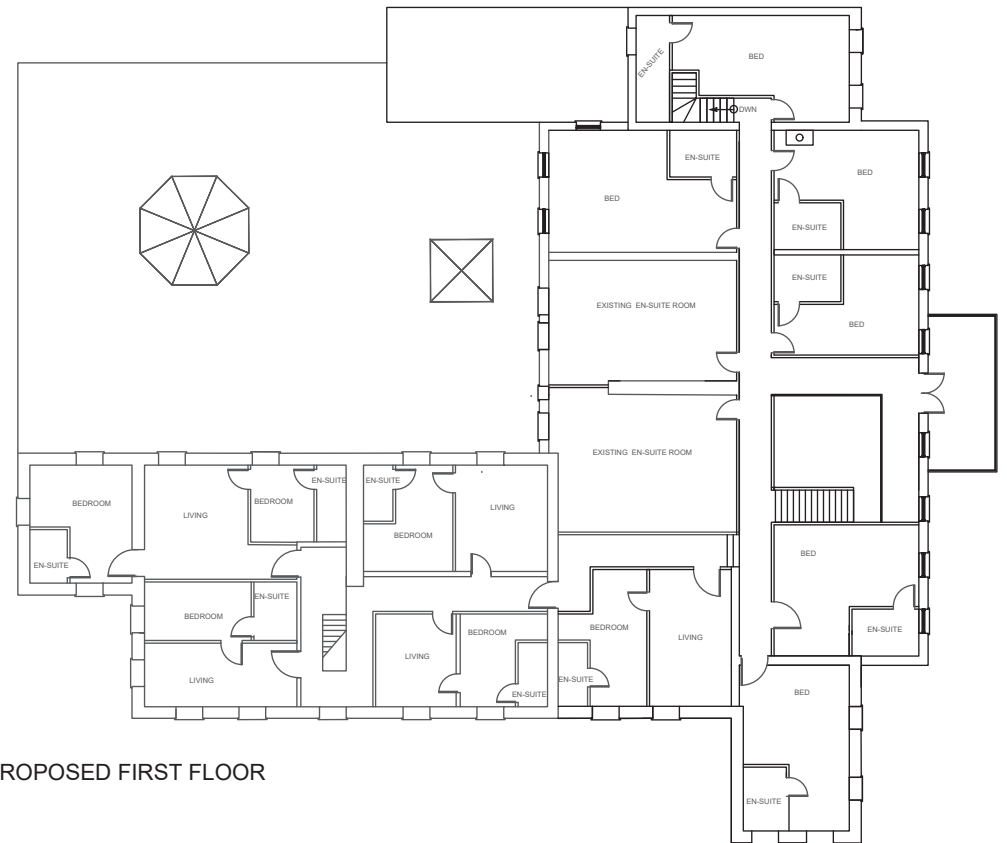
The Crooked Horn, Brynford, Holywell CH8 8AX
SCALE 1:100 @ A3

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PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR

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PROPOSED FLOOR PLANS

The Crooked Horn, Brynford, Holywell CH8 8AX
SCALE 1:200 @ A3

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