

# Public Document Pack

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



CS/NG

9 December 2021

Maureen Potter 01352 702322  
maureen.potter@flintshire.gov.uk

To: Cllr David Wisinger (Chairman)

Councillors: Mike Allport, Bernie Attridge,  
Chris Bithell, Derek Butler, Chris Dolphin,  
Ian Dunbar, Veronica Gay, Gladys Healey,  
Patrick Heesom, Christine Jones, Richard Jones,  
Richard Lloyd, Ted Palmer, Mike Peers,  
Neville Phillips and Owen Thomas

Dear Sir / Madam

**NOTICE OF REMOTE MEETING**  
**PLANNING COMMITTEE**  
**WEDNESDAY, 15 DECEMBER, 2021 at 1.00 PM**

Yours sincerely

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 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

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

To confirm as a correct record the minutes of the meeting held on 24 November 2021.

5 **ITEMS TO BE DEFERRED**

6 **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 15 DECEMBER 2021**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u></b>		
6.1	063331 – A	063331 - A - Full Application - Proposed single storey extension at 1 Herriot Grove, Ewloe, (Pages 9 - 22)
6.2	061271 – A	Full Application - Change of use of land for extension of existing site to provide up to 6 Gypsy Traveller Pitches. (Pages 23 - 42)
6.3	062898 – A	Reserved Matters - Application for approval of reserved matters following Outline Approval reference 061125 at RAF Sealand South Camp, Welsh Road, Sealand (Pages 43 - 78)

***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** **24 NOVEMBER 2021**

Minutes of the meeting of the Planning Committee of Flintshire County Council held remotely on Wednesday, 24 November 2021

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

Councillors: Mike Allport, Chris Bithell, Derek Butler, Chris Dolphin, Ian Dunbar, Veronica Gay, Gladys Healey, Patrick Heesom, Christine Jones, Richard Jones, Ted Palmer, Mike Peers, and Neville Phillips

**APOLOGIES:** Councillors Bernie Attridge, Richard Lloyd and Owen Thomas

**ALSO PRESENT:** Councillor Ian Roberts (as an observer)

### **IN ATTENDANCE:**

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

## **32. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **33. 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 Council's website:

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=4992&Ver=4&LLL=0>

## **34. MINUTES**

The minutes of the meeting held on 27 October 2021 were confirmed as a correct record, as moved and seconded by Councillors Ian Dunbar and Chris Bithell.

### **RESOLVED:**

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

## **35. ITEMS TO BE DEFERRED**

No items were recommended for deferral.

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

**RESOLVED:**

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

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

On commencement of the meeting, there were no members of the press in attendance.

(The meeting started at 1.00pm and ended at 2.25pm)

.....  
**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 24 NOVEMBER 2021**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
062344	Hope Community Council	Outline Application – proposed residential development at Wrexham Signs Ltd, Pughs Yard, Hawarden Road, Caergwrle	A statement in support of the application was read out during the meeting on behalf of Mr P Edwards, the Agent.	That outline planning permission be granted subject to the conditions set out in the report, in accordance with the officer’s recommendation.
060824	Holywell Town Council	Full application - change of use of land from agriculture to equestrian, including outdoor riding arena, lunging pen, stables, tack rooms and horse walker in retrospect, and the proposed addition of a roof cover over the existing outdoor arena and the establishment of an equine therapy and riding centre at Greenhill Farm, Bryn Celyn, Holywell		That planning permission be granted subject to the conditions set out in the report, in accordance with the officer’s recommendation.
062921	Flint Town Council	Full Application – proposed erection of 2 No.3 bed dwellings with associated parking and amenity	Councillor Michelle Perfect, as local Ward Member, spoke against the application.	That planning permission be granted subject to the applicant entering into the Section 106 Obligation and conditions as set out in the report, in accordance with the officer’s recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
		General Matters – Tree Preservation Order no.337 at 36 Wepre Park, Connah’s Quay	Councillor Martin White, as local Ward Member, spoke in support of the application.	That Tree Preservation Order No.337 (2021) at 36 Wepre Park, Connah’s Quay, be confirmed without modification.

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **15th DECEMBER 2021**

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

**SUBJECT:** **SINGLE STOREY FRONT EXTENSION AND CONVERSION OF GARAGE TO FORM ANNEXE ACCOMMODATION**

**APPLICATION NUMBER:** **063331**

**APPLICANT:** **MRS C PAYNE**

**SITE:** **1 HERRIOT GROVE,  
EWLOE,  
DEESIDE,  
FLINTSHIRE**

**APPLICATION VALID DATE:** **28.09.2021**

**LOCAL MEMBERS:** **CLLR D MACKIE**  
**CLLR Ms J AXWORTHY**

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

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST GIVEN CONCERNS ABOUT THE CREATION OF A SEPARATE UNIT OF RESIDENTIAL ACCOMMODATION**

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

### **1.00 SUMMARY**

- 1.01 This full application seeks consent for the conversion of an existing detached garage with a link extension to the main dwelling, to create annex accommodation for residential occupation at 1 Herriot Grove, Ewloe, Deeside, Flintshire .

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

2.01 Conditions

- 1 Time limit on commencement of development
- 2 In accordance with approved plans
- 3 Materials to match existing
- 4 Occupation of extension shall remain incidental to main dwelling
- 5 Site/finished floor levels to be submitted and approved

**3.00 CONSULTATIONS**

3.01 Local Member  
Cllr D Mackie

Requests committee determination as it is considered that a separate unit of accommodation is being created .

Cllr Ms Axworthy

No response received at time of writing this report.

Hawarden Community Council

Objection and request planning committee determination.

Highways Development Control

On the basis that the annex is linked to the main property raise no objection and confirm that do not intend to make a recommendation on highway grounds.

Community and Business Protection

No adverse comments.

Airbus

No aerodrome safeguarding objection to proposal.

**4.00 PUBLICITY**

4.01 9 objections received (8 No from occupiers of one property opposite) the main points of which are summarised as follows:

- Loss of light to kitchen of neighbouring property
- Parking on frontage could be dangerous backing on to corner of road ,as already parking on road
- Development not in character with existing dwelling
- Loss of access to rear of site to allow bin storage
- If granted property may be an air B&B
- Proximity of development to fence posts and service provision inlets for gas and electricity



**5.00 SITE HISTORY**

5.01 None relevant

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
GEN 1 - General Requirements for Development  
HSG12 - House Extensions and Alterations  
HSG13 - Annex Accommodation  
D1 – Design Quality, Location and Layout  
D2 - Design  
AC - 18 Parking Provision and New Development

Supplementary Planning Guidance Notes (SPGN )  
SPGN Note No 1 Extensions and Alterations  
SPGN Note No 2 Space Around Dwellings

National Planning Policies  
Planning Policy Wales Edition 11  
Future Wales The Development Plan 2040  
Technical Advice Note (TAN) No 12 Design

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This application seeks planning consent for the conversion of an existing single storey garage located to the front of 1 Herriot Grove, Ewloe and the formation of a single storey extension which would link between the garage and frontage of the existing two storey detached dwelling, to create annexe accommodation for occupation by a family member .

7.02 The application site is located on a corner plot on the eastern side of the junction of Sheridan Avenue with Herriot Grove, and is adjacent to an existing 2 storey property 31 Sheridan Avenue. The application site is within an established residential housing estate of similar size plots and is characterised primarily by detached two storey properties in the immediate street scene.

7.03 Proposed Development

The existing garage measures approximately 30.5m<sup>2</sup> in area being approximately 4.3m in height. It is proposed to convert the existing garage, in combination with the erection of a single storey link of approximately 22.4m<sup>2</sup> and 3.6m (high) to create annexe accommodation.

7.04 The proposed single storey link will be off set from the common boundary with 31 Sheridan Avenue by 2m .A separation distance

of 2.7m is retained between the proposed extension to nearest point of 31 Sheridan Avenue.

7.05 Main Planning Considerations

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

- a) The principle of development
- b) Character and appearance
- c) Impact upon living conditions of occupiers of existing dwellings and the proposed annexe
- d) adequacy of access/ parking

7.06 Principle of Development

Policy HSG12 of the Flintshire Unitary Development Plan (UDP) permits extensions or alterations to existing dwellings, provided that the proposal accords with the criteria as set out within the policy, and has regard to guidance set out in the Council's Supplementary Planning Guidance Notes 1 and 2.

7.07 In addition, Policy HSG13 of the UDP is permissive of annexe accommodation whereby by it is created via;

- a) the extension of an existing dwelling; or
- b) the conversion of an existing building within the curtilage of a dwelling; and
- c) its usage is ancillary to the residential use of the existing dwelling

7.08 The application seeks to convert the existing garage to annex accommodation and create a single story infill link extension to the existing dwelling, where its use is ancillary to 1 Herriot Grove. The principle of the proposed development is therefore acceptable having regard to this established planning policy framework, subject to the relevant development management considerations. Were members mindful to grant permission for the development this should be the subject of the imposition of a condition to restrict occupation as an annexe and not as a separate independent unit of accommodation.

7.09 Character and Appearance

Supplementary Planning Guidance Note 1 and the justification and explanation to Policy HSG12, state that as general guide, house extensions should be no more than 50% of the original floor space and extensions that are out of scale and character will not be permitted.

7.10 The existing dwelling on the site is approximately 120m<sup>2</sup> with the garage as referenced approximately 30.5m<sup>2</sup>. The link extension is proposed to be 22.4m<sup>2</sup> which does not exceed the 50% guidance,

as it represents a 15% increase to the original floor space of the house and garage

- 7.11 The location of the link extension would not be prominent in the street scene as it is located to the side of the existing garage building being lower in height. It would create what would be in effect an L-shaped unit its total form only visible when viewed from the access driveway into the site.
- 7.12 The design and form of the extension helps it assimilate on to the plot and its wider surroundings. In this context it is considered that the proposal is acceptable in scale, design and character relative to the existing detached two storey dwelling and does not represent overdevelopment of the site.
- 7.13 The acceptability of this proposed scale of development however needs to be considered in conjunction with its proposed design and impact on the living conditions of occupiers of adjacent properties.
- 7.14 The proposed single story annex would provide bedroom, lounge and kitchenette facilities, with an internal link is retained to the existing main house .All the window and doors proposed to serve the annex are to be located on the east elevation overlooking the applicants gravelled parking area. In design terms this is comparable to the link for eg between the garage and dwelling at 33 Herriot Grove, and the extension as proposed would be reflective of existing built development within the street scene and acceptable having regard to Policies D1 and D2 of the Unitary Development Plan.
- 7.15 Impact Upon Living Conditions  
The impact of the proposed development on the living conditions of occupiers of existing dwellings in proximity to the site are of fundamental importance in consideration of this application.
- 7.16 The extension attains a separation distance of 23m to the frontage of 6 Herriot Grove, which is in excess of the guidance of 22m as referenced in Supplementary Planning Guidance Note 2 Space Around Dwellings ( SPGN2 ) and will not adversely impact upon living conditions currently enjoyed.
- 7.17 The proposed conversion of the garage and proposed linked extension do not propose the introduction of any new window /door openings relative to 31 Sheridan Avenue. In addition the existing 1.8m high close boarded timber fence is to be retained, between the application site and this property.
- 7.18 Concerns have been raised from the occupiers of 31 Sheridan Avenue that the extension will have a detrimental impact on the living conditions enjoyed by the occupiers of this property, by virtue

of its impact on existing windows serving kitchen facilities relative to the common site boundary.

7.19 In assessing the relationship of the proposed development to this existing property, there is no direct interface relationship between habitable windows that would trigger the application of SPGN2. The window referenced is a kitchen window which is not classed as a habitable room as it is only relevant in relation to dining rooms, bedrooms and living rooms.

7.20 In respect of the question as to whether there would be any overbearing impact as a result of the proposed development on the occupiers reasonable enjoyment of their kitchen at No 31 Sheridan Avenue, it is my view that the introduction of a single storey link would not adversely impact on this window. I note particularly that;

- (i) its present outlook is onto the gable of the existing dwelling;
- (ii) the proposed extension is in an off-set position in relation to the window. Therefore the proposals will not give rise to a materially different outlook to that presently enjoyed from the window (being of a blank gable wall);
- (iii) the window serving the kitchen is north facing and the limited amount of direct light to this window would be encountered early in the morning and, as the sun tracks from east to west in the sky, the kitchen would then receive no direct light for the majority of the day; and
- (iv) the proposed extension is set back from the existing fence line.

7.21 Having regard to the above it is not considered that the proposal will have a significant detrimental impact upon the reasonable enjoyment of the kitchen.

7.22 Parking

Consultation on the application has been undertaken with the Highway Development Control Manager. As a result it has been confirmed that there is no objection to the development as the level of available parking within the site is considered acceptable to serve the scale of development proposed, subject to the imposition of a condition linking the annexe to the main dwelling

8.00 **CONCLUSION**

The conversion and extension of the existing garage to create annex accommodation in the manner proposed is considered to be of an appropriate form, scale and design relative to the existing detached two storey dwelling on site and the surrounding form of development in the wider surroundings in compliance with the policy framework referenced.

In addition the proposed development is not considered to significantly detrimentally impact upon living conditions of occupants of existing dwellings and is considered to be compliant with the relative policies and supplementary guidance Subject to the imposition of a condition as to ensure that the annexe is occupied incidental to the main dwelling and not as a separate independent dwelling., I recommend that permission be granted in accordance with section 2.00 of this report.

#### 8.01 Other Considerations

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

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

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

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

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

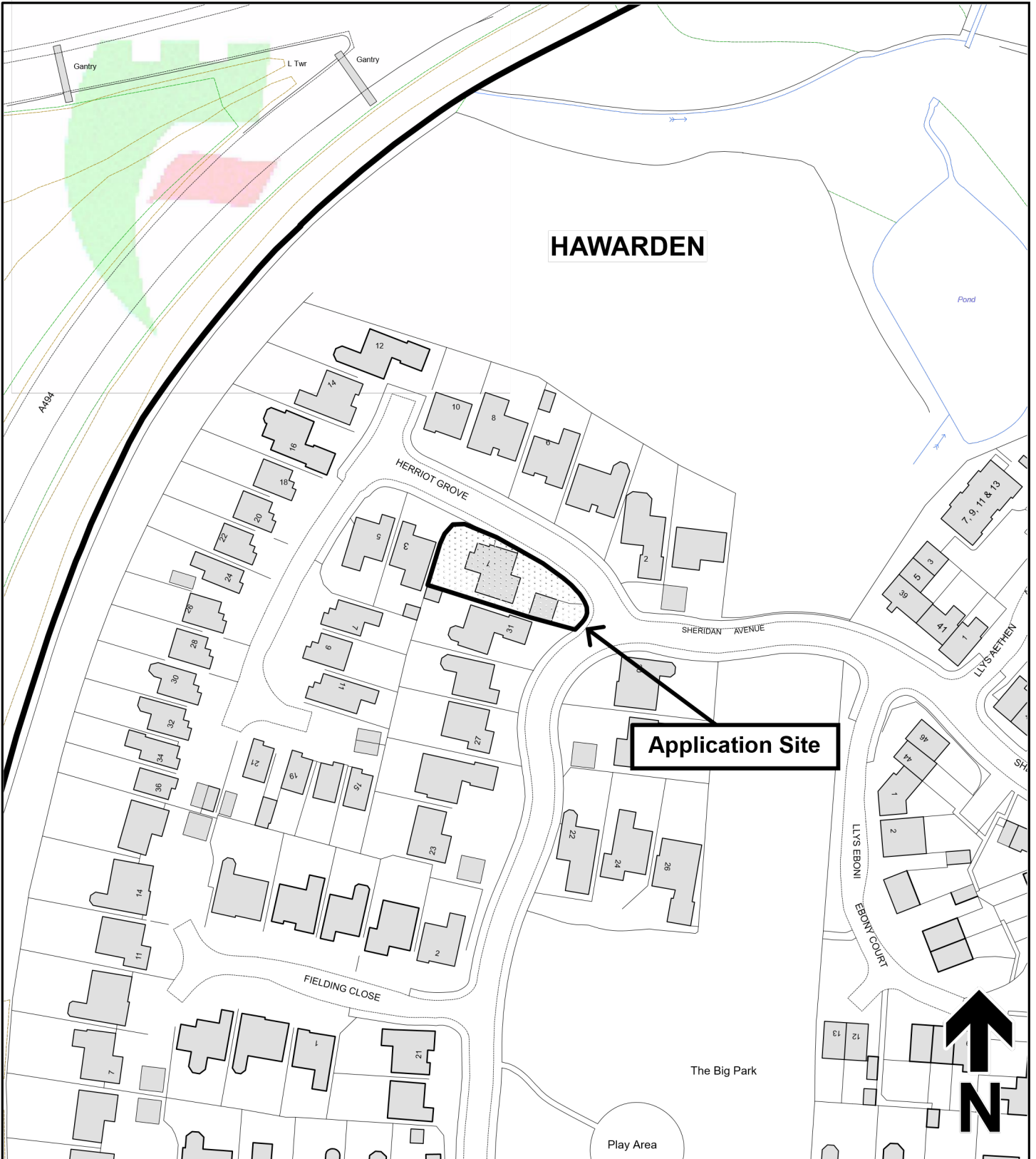
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer:** Barbara Kinnear

**Telephone:** 01352 703260

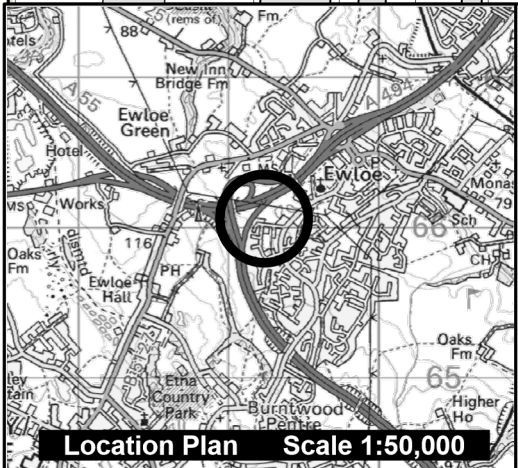
**Email:** [Barbara.kinnear@flintshire.gov.uk](mailto:Barbara.kinnear@flintshire.gov.uk)

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**HAWARDEN**

**Application Site**



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



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

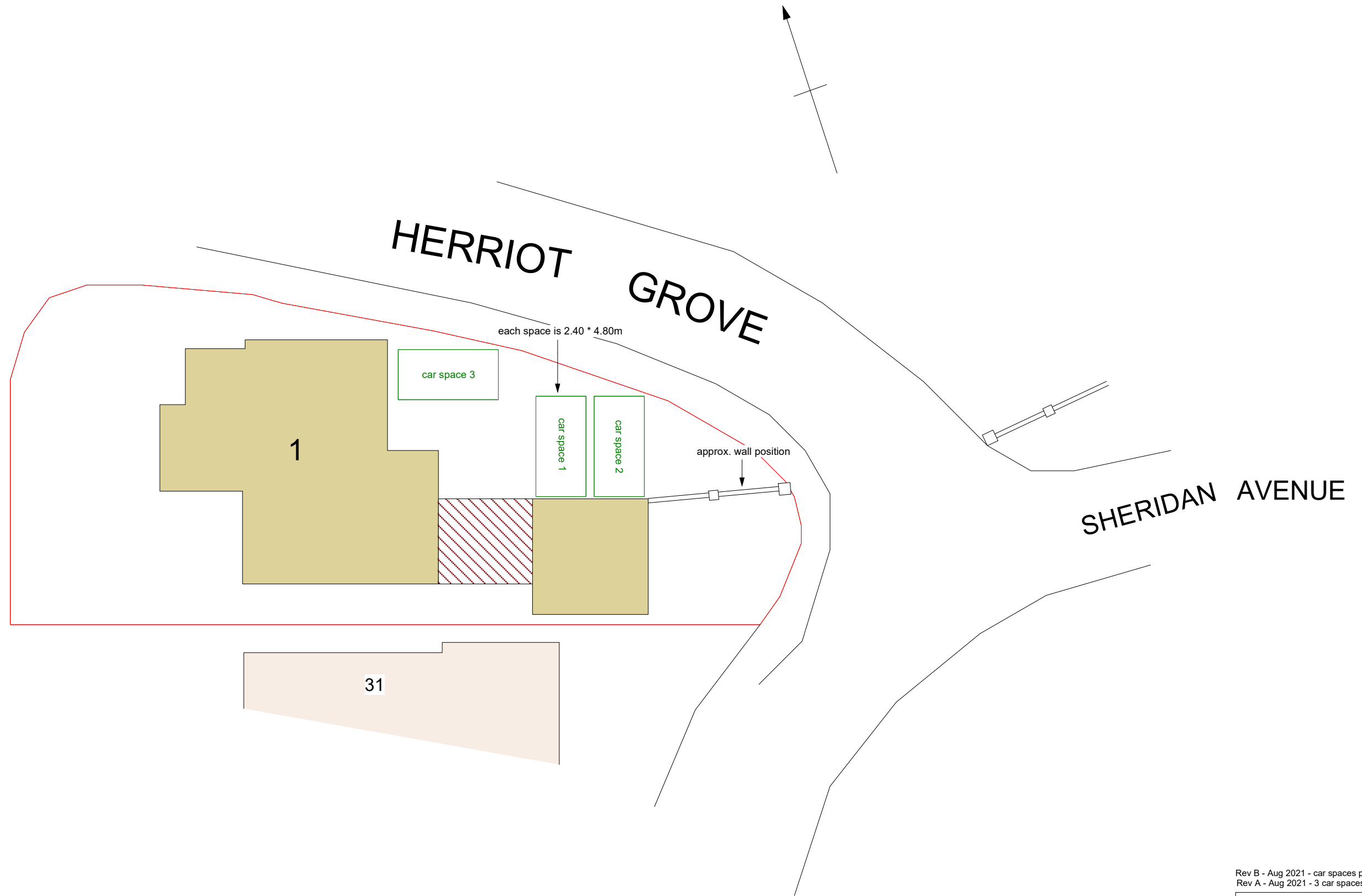
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Map Scale	1:1250
OS Map ref	SJ 2966
Planning Application	<b>63331</b>



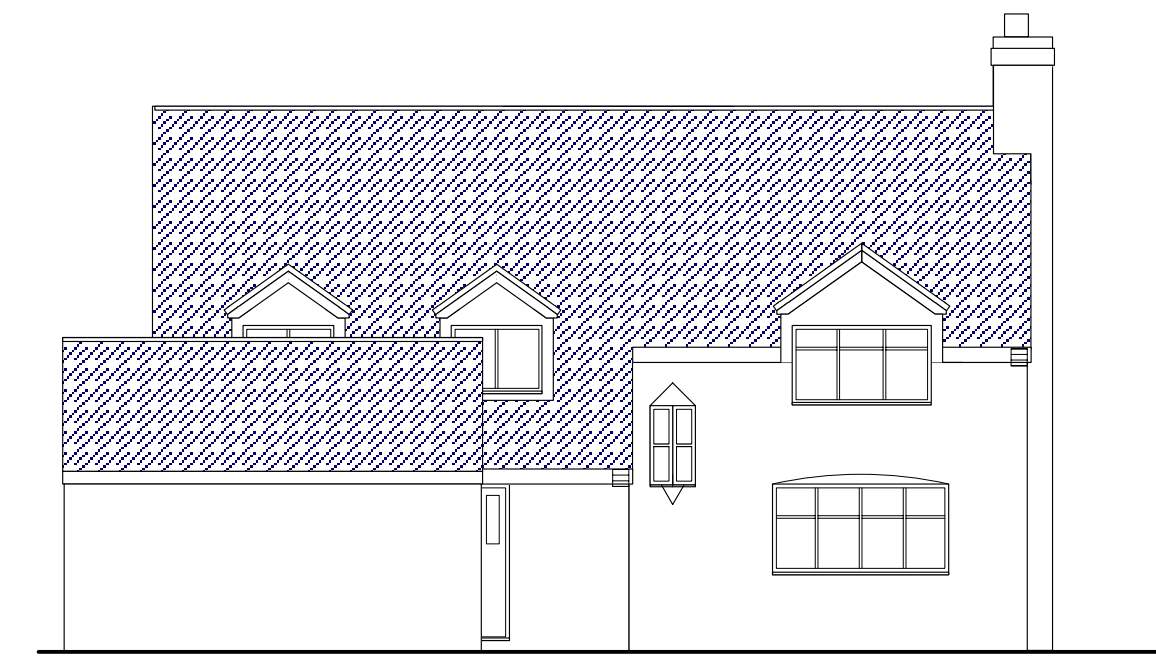
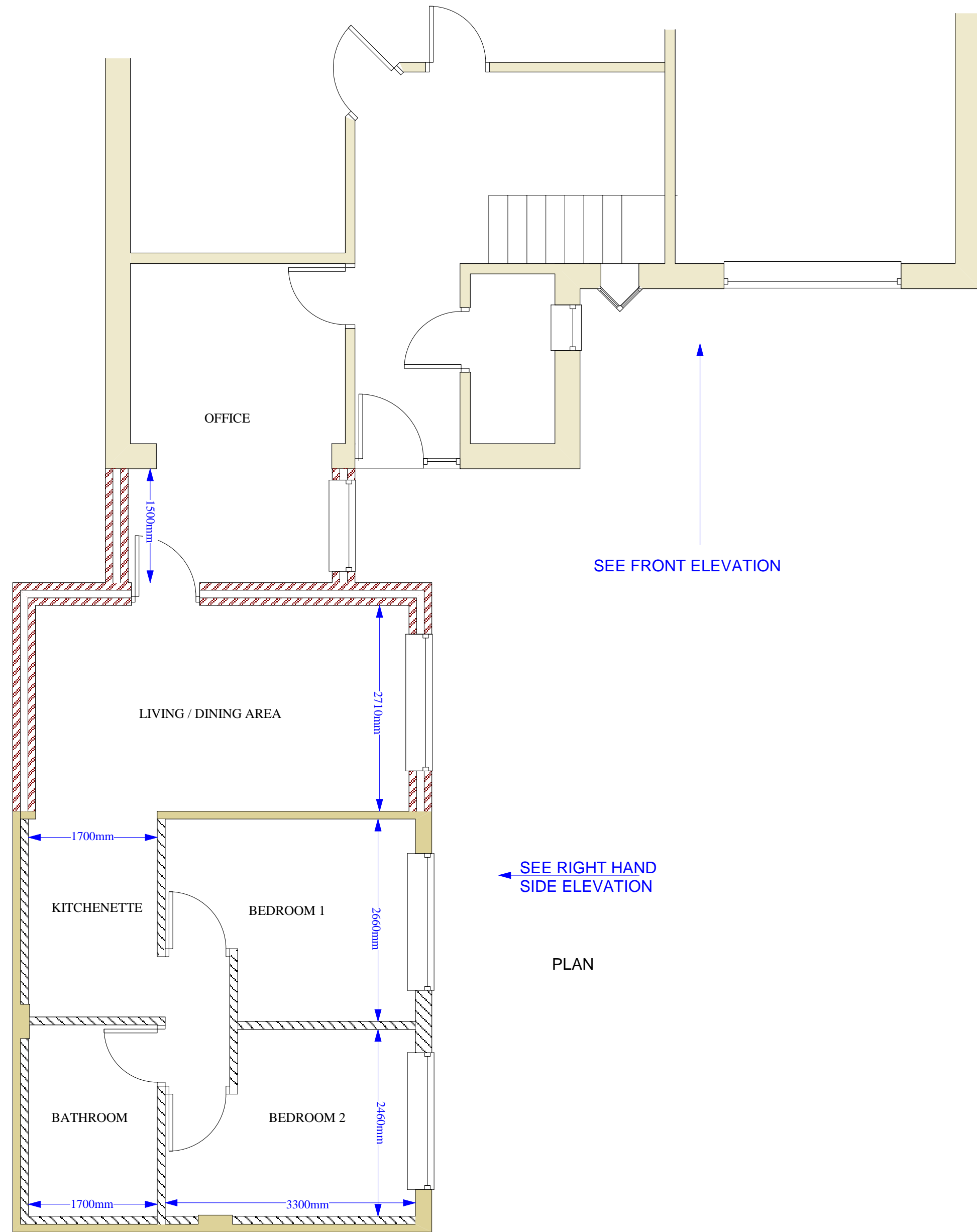




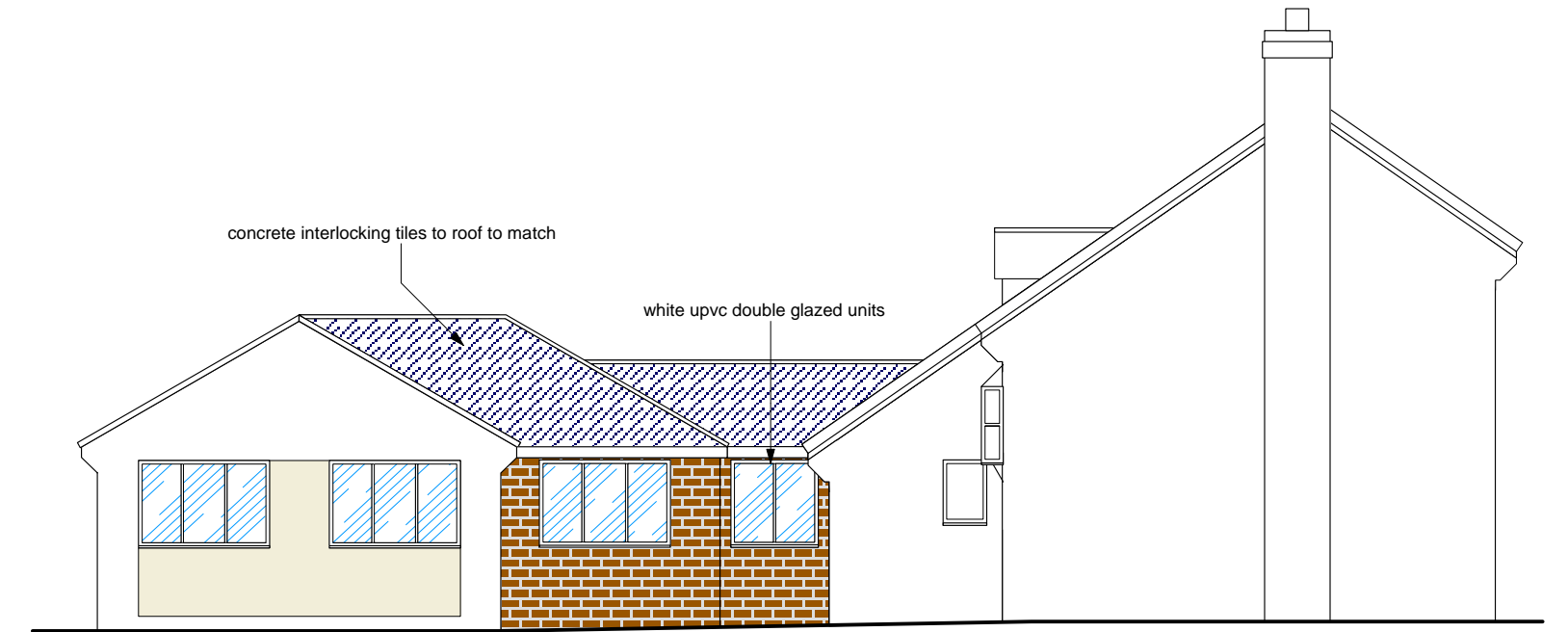


Rev B - Aug 2021 - car spaces position altered, wall added  
Rev A - Aug 2021 - 3 car spaces added

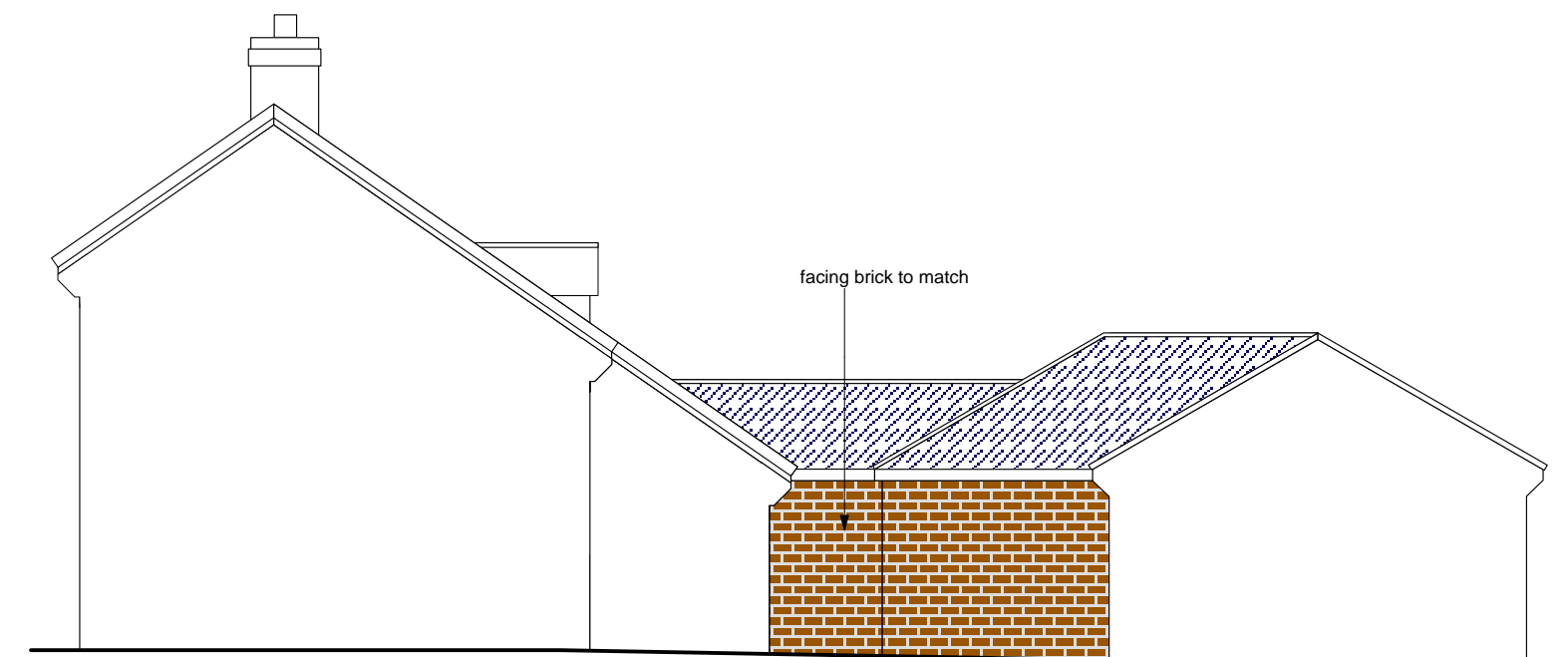
Mrs. C Payne, 1, Herriot Grove, Ewloe.	
Site Plan	
Dwg No. P35/3	Rev. B
Scale 1/200 @ A3	Date July 2021
Drawn by: <b>JNL DESIGN</b> Tel: 07792 595 480	



FRONT ELEVATION



R H SIDE ELEVATION



L H SIDE ELEVATION

Rev A - Aug 21 - chimney small windows & direction arrows added

Mrs. C Payne, 1, Herriot Grove, Ewloe.	
Proposed Works	
Dwg No. P35/2	Rev. A
Scale 1/50, 1/100 @ A2	Date July 2021
Drawn by: <b>JNL DESIGN</b> Tel: 07792 595 480	

SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 329211, 366027



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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **15<sup>th</sup> DECEMBER 2021**

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

**SUBJECT:** **FULL APPLICATION- CHANGE OF USE OF LAND FOR EXTENSION OF EXISTING SITE TO PROVIDE UP TO 6 GYPSY TRAVELLER PITCHES AT WHITE ACRES CARAVAN SITE, GWERN LANE, HOPE, FLINTSHIRE LL12 9RU.**

**APPLICATION NUMBER:** **061271**

**APPLICANT:** **MR P, J, T AND K PURCELL**

**SITE:** **WHITE ACRES CARAVAN SITE, GWERN LANE, HOPE, FLINTSHIRE LL12 9RU.**

**APPLICATION VALID DATE:** **29<sup>TH</sup> APRIL 2020**

**LOCAL MEMBERS:** **COUNCILLOR MS G HEALEY**

**TOWN/COMMUNITY COUNCIL:** **HOPE COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER HAS REQUESTED PLANNING COMMITTEE DETERMINATION DUE TO A HIGH LEVEL OF PUBLIC INTEREST**

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

### **1.00 SUMMARY**

1.01 A Full application for the Change of use of land for extension of existing site to provide up to 6 Gypsy Traveller Pitches at White Acres Caravan Site, Gwern Lane, Hope, Flintshire LL12 9RU.

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

- 2.01
1. Time Limit
  2. In accordance with approved plans

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in the Housing (Wales) Act 2104
4. No commercial activities shall take place on the land, including the storage of materials.
5. Landscape Implementation
6. Drainage Scheme submitted demonstrating that the foul drainage is to be connected to the mains sewerage system

### **3.00 CONSULTATIONS**

#### **3.01 Local Member: Councillor G Healey**

Requests that the application be considered by Committee because of the high level of local interest. The Councillor also feels that a site meeting is desirable so that committee members can fully appraise the situation before making a decision.

#### Hope Community Council

It was proposed and agreed that that the application for change of usage of land to further expand White Acres Caravan Site be rejected because of the outnumbering of local residents of Caer Estyn; the continued anti-social behaviour, instances of sewage seepage, evidence of business activity, and the increased traffic on a country lane.

#### Community and Business Protection

No adverse comments to make regarding this proposal

#### Highways Development Control

Gwern Lane is a 3m wide lane generally suitable for single lane operation however the road widens to a width of 4.5m in the vicinity of the junction with the B5373, sufficient to allow two vehicles to pass. The site access is within 90m of this passing opportunity; with a lightly trafficked road there is only a remote chance of opposing vehicles meeting. The available visibility at the junction of Gwern Lane and the B5373 Gresford Road exceeds the minimum recommended 120m for a road subject to a 40mph speed restriction.

On that basis there is no objection to the proposed extension of the residential site. It should be noted that due to the limited width of the lane and the limited opportunity for opposing vehicles to pass, the site is considered to be an unsuitable location to accommodate a significant increase in the number of traffic movements associated with a commercial use, or a use generating the passage of larger vehicles.

#### Natural Resources Wales

NRW recommend FCC should only grant planning permission if the following requirements are met. Otherwise, they would object to this planning application.

Requirement – Foul drainage – site to be connected to the mains sewerage system

Dwr Cymru/Welsh Water

Having reviewed the proposal, we note it is proposed to dispose of foul flows via the public sewerage system. Domestic foul flows from the proposed development of 6 traveller pitches can be accommodated within the public sewerage system. As such DCWW do not object to this proposal. Full drainage details requested as a condition.

**4.00 PUBLICITY**

4.01 Site Notice, Neighbour notification

16 Letters of objection received

- Site will be too large- more caravans than residential dwellings in locality
- Increased traffic- highways safety issues
- Noise
- Affects public right of way
- Safety in village
- Unsightly
- Anti social behaviour
- Dogs
- Lack of local public transport
- Current planning breaches on site

**5.00 SITE HISTORY**

5.01 047828- Change of use of land for stationing of caravans for residential occupation, associated hard standing, day room and septic tank- Refused 15/0/2010 Allowed on Appeal 11/5/2011

048942- Application to discharge condition nos. 3 and 7 attached to planning permission ref: 047828 Fully discharged 3/11/2011

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
STR1 New Development

GEN1 General Requirement for Development  
GEN3 Development in the Open Countryside  
D2 Design  
D3 Landscaping  
L1 Landscape Character  
HSG14 Gypsy Sites  
AC 13 Access and Development

National Policy and Guidance

- Welsh Government Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites'
- Planning Policy Wales Edition 11 (February 2021)
- Future Wales 2020 - 2040

**7.00 PLANNING APPRAISAL**

**7.01 Proposal**

The proposal is for the extension of an existing traveller site onto adjacent land by the provision of 4 additional plots to create a total of 6 pitches across the entire site. Each pitch would provide an amenity block as well as space for two caravans, one of which would be a touring caravan.

**7.02 Site**

The site is located in an area of open countryside between the settlements of Hope and Caergwrle, and close to the administrative border with Wrexham County Borough Council.

7.03 The land adjacent to the application site was approved as a traveller site of two pitches in 2010, on appeal. A yard to the side of the approved site was created, without the benefit of planning permission, for the storage of vehicles to the north east of the approved site and this is the land, albeit further extended, that forms the current application site.

7.04 The prevailing landscape is that of undulating countryside. The immediate locality of the site is sparsely populated, with the nearest residential properties being a collection of houses on the Gresford road/Gwern Lane junction approximately 60 metres away at the nearest point, but the site is near to the settlements of Hope and Caergwrle.

**7.05 Principle of Development**

Policy HSG14 of the Flintshire Unitary Development plan is the primary development plan policy to consider in regard to the principle of this development. This policy acknowledges the requirement for



the development plan to make adequate provision for the accommodation needs of gypsy families.

- 7.06 Advice contained within Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites', invalidates criterion a. and b. of policy HSG14, on the basis that these criteria would be unduly restrictive to the choices available to Gypsies and Travellers, however the other criteria of Policy HSG14 are still relevant. These criteria comply with the Circular in that they essentially seek to assess the suitability of the location of the proposed Gypsy and Traveller site by ensuring that in a sequential sense, sustainable locations within or adjacent to existing settlements with access to local services are considered first. That said, the Circular goes on to state that 'Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries'. This is also compliant with policy GEN3 of the UDP, which allows for appropriate development outside settlement boundaries, and also aligns with the fact that there is an existing permitted site in this location, that the LDP seeks to allow a small extension to via policy HN8.
- 7.07 The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. More recently, Welsh Government have published a Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites which reflects provisions contained in the Housing (Wales) Act 2014, to ensure that local authorities meet the accommodation needs and provide sites for Gypsies and Travellers through the planning system.
- 7.08 It is worth noting that UDP policy HSG14 predates the 2014 Act as well as Circular 005/2018, both of which place a different emphasis on assessing applications for Gypsy and Traveller sites, and the UDP did not identify specific sites to contribute towards the identified need.
- 7.09 Whilst the LDP has a similar criteria based policy to the UDP (HN9), it has now been through the LDP Examination which has resulted in its two criteria a. and b. being deleted as they do not comply with the guidance in the above circular.
- 7.10 The above criteria required a proven need for a Gypsy and Traveller site to be demonstrated, as well as there being no suitable alternatives elsewhere. Welsh Government raised this matter in their representations to the LDP Examination Inspector, highlighting that the Circular notes that policy requirements to 'demonstrate unmet need' would act against freedom of movement for gypsies and travelers who may wish to develop their own sites. Such restrictions

should not be placed on Gypsies and Travellers. The Circular clearly states that criteria based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites. As these are also the first two criteria in UDP policy HSG14 they are no longer valid considerations, as previously discussed, and cannot be taken into account.

- 7.11 The Council has an approved Gypsy and Traveller Accommodation Assessment (2016) (GTAA) that is still extant for the purposes of the LDP Examination evidence base and for Development Management purposes. This shows need for 19 additional pitches over the Plan Period. In addition the LDP has made suitable site specific provision under policy HN8 to meet this need, made via site allocations as extensions to three existing Gypsy and Traveller sites, one of which is Council owned and the others in private ownership. This application site is one of those allocated extension sites, providing an additional 4 pitches, as set out in part of the Councils evidence to the LDP Examination in Public.
- 7.12 Notwithstanding the issue of compliance with circular 005/2018 for policy HN9 of the LDP as set out above, suitable provision to meet the level of need in the GTAA has therefore been identified in the LDP via policy HN8 and the allocations it proposes that include the application site.
- 7.13 In terms of the weight that Members should attach to the LDP, firstly the Council approved the Plan as sound and capable of being adopted when it agreed in September 2020 for it to be submitted for Examination in Public, with this site proposed as an allocation. That decision and the various governance processes that led up to that point meant that on a number of occasions Members and various formal committees have had the opportunity to scrutinise the Plan and specific proposals including the allocation of the application site. This also includes considering the responses received to formal public consultation on the Deposit Plan which were duly considered, but which did not change the Council's view that the allocation was appropriate, albeit on a reduced scale.
- 7.14 Secondly, as part of the Examination itself a specific hearing session was held by the Inspector to discuss the provision for Gypsy and Travellers development in the LDP. No evidence was submitted to that session relating to objections to this site from the local community, and no community based objectors appeared at the hearing session to raise any points of concern to the Inspector. The Council specifically noted in its evidence to the Inspector the fact that an application had been submitted in relation to the extension of this site, and also stated that this was positive evidence that the site was

available, viable and deliverable. This is a clear requirement of PPW11 and the Development Plans Manual, which confirm that sites allocated in development plans should be viable and capable of being delivered. The Inspector raised no issues or concerns at the session in relation to this site and has not sought any further information following the hearing session.

- 7.15 The application is in line with the proposals in the LDP for this site and the proposed development is not of a scale that goes to the heart of the Plan. As such there cannot be an issue of prematurity as there is complete alignment in terms of the principle of development between the application before Members, and the proposal to extend this existing Gypsy and Traveller site in the LDP.
- 7.16 To summarise in terms of LDP context therefore, no local objections were raised at the Examination in relation to the site's allocation in the Plan, and the Council promoted the present application as evidence of the intention to develop and contribute towards the identified need for pitches. The Inspector raised no issues or concerns with this site or the Council's submitted evidence. The scale and location of the LDP extension to the existing site has also already been considered by the Council in approving its LDP for submission, and also at the Examination where no issues were raised.
- 7.17 Paragraph 7 of Circular 005/2018 advises that the Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities to ensure the sustainable development principle is met. In terms of wellbeing goals the guidance reference a 'Wales of cohesive communities'. Paragraph 8 goes on to advise that 'Housing is a fundamental issue that affects the lives of people across Wales, including our Gypsy and Traveller communities'. In particular the guidance requires that '...Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community'.
- 7.18 Paragraph 12 recognises that 'Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage'. Paragraph 14 explains that the Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure 'that accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met'.
- 7.19 This is the position that the Council is now in having followed the guidance above in identifying suitable and sustainable provision for Gypsy and Travellers in the LDP. Given the position that the LDP has reached and where there is no conflict between it and this application (or the adopted UDP), it is the firm advice of officers that the allocation of this site to accommodate 4 additional pitches in the LDP can be

given significant weight in the positive determination of this application.

7.20 It is considered that the application is compliant with the relevant policies in the Flintshire Unitary Development Plan and both meets the specified criteria set out in the circular in relation to sustainable development for Gypsy and Travellers and also clearly aligns with the Council's intentions to allow the extension of the existing site in this location via the allocation in the LDP. The proposed extension is in fact of a lesser scale than considered appropriate in the Deposit LDP allocation, and in line with the revised allocation documented as part of the LDP Examination. The proposal offers the opportunity for growth within the family units on site by promoting an appropriate location for a permanent home, whilst also providing good connectivity to the local communities and the facilities they offer. The site is close to the edge of the four villages which together makes up Hope, Caergwrle, Abermorddu and Cefyn y Bedd (HCAC) which is a category B settlement in the adopted UDP. It is a sustainable location for new development given the availability of services and facilities and also proximity to other settlements in both Flintshire and Wrexham.

7.21 Best Interests of Children

As the residents of the site include children the proposal has been assessed with due regard to their best interests. The Best Interests of the Children is a primary consideration for this application. Across the entire site, there are 13 children in total with one baby expected early 2022, who currently live on the site or are proposed to live on the site. Six children currently live on the site permanently. Four other children spend their time between parents who are now separated so live both on this site and elsewhere with their other parent. The family members who intend to live on the two new plots have 3 children. They are currently living in houses in Ellesmere Port and Wrexham respectively but desire to live with their family and not in a brick and mortar environment.

7.22 Of the six children who live permanently on the site 2 are older than 16 and no longer in full time education. The 14 year old boy attends secondary school in Buckley, the 10 year old and 8 year old attend primary school in Wrexham and the 3 year old attends a Nursery in Rossett. Four of the children split their time between a parent who lives on site and their other parent who lives off site. Three of these children attend school in Holywell, as they spend half of their time living with their father in Rhyl. The other child, a 5 year old, attends primary school in Wrexham.

7.23 In addition to educational needs one of the children has a disability that requires regular therapy and appointments at Oswestry hospital.

7.24 The benefits of enabling the provision of a stable and secure environment is a material consideration in the planning balance. This has been accepted by planning inspectors with due regard to the rights to respect for family and private life as identified in Article 1 and Article 8 of Protocol 1 of the European Convention on Human Rights.

7.25 It is acknowledged that children live, and would continue to live, on the site were permission to be granted and the Local Planning Authority has a statutory duty under the Children's Act 2004, to safeguard and promote the welfare and well-being of the children.

7.26 There is also a national and international obligation under article 3(1) of the United Nations Convention of the Rights of the Child (UNCRC)

*"In all actions concerning children, whether undertaken by public or private or social welfare institutions, courts or law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."*

7.27 These considerations are therefore a primary material consideration in the determination of this application. If the application is approved then the applicant, their family and the families of those living on site will all have a settled base allowing them to meet the educational/health needs of the children. I therefore consider that the best interests of the children would be best served by occupation of the site.

7.28 **Access and Highways**

The proposal utilises the existing site entrance, which has hitherto been used by the existing residents as well as by vehicles being stored on the unauthorised land that is subject to this planning application.

7.29 Gwern Lane is a 3m wide lane generally suitable for single lane operation however the road widens to a width of 4.5m in the vicinity of the junction with the B5373, sufficient to allow two vehicles to pass. The site access is within 90m of this passing opportunity; with a lightly trafficked road there is only a remote chance of opposing vehicles meeting.

7.30 Available visibility at the junction of Gwern Lane and the B5373 Gresford Road exceeds the minimum recommended 120m for a road subject to a 40mph speed restriction.

7.31 Highways Development Control have raised no objection to the proposed extension of the residential site. It should be noted that due to the limited width of the lane and the limited opportunity for opposing

vehicles to pass, the site is considered to be an unsuitable location to accommodate a significant increase in the number of traffic movements associated with a commercial use or a use generating the passage of larger vehicles. On this basis it would be necessary to restrict the use of the site to residential only.

7.32 Whilst there is a public right of way relatively close to the proposal, it is unaffected by the proposed development.

7.33 **Character and Appearance**

The site is largely divorced from any direct neighbours. The nearest dwellings are a collection of residential properties located fronted onto the Gresford Road over 60 metres away at the nearest point. The main interactions from the site would come from vehicular use of Gwern Lane, which as stated above is considered to be acceptable. The site boundaries are well screened by native species hedging and the proposal enhances the existing screening with hawthorn hedging on the north and east boundaries of the application site.

7.34 The Planning Inspector considered at the time of the original appeal that whilst the development did have a harmful impact on the local Streetscene, he was confident that this would be mitigated with further natural screening. The current proposal includes the provision of a new element of native species hedging along the boundary that is currently open. For this reason I come to the same conclusion as the Planning Inspector. A development which replaces open countryside with a form of operational development will always have some visual impact. It should be noted in this instance that the land in question has already been used for the stationing of vehicles, albeit without planning permission.

7.35 Whilst the expansion of the site would increase the numbers of available pitches from 2 to 6, a maximum of twelve caravans, the overall numbers is still considered to be appropriate for the size of the extended site and is not considered to be out of proportion to the nearby settled community.

7.36 Notwithstanding the above, there are residential properties in the vicinity of the site and I consider that it would be advisable to impose a restrictive condition prohibiting commercial activity from being undertaken from the site, which is being promoted as a residential site only.

7.37 **Drainage**

The proposed development is located within an area served by the public sewerage system. In accordance with Section 6.6.21 of Planning Policy Wales, which states that 'Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where

connection to the main sewer is not feasible...' it is considered that this is the most appropriate form of foul drainage for the site. Whilst it is noted that the original development is served by a septic tank the applicant has agreed that they will seek connection to the public sewer.

- 7.38 The submission of a detailed drainage scheme which connects to the public sewerage system should be submitted and approved in writing, and the drainage system subsequently installed as per the approved details, before the site extension is occupied.
- 7.39 With regards to the drainage scheme under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority, which is the Council, must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.
- 7.40 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 20<sup>th</sup> January 2021). It is considered that this development is unlikely to increase phosphate inputs as it will be serviced by connection to the public sewerage system, which has capacity for this development and which, Welsh Water have confirmed, has a valid Phosphate license at the relevant wastewater treatment plant.
- 7.41 **Other Matters**  
Third parties have raised objections regarding the noise generated from the site however, in consultation with the Council's pollution control team there are no complaints have been submitted regarding noise and evidence has been submitted to substantiate the concerns.
- 7.42 There is no Public Right of Way affected by the proposal and there is no evidence that anti-social behaviour or the safety of residents will be adversely affected by the extension of the existing site.

A further complaint has been raised regarding the ownership and size of dogs on the site but this is not a matter which can reasonably be controlled by the planning process.

7.43 **Conclusion**

The policy context of this site is fully supportive of the development proposed. The need for the pitches represented by this application is shown in the GTAA and for this reason the site has been allocated within the deposit LDP as a residential Gypsy site.

7.44 The proposal represents the modest extension of an established site and is in accordance with the Council's policies regarding this type of development, as well as national planning guidance.

**8.00 CONCLUSION**

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**

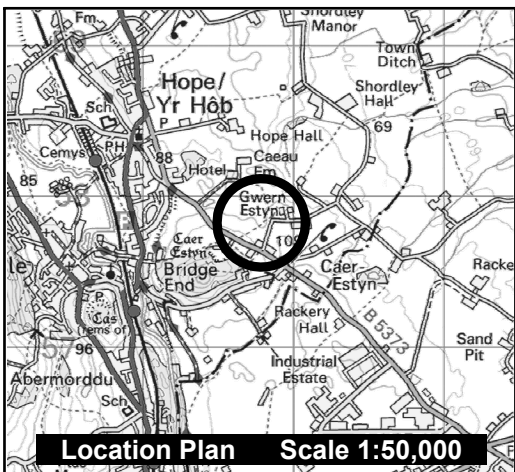
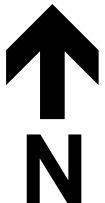
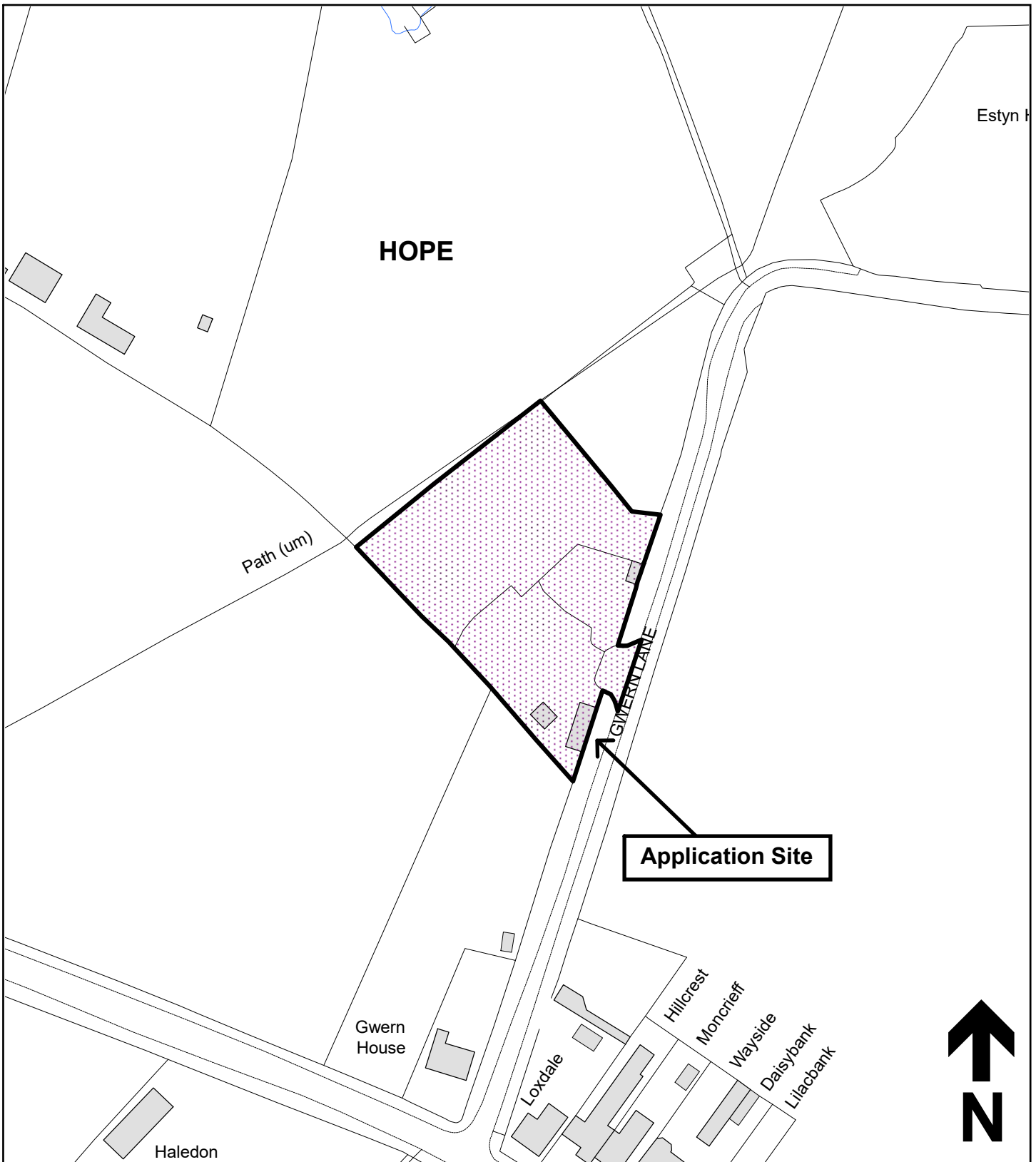
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer:** James Beattie  
**Telephone:** 01352 703262  
**Email:** james.beattie@flintshire.gov.uk





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



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

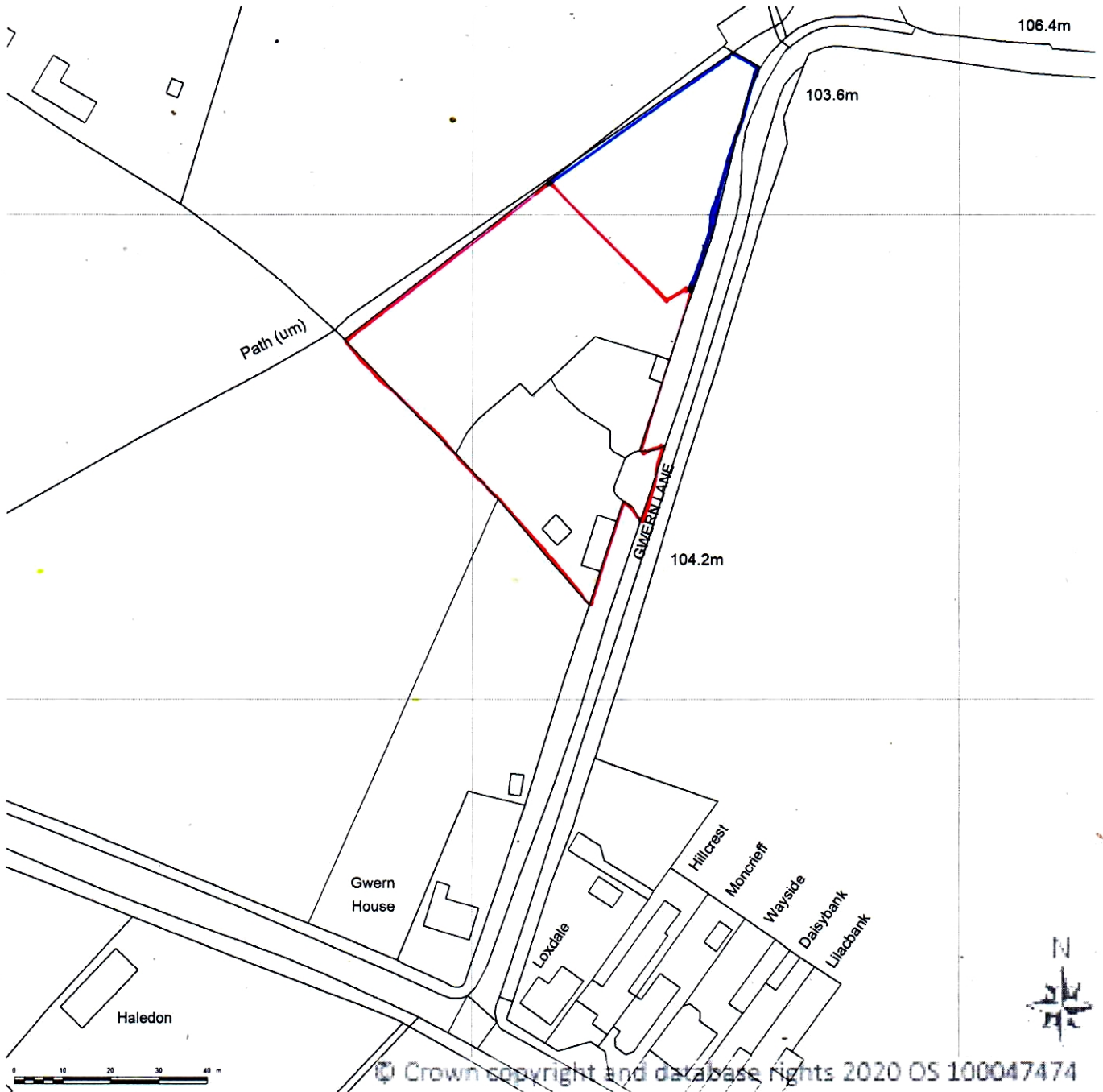
**Legend**

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

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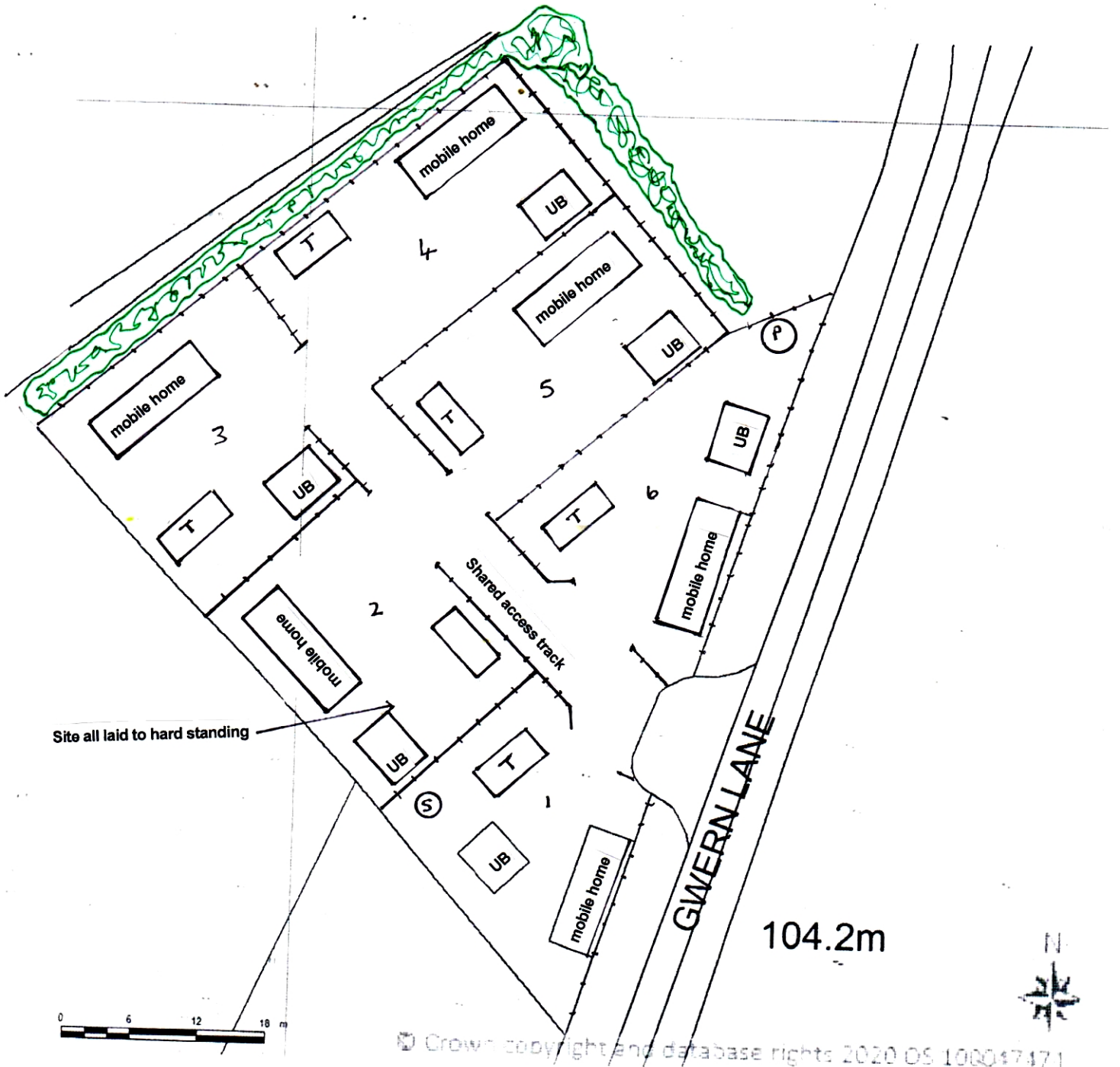
Map Scale	1:1250
OS Map ref	SJ 3157
Planning Application	<b>61271</b>

SITE LOCATION PLAN  
AREA 5 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 331816, 357731



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Licence No: 100047474  
09/04/2020 15:43:55

BLOCK/SITE PLAN  
 AREA 90m x 90m  
 SCALE 1:500 on A4  
 CENTRE COORDINATES: 331824, 357762



Site all laid to hard standing

GWERN LANE  
 104.2m

Supplied by Streetwise Maps Ltd  
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White Acres Caravan site, Gwern Lane, Hope Flintshire, LL12 9RU

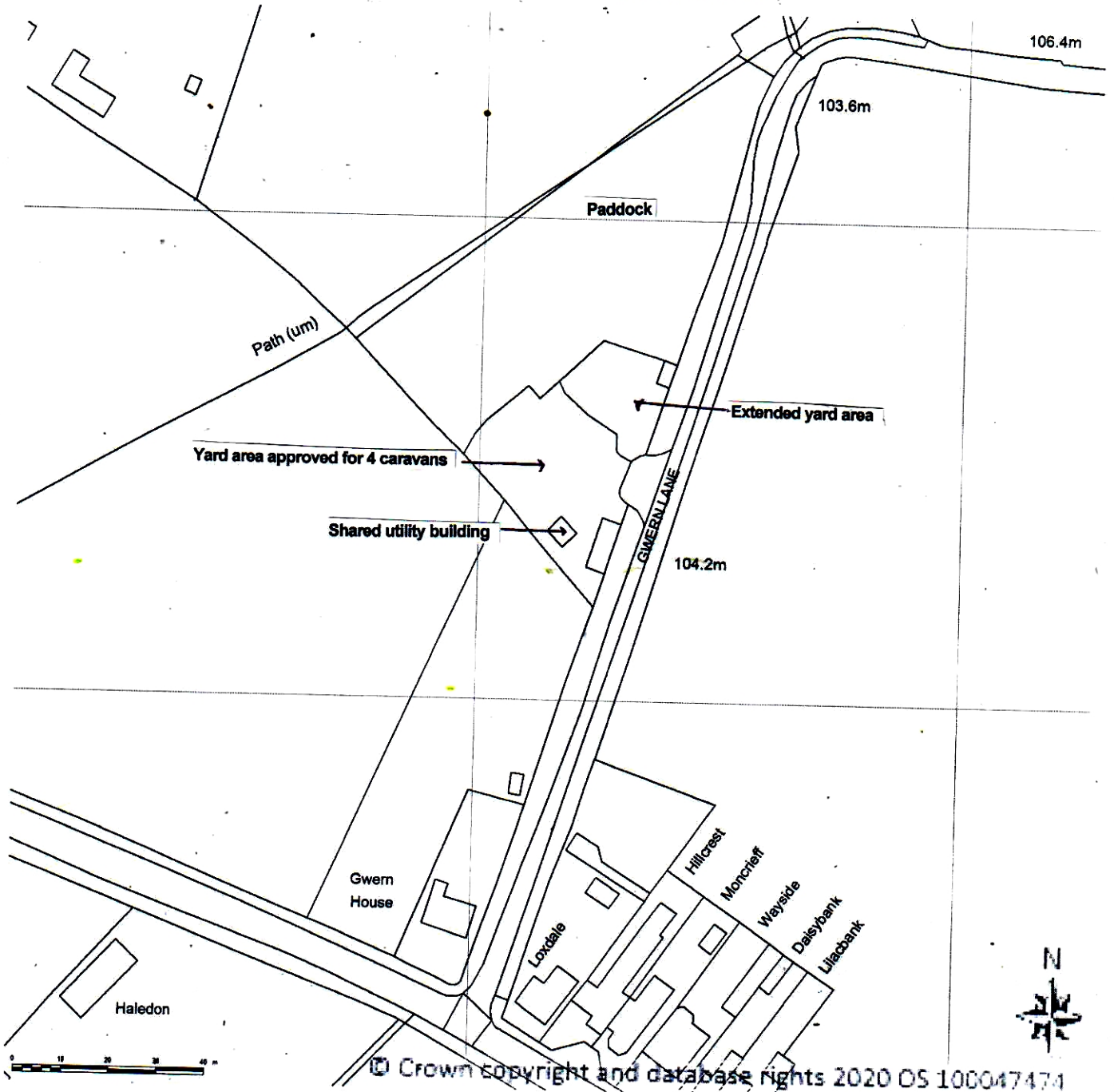
Plan 2 Proposed site layout

Scale 1:500 scale bar 0 5 10 15 m

- T Touring caravan
- UB Utility Unit
- s septic tank (existing)
- p Package Treatment plant
- Proposed hedgerow/ trees
- 1.8m timber panel fence



SITE LOCATION PLAN  
AREA 5 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 331816, 357731



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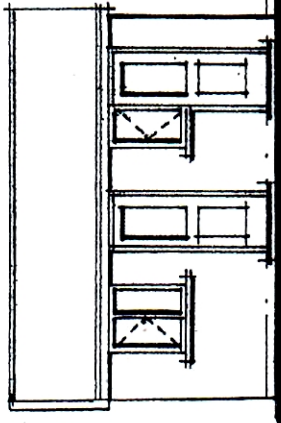
White Acres Caravan site, Gwern Lane, Hope Flintshire, LL12 9RU

Plan 3 Existing site layout to show extent of road standing

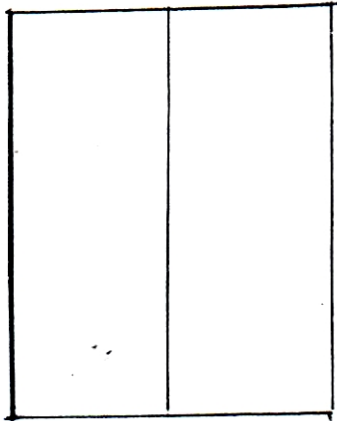
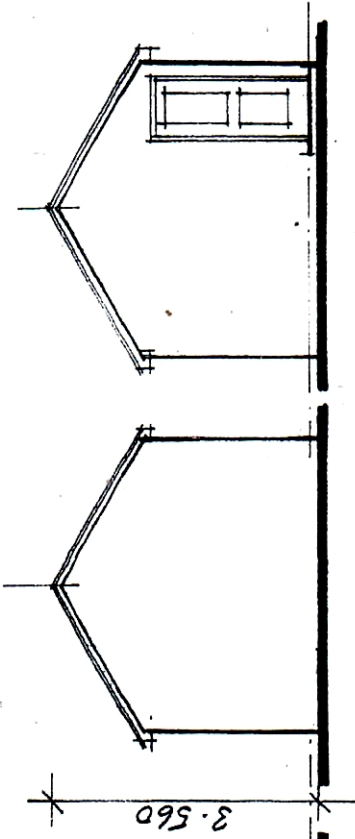
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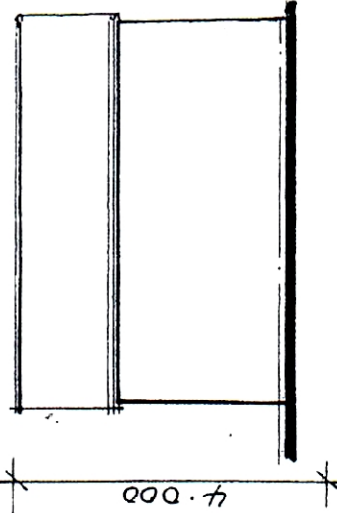
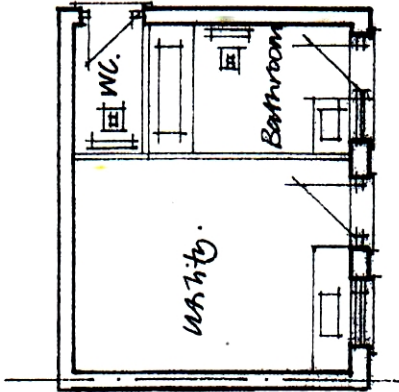
**PROPOSED FRONT ELEVATION**



**SIDE ELEVATIONS**



ROOF PLAN



**PROPOSED REAR ELEVATION**

**PROPOSED PLAN** scale 1:8100

**PROPOSED UTILITY BLOCKS. REV B.**

NOTES ROOF TILES, BRICKWORK  
& WOODWORK, TO BE  
APPROVED BY LOCAL  
PLANNING AUTHORITY.

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **15<sup>TH</sup> DECEMBER 2021**

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

**SUBJECT:** **APPLICATION FOR APPROVAL OF RESERVED MATTERS ATTACHED TO PLANNING PERMISSION 061125 FOR PHASE 2 & 3 RESIDENTIAL DEVELOPMENT**

**APPLICATION NUMBER:** **062898**

**APPLICANT:** **ANWYL CONSTRUCTION LTD & BELLWAY HOMES LTD (NORTH DIVISION)**

**SITE:** **RAF SEALAND SOUTH CAMP, THE AIRFIELDS, WELSH ROAD, SEALAND**

**APPLICATION VALID DATE:** **14<sup>TH</sup> MAY 2021**

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

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

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

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

### **1.00 SUMMARY**

1.01 This is a reserved matters application which seeks approval for access, appearance, landscaping, layout and scale, for residential Phases 2 and 3 (parcels H3, H5, H6, H7 and H8) for the erection of 368 no. dwellings together with associated infrastructure following the grant of outline planning permission 061125.

The Airfield's site has a complex planning history and 061125 is a variation of outline planning permission reference 049320, approved in January 2013 for 'Outline application for the redevelopment of a strategic brownfield site for an employment led mixed use

development with new accesses and associated infrastructure including flood defences and landscaping.'

Reserved matters approval for the enabling works to phases H3, H5, H6 and H7 was given in February and June 2020 under references 060311 and 061018 respectively. This application provides details on the provision of public open space (POS), highways, flood risk mitigation, drainage, ecological mitigation, affordable housing provision, education provision, sustainable travel, highways and noise.

It is considered that the submitted details are acceptable.

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

2.01 That conditional planning permission be granted, subject to the applicant entering into a Section 106 Obligation to provide:

- Payment of a financial contribution towards Education of £600,593 to Sealand CP School and a contribution of £1,145,078 to Hawarden High School;
- Affordable Housing at 10% (37 units), comprising 10 no. 1 bed, 20 no. 2 bed and 7 no. 3 bed units, to be managed by a nominated RSL;
- Temporary Turning Heads on Plot H5 and H8; and
- That a Management Company is established for the management and future maintenance of the onsite public open space and communal landscaping areas.

Conditions

- Compliance with the approved plans
- Site levels shall be set as follows:
  - Plot H3 a minimum of 4.80m AOD
  - Plot H5 and H6 a minimum of 4.77m AOD
  - Plot H7 a minimum of 4.79m AOD; and
  - Plot H8 a minimum of 5.00m AOD
- Finished Floor Levels shall be set as follows:
  - Plot H3 and H5 a minimum of 5.35m AOD
  - Plot H6 and H7 a minimum of 5.09m AOD
  - Plot H8 a minimum of 5.15m AOD

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

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor Ms C M Jones**

Requested that the application be heard at Planning Committee due to the level of resident interest and scale of development proposed.

#### Sealand Community Council

No objection to the application.

#### Highways Development Control

Confirm no highway objection to development proposals, however highlight conflict between the development proposals and the provision of turning facilities which have not yet been constructed as required under 059514 which is resulting in drivers undertaking excessive reversing manoeuvres.

Notes that a Section 106 agreement is proposed to cover the provision of temporary turning facilities on roads and that would appear satisfactory. Subject to the provision of these facilities there does not appear to be a requirement for the imposition of additional highway conditions.

#### Public Rights of Way

Confirm that there are no public footpaths in the close vicinity and therefore ROW have no comments to make.

#### Community and Business Protection

No adverse comments to make.

#### Education

Request an education contribution of £600,593 towards Sealand CP School and a contribution of £1,145,078 towards Hawarden High School. The contribution would be spent towards a new science block extension and remodelling at Hawarden High School whilst the contribution towards Sealand Primary would also be used towards extension and remodelling of the school building in order to create greater capacity.

#### Housing Strategy

Supports the provision of 10% affordability as proposed.

#### County Ecologist

Confirm that the submitted Landscape and Ecological Mitigation Plan (LEMP) is acceptable for the reserved matters application. The proposals set out within the plan are in line with the previously approved Ecological Framework Mitigation Strategy (EFMS) for the whole site.

Dwr Cymru/Welsh Water

No objection to the approval of the reserved matters application subject to the compliance with the requirements of drainage conditions imposed on outline planning consent (ref 061125) namely condition 9.

Natural Resources Wales (NRW)

Previously objected to proposals on the grounds of flood risk and ecology however these issues have now been resolved and NRW have no objection to the proposed development as submitted.

Welsh Government (Trunk Roads)

No comments to make.

Clwyd-Powys Archaeological Trust (CPAT)

Confirm that as archaeology is not one of the reserved matters or conditions listed in the application and the prior archaeological conditions 38 and 42 have been discharged they have no additional comments to make.

Fire & Rescue

No objection to the application, site is accessible by fire appliances and has access to water supplies.

Tree Officer

Confirms that the plans are acceptable with species, sizes, density and the location of planting satisfactory. Recommends that large tree species are included within the open spaces reserved for future approval so that canopy cover is maximised on the site in the longer term. Notes that controls for the submission of detailed landscaping is imposed on the outline consent ref. 061125.

Airbus

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

**4.00 PUBLICITY**

4.01 Site notice and neighbour notification letters posted. Six letters of objection received raising the following:

- Capacity of local dentist, doctors, schools, nurseries;
- Highways safety regarding narrowness of access proposed and car parking on footpaths;
- Increase in traffic;
- Traffic noise and pollution;
- Impact of recently implemented roads becoming through roads;
- Redirection of traffic away from the spine road to Donaldson Road;
- Incorporation of affordable rented accommodation being unsuitable in a privately owned estate;
- Impact on residential amenity;
- Poor highways visibility;
- No bungalows proposed;
- Property devaluation due to loss of view.

## **5.00 SITE HISTORY**

5.01 The site has a complex planning history. This includes:

### 062057

Application for approval of reserved matters following outline approval. (058990) for the Construction of a foul water sewer including two cross culverts and a temporary earth cover bund between Commercial Plots B and C.

Approved 26/04/2021

### 061018

Application for approval of reserved matters in relation to Phase 3 Enabling Works to Plots H3 and H5 following outline approval. (058990)

Approved 01/06/2020

### 060311

Application for approval of reserved matters in relation to Phase 2 Enabling Works Plots H6 and H7 following grant of planning permission ref. 058990.

Approved 24/02/2020

### 060222

Application for approval of reserved matters following outline approval (058990).

Approved 08/01/2020

059514

Application for approval of reserved matters following outline approval for the erection of 283 no. dwellings.

Approved 25/09/2019

058950

Application for approval of reserved matters phase 1 informal landscaping and POS following outline approval. (049320).

Approved 13/03/2019

057404

Application for approval of reserved matters following outline approval 049320 for phase one enabling works comprising an access road, surface water drainage, landscaping and engineering works to create developments platforms.

09/03/2018

054488

Reserved matters application for phase 1 of the highway works and associated infrastructure works following outline approval 049320 for a mixed use development and associated infrastructure.

Approved 01/03/2016

061125

Application for removal of conditions 26, 28, 30, 34 and 44 and variation of condition 13 following grant of planning permission. (058990)

Approved 26/04/2021

058990

Application for removal or variation of a condition following grant of planning permission. (049320)

Approved 25/10/2018

051282

Application for variation of condition 42 of planning permission (049320) to amend the timing for the submission of the land contamination information from 'Prior to the commencement of development' to 'Prior to the commencement of each phase being occupied.

Approved 17/12/2013

049320

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

Approved 07/01/2013

## **6.00 PLANNING POLICIES**

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

- STR1 – New Development
  - STR4 – Housing
  - STR7 – Natural Environment
  - GEN1 – General Requirements for Development
  - D1 – Design Quality, Location & Layout
  - D2 – Design
  - D3 – Landscaping
  - TWH1 – Development Affecting Trees & Woodlands
  - TWH2 – Protection of Hedgerows
  - L1 – Landscape Character
  - WB1 – Species Protection
  - WB2 – Sites of International Importance
  - WB3 – Statutory Sites of National Importance
  - AC13 – Access & Traffic Impact
  - AC18 – Parking Provision & New Development
  - HSG1 – New Housing Development Proposals
  - HSG2A – Strategic Mixed Use Development, Land NW of Garden City
  - HSG8 – Density of Development
  - HSG9 – Housing Mix & Type
  - HSG10 – Affordable Housing within Settlement Boundaries
  - SR5 – Outdoor Playing Space & New Residential Development
  - EWP12 – Pollution
  - EWP13 – Nuisance
  - EWP14 – Derelict and Contaminated Land
  - EWP16 – Water Resources
  - EWP17 – Flood Risk
  - IMP1 – Planning Conditions & Planning Obligations
- 
- SPGN No. 2 – Space Around Dwellings.
  - SPGN No. 8 – Nature Conservation and Development
  - SPGN No. 9 – Affordable Housing
  - SPGN No. 11 – Parking Standards
  - SPGN No. 23 – Developer Contributions to Education
  - PGN No. 13 – Open Space Requirements.

#### National

- Planning Policy Wales Edition 11 February 2021
- Future Wales Plan 2020-2040
- TAN 2: Planning & Affordable Housing.
- TAN 5: Nature Conservation & Planning
- TAN 11: Noise
- TAN 12: Design
- TAN 15: Development and Flood Risk
- TAN 18: Transport

As the site forms part of the strategic mixed use allocation of HSG2A within the Unitary Development Plan the principle of development is acceptable.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a reserved matters application which seeks approval for access, appearance, landscaping, layout and scale, for residential Phases 2 and 3 (parcels H3, H5, H6, H7 and H8) following the grant of outline planning permission 061125.

### **7.02 Site Description**

7.03 The site makes up part of the major strategic site at Deeside Airfields, the Northern Gateway. The Northern Gateway site is the largest strategic site in Flintshire.

7.04 The land to which this application relates is located within the Airfields part of the site. The strategic site is located approximately 1.5km north of Queensferry, adjacent to Garden City. The site comprises brownfield land formerly occupied by RAF buildings. The application site sits at the southern boundary of the Airfields site and comprises three parts. These comprise development parcel H3 (part of), development parcel H5; and, development parcels H6, H7 and H8 (part of). The total site area extends to 11.8ha.

7.05 The sites are relatively flat, but the land rises slightly to the south of parcels H3 and H5. Parcel H5 is irregular in shape and is bounded by the wider Deeside Airfields site to the north west. The approved illustrative masterplan identifies landscape buffers and a road in this location with proposed employment land beyond (use class B2 and B8). A swale and road are approved to the north east (reserved matters approval 060311 for the enabling works on parcels H6 and H7). Another swale is also approved to the south east of the parcel (reserved matters approval 057404 for drainage infrastructure) with parcel H3 beyond. Parcel H4 bounds the site to the south, and is reserved as the final phase of residential development at The Airfields subject to separate approval.

7.06 Parcel H3 is also irregular in shape and is split from parcel H5 by the aforementioned approved swale (reserved matters approval 057404 for drainage infrastructure). Parcel H3 is bound to the north by the access road (reserved matters approval 060311 for the enabling works on parcels H6 and H7) and a swale and parcel H6 further north. The site area wraps around an existing industrial estate to the south east, Garden City Industrial Estate.

7.08 Parcels H6, 7 and 8 combine to be broadly rectangular in shape. The parcels are bound by a landscape buffer and approved access road to the north. The approved illustrative masterplan identifies the land



beyond this is to be delivered for commercial development. Parcel H6 is bound by an approved road and swale to the west with parcel H5 beyond, and a road and swale to the south with Parcel H3 beyond. To the south east, is part of Countryside Properties development (Phase 1, approved ref.059514) which includes part of Parcel H8.

7.09 Proposed Development

The proposed development would involve the erection of 368 no. dwellings together with associated infrastructure and landscaping. The proposed scheme would deliver a mix of onebed apartments and two, three and four bed dwellings comprising a house type range of mews, semi-detached and detached dwellings. All proposed buildings are two-storey in form.

7.10 The mix of dwellings comprises 10 no. 1 bed apartment units all of which are affordable, 31 no. 2 bedroom dwellings of which 20 no. are affordable, 211 no. 3 bedroom with 7 no. affordable and 116 no. 4 bedroom dwellings. The development scheme aims to deliver a wide range of open market properties and affordable properties on site, with 37 no. units (10%) allocated as the affordable housing provision, all of which are to be transferred and managed by an identified Register Social Landlord (RSL) with a split that comprises, affordable rent and ownership.

7.11 Overall, dwellings are set back from the road by a front garden and driveway area. Dwellings are proposed to address street corners and enhance natural surveillance throughout the development. To the boundaries of the site and parcels the majority of dwellings are outward facing so there are active frontages when the site and parcels are viewed from beyond the boundaries. Each dwelling is proposed with a front and rear garden, with the provision of car parking spaces either to the front or side of the respective unit. All properties are provided with designated areas for storage of waste and recycling bins.

7.12 The dwellings are accessed from internal estate roads which feed from the approved highways infrastructure at The Airfields. A large separation distance between dwellings and the highways infrastructure is established by landscape buffers. A number of different house types are proposed but remain similar in terms of materials and design. This provides variation and interest within the site.

7.13 Public Open Space (POS) is incorporated within the site layout with a large play area located on Parcel H7 and a number of smaller open recreational spaces located on the other parcels, all to be complemented with a mix of tree planting. Overall, the proposals include 1.77 ha of POS across the parcels. Further POS is also provided outside of the red line boundary of application. Boundary treatment comprises a mix of hedgerows and planting as well as close

boarded fencing to residential gardens and railings to the site entrance and around the play areas. A boundary treatment plan is submitted with the application.

7.14 Careful consideration has been given to landscape design across the site, with tree lined streets and planting utilised to define private and public space. The site will be well lit and the proposals include wide pavements with grass verges to enhance the pedestrian routes, providing a safe environment and encouraging travel on foot in line with PPW11 and active travel.

7.15 A pumping station is also proposed in the south eastern corner of parcel H5.

7.16 Principle of Development

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

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

7.18 The Northern Gateway Strategic site continues to remain an allocated site commitment in the emerging LDP currently at examination. As such the development of this site is a key part to supporting the overall housing delivery as part of the current UDP and the supply going forward as part of the LDP.

7.19 It is also located within the settlement boundary of Garden City in the Flintshire Unitary Development Plan, which is a Category 'B' settlement with an array of employment opportunities and a selection of facilities and services, as the site's allocation for mixed use reflects both the strategy of the Flintshire Unitary Development Plan and the principles embodied in PPW11. In this context therefore, there is a clear policy framework supporting the principle of residential development on this site.

7.20 Viability Case

The application is supported with a financial assessment, which argues viability implications in respect of the requisite developer contributions sought. The assessment was independently assessed on behalf of the Council by an appointed valuer in July 2021. This included a breakdown of construction costs, benchmark land values;

site acquisition; estimated sales and marketing values of the properties and gross development value to determine the profit to be made.

- 7.21 The independent review acknowledges that to date the Airfields site has been supported by private investment and this was crucial in securing the 1<sup>st</sup> phase residential development and promoting interest in other land use plots. It was therefore accepted that the initial outlay of costs should be compensated for which, in turn, impacted upon the development's viability for phase 1. Members will recall that phase 1 ref.059514 was also subject to a viability claim, the valuer at the time concluding that the development would be unviable should the Council insist on the full developer contributions being sought. With the risk of this allocated site being unable to deliver at the outset, the Council made the decision to approve phase 1 and agreed a reasonable developer contributions request.
- 7.22 The landowner will however continue to recoup costs through the sale of the completed plots, and land value negotiations should therefore reflect the current market in this location, avoiding unrealistic inflation. Such negotiations remain between the landowner and the respective purchaser/developer, though these discussions should include an awareness of any required developer contributions which may arise as a result of the development proposed.
- 7.23 Notwithstanding this, it should also be noted that significant public advancements have been made to aid the delivery of the site, this includes major works to reinforce the River Dee Flood Defence embankment and the provision of strategic infrastructure to include the commercial spine roads and associated services. The public investment made to date is a clear demonstration of the support and aspiration of the site by Welsh Government and this should also be given significant weight in the assessment of the viability claim.
- 7.24 The Council has been heavily involved in assessing the viability claim, sharing the same concerns of the valuer, that land values as projected were not reflective of the current market for the area and that too much emphasis on private investment had been made. Reference to phase 1 was also made, however the Council argued that as a result of its delivery, a realistic market value for the area has been established and this should be the assessment benchmark. Members will note that at the time phase 1 was considered, only projected values could be considered as the market at the site had not been proven. With this in mind however, the independent review assessed a number of financial scenarios put forward by the applicant. The valuer concluded that the full developer contributions as triggered by policy (30% affordable and full financial contributions) would render the development unviable. All parties agreed on this point. However the Council requested that an alternative offer could be achieved which would satisfy the policy demand. As such, an offer of 10%

affordability with the full financial contributions towards Education (Primary and Secondary) totalling £1,745,671.00 was considered reasonable and would not limit the feasibility or delivery of the proposed scheme. The Applicant has agreed to meet this request, which would be secured by the proposed S.106 Legal Agreement.

7.25 PPW11 paragraph 4.2.21 states that matters concerning viability is for the decision maker to decide on, having regard to all the circumstances of the case ensuring that the request for community benefits is not so unrealistic that it would unreasonably impact upon the site's delivery. It is therefore considered that the alternative offer is acceptable.

7.26 Education

In consultation with Education Services it has been confirmed that Sealand CP School and Hawarden High School are the nearest and most suitable school to the development in accordance with SPGN no.23. The proposed scale of development would generate 86 no. pupils for primary and 62 no. pupils for secondary.

<u>School Information</u>		
	Nearest Primary School	Nearest Secondary School
School Name	Sealand CP School	Hawarden High School
Age Range	3-11	11-18
School Capacity	215	1145
Number on Roll <sup>(1)</sup>	167	1133
Surplus Places	48	12
Surplus Percentage	22.33%	1.05%
5% of Capacity <sup>(2)</sup>	11	57
Trigger for Contributions (95% of Capacity)	204	1088

<u>Contribution Calculator</u>		
Factor	Primary	Secondary
Net Number of Dwellings	358.	358.
Multiplier	0.24	0.174
<b>Potential Child Yield from Development</b>	<b>85.92</b>	<b>62.292</b>

Potential Child Yield from Development <sup>(2)</sup>	86.	62.
Contributions per Pupil	£12,257.00	£18,469.00
<b>Potential Amount of Contributions Sought</b>	<b>£1,054,102.00</b>	<b>£1,145,078.00</b>
Potential Child Yield from Development <sup>(2)</sup>	86.	62.
Number on Roll	167.	1,133.
<b>Potential Number on Roll</b>	<b>253.</b>	<b>1,195.</b>
Potential Number on Roll	253.	1,195.
Trigger for Contributions	204.	1,088.
<b>Potential Number of Contributions Sought <sup>(3)</sup></b>	<b>49.</b>	<b>107.</b>
Potential Number of Contributions Sought	49.	107.
Potential Child Yield from Development	86.	62.
<b>Maximum Number of Contributions Sought <sup>(4)</sup></b>	<b>49.</b>	<b>62.</b>
Maximum Number of Contributions Sought	49.	62.
Contributions per Pupil	£12,257.00	£18,469.00
<b>Total Contributions Sought</b>	<b>£600,593.00</b>	<b>£1,145,078.00</b>

7.27 From the information above it is clear that both primary and secondary schools would have a capacity issue as a result of the proposed development, with records indicating Hawarden High School being over-prescribed due to parental choice. As such, there is a significant need and demand for education services to expand both schooling facilities in order to accommodate the additional number generated by the development. Given the current school capacity numbers, the need to expand the schools competes with the need for affordable housing within the immediate locality of the site, as such the School needs have been considered greater at this time, and the reason for this is explained below under affordability.

7.28 Members will recall that phase 1 development(s) at the Northern Gateway directed secondary education to Connah's Quay High

School which had capacity to take the increased numbers, and therefore was considered the most suitable school in line with policy. Hawarden High School whilst the nearest, was not the most suitable school at the time as it had already received five contributions to date and did not otherwise have a confirmed new project to reasonably seek financial contributions in order to be CIL compliant. Since that time, Education Services have undertaken feasibility studies for the schools with the greatest demand which concluded that there is scope to expand Hawarden High School, and thus supported the confirmation of a new project for the school, this being a new science block and school remodelling which the financial contributions requested from the proposed development would facilitate.

7.29 In terms of primary school need, phase 1 developments at the Northern Gateway gifted an area of land adjacent to the school which would facilitate its future expansion. Therefore financial contributions are sought to expand the Sealand CP school building together with any necessary remodelling.

7.30 Affordable Housing

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

7.31 It is clear that Policy HSG10 affords the Council the ability to consider a full justification by a developer for providing less than 30% affordable housing. It is also clear that this site raises different issues to ‘normal’ Greenfield development sites. As discussed above, the site has been subject to an independent viability review which acknowledges that there has been costs incurred to enable development to take place, there is also a market value benchmark as a result of the 1<sup>st</sup> phase of development and therefore a more realistic view to development viability at the Northern Gateway. As explained above, the independent review notes that various scenarios and variables have been tested, demonstrating that enforcing 30% provision of affordable housing together with full Section 106 contributions will result in the development being unviable. However, the assessment has identified that 10% affordable provision in addition to the financial contributions towards education is feasible despite the challenges faced.

7.32 The proposed development would make provision for 10% affordable housing, which would equate to 37 no. units being provided. The provision would comprise a mix of 10 no. 1 bedroom, 20 no. 2

bedroom and 7 no. 3 bedroom properties agreed to be transferred and managed by a nominated Registered Social Landlord (RSL), the proposed Section 106 legal agreement reflects this. In addition to the affordability element, the development would provide a mix of house types with a significant number of two and three bedroom properties available on the open market, and by virtue of the housing market in this area these would be affordable by nature.

7.33 The Housing Strategy Manager has been consulted as part of the application and has identified the current level of need for affordable housing within the Garden City, Queensferry, Sealand and Shotton areas. The need is as follows:

<b>Affordable Purchase</b>					
	<b>1 bed flat</b>	<b>2 bed flat</b>	<b>2 bed house</b>	<b>3 bed house</b>	<b>4 bed house</b>
<b>Garden City area</b>				2	
<b>Queensferry area</b>			2	2	
<b>Sealand</b>				1	
<b>Shotton area</b>			1	10	

<b>Affordable Rent</b>					
	<b>1 bed flat</b>	<b>2 bed flat</b>	<b>2 bed house</b>	<b>3 bed house</b>	<b>4 bed house</b>
<b>Garden City area</b>	1	2	4	3	
<b>Queensferry area</b>		2	3	5	
<b>Sealand</b>			1	3	
<b>Shotton area</b>		1	10	11	

7.34 In accordance with the evidence of need, there remains a need for 7 affordable housing units. Whilst phase 2 and 3 of The Airfield's would not meet the immediate demand for affordable housing in the area, Members should be mindful of the contribution the overall Northern Gateway site has made and is committed to making towards delivering affordable homes to the area as a whole. It would therefore be unreasonable and unrealistic to determine this application in isolation and not take account of the cumulative contribution that each

phase of development of the Northern Gateway site is providing. A holistic approach is required here.

- 7.35 As such, the Local Housing Market Assessment (LHMA) Update 2018 (Final report (addendum) Feb 2020) identifies an annual shortfall of 238 affordable units for Flintshire as a County. The permissions implemented to date together with the current commitments in the planning system would see the Northern Gateway delivering a total of 264 no. affordable dwellings, in excess of the County's evidenced need.
- 7.36 Despite the site's challenges and viability risk, the provision of affordable housing at the Northern Gateway is estimated at 19%, just shy of the 20% policy requirement set out in the emerging LDP. It is therefore clear that enforcing 30% in isolation would over saturate the affordable housing market in this location, and limit opportunities to locate affordable housing elsewhere in the County where needs may be more apparent. It is key to good placemaking as set out in PPW11 paragraph 3.1, that consideration should be given to the design of a development and its impacts upon everyday lives as well as thinking holistically about where people might live and work. Good placemaking is therefore essential to the delivery of sustainable development and achieving improvements in the well-being of communities. It is therefore considered that the 10% provision for phase 2 and 3 at The Airfields is acceptable and is supported by Housing Strategy colleagues.
- 7.37 Flood Risk  
In accordance with the NRW Development Advice Map, the site is situated within Flood Zone C1, an area considered to be at flood risk, but served by significant infrastructure, including flood defences. It has therefore been accepted that The Airfields site is at risk of flooding, with the principle source being tidal, River Dee and fluvial as secondary via Garden City Drain.
- 7.38 As part of securing outline planning permission (2013), a detailed Flood Consequence Assessment (FCA) which included extensive hydraulic modelling, and engagements with Natural Resource Wales (NRW), agreed the principles that flood risk could be appropriately mitigated, ensuring the site remained flood free during an event and that flood risk elsewhere was not increased as a result. The FCA demonstrated compliance with TAN15 and informed the design of the site wide flood mitigation scheme, to which any future reserved matters (phase of development) should relate.
- 7.39 As part of the mitigation for this site, an application by Welsh Government ref. 050730 to strengthen the north River Dee embankment flood defences was submitted and approved. The scheme involved increasing the height of the defences to 7.20m AOD and reinforced the protection against a tidal breach, not only to the



'Northern Gateway' site but to Garden City and surrounding areas. The reserved matters applications ref. 057404 and 060311 for the development enabling works involved implementing the agreed mitigation scheme, which included reprofiling the site and raising site levels to create development platforms. The site works completed to date have raised the site levels from 4.73m AOD to a minimum post development level of 4.96m AOD.

- 7.40 Further to the site-wide mitigation plan having been agreed, the outline consent attaches a condition which requires the submission of a 'specific' FCA relating to that phase to be submitted and assessed in accordance with TAN15. This was to facilitate necessary detailed consideration of the reserved matter proposals.
- 7.41 This reserved matters application is therefore supported by a detailed FCA. As flood risk is a dynamic constraint, the requirement to provide an updated assessment of the flood risk relating to the end use or phase of development acts as a safeguarding mechanism, allowing a reassessment of the risks and mitigation proposed, the degree of which is subsequently dictated by the end use in terms of whether it relates to 'less' or 'highly' vulnerable development in accordance with TAN15.
- 7.42 As such residential development is considered as highly vulnerable development in accordance with TAN15, stating that highly vulnerable development can be considered in Flood Zone C1 subject to the application of the TAN15 Justification Test and satisfying specific TAN15 acceptability criteria.
- 7.43 The FCA presents an assessment of flood risk based on the hydraulic model developed in support of the original outline application. The development platform levels and finished floor levels required for each plot have previously been agreed under application 060575 and are set out in the FCA which also outlines the previously agreed flood risk mitigation criteria that any reserved matters applications must comply with. The FCA also outlines the minimum development levels that are required for each of the aforementioned plots.
- 7.44 NRW have been consulted and have confirmed that the mitigation set out in the FCA is in accordance with the previously agreed development levels, although it is noted that the recommended levels are slightly higher for plots H3, 5, 6, and 7 than those previously agreed. Modelling outputs showing the flood risk to the site in the 0.5% Annual Exceedance Probability (2113) overtopping and breach events have been provided for the baseline and proposed scenarios. These show that the proposed plots are expected to remain flood free during such an event.
- 7.45 In respect to the impact on flood risk elsewhere, the enabling works for all the plots considered under this application have been approved

under various reserved matters applications. This includes the creation of the development platforms and compensatory storage required to offset the impact of the raised platforms, therefore the proposal considered under this application is not expected to have an impact on flood risk elsewhere. As such, NRW raise no objection and are satisfied that the proposed finished floor levels comply with the mitigation measures outlined within the Flood Consequences Assessment (FCA). To ensure compliance with the FCA, it is considered reasonable to impose conditions which set the minimum levels for development in respect of site levels and the finished floor levels of the proposed properties.

7.46 Highways

Primary accesses to parcels H3, H5 and H6 are provided from the vehicular access road approved as part of previous reserved matters approval (ref. 060311) for the enabling works on Parcels H6 and H7. The locations of these accesses have therefore already been assessed by the Local Highway Authority and approved.

7.47 The access to Parcel H3 provides a linear road heading south serving access to dwellings. A private shared driveway forks off this in the southern area of the parcel. An additional access is proposed off the approved vehicular access road in the eastern part of the parcel. This provides access to two additional shared private driveways. This is the only deviation from the approved access arrangements and is included within the red edge of this reserved matters application for full approval. The proposed access will be constructed to adoptable standards and has been designed to function safely and fits appropriately within the wider development context.

7.48 The access to Parcel H5 provides various cul-de-sac roads some of which will service future development on Parcel H4. The access to Parcel H6 provides a linear road from west to east through to Parcels H7 and H8a. This then provides a variety of looped roads and cul-de-sacs providing access to dwellings.

7.49 Overall, the vehicular access to the proposed development will be provided from the residential spine road providing a direct link to the B5441 Welsh Road. The accompanying Transport Implementation Strategy sets out the details of the proposed access including pedestrian and cycle links. The internal access arrangements to the residential development provide footways to adoptable standards. The layout proposes a network of pedestrian footways, shared spaces and pedestrian only routes to provide good permeability across the site. The footways are located along the spine road and within the internal network. The footways will also provide access to the bus stops located on Welsh Road. A pedestrian route is also proposed along the southern boundary of parcels H6 and H7.

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

7.50 The highways layout has been designed to accommodate refuse vehicle movements. It also includes appropriate visibility splays to ensure adequate highways safety and has been designed to control traffic speeds around the residential development. It is considered that the information provided accords with the requirements of the outline permission, planning policy and SPGN no. 11, as such the Highways Authority raises no objection to the development, subject to the provision of temporary turning heads within Plots H5 and H8 during construction phase until the through roads become available. This is proposed to be secured via the S.106 Agreement as set out above.

7.51 Ecology

This application is accompanied by a Landscape and Ecological Management Plan (LEMP) as required by the approved Framework Ecological Mitigation and Enhancement Strategy [FEMS] pursuant to the outline consent.

7.52 The LEMP provides an up to date strategy that complies with the already approved FEMS. The report details the ecological mitigation required and sets out the management tasks to ensure the proposed habitats are retained. The loss of habitats was fully assessed as part of the original outline planning application and was considered to be acceptable subject to proposed mitigation. Overall, the report demonstrates that the proposed landscaping on these parcels (along with other mitigation proposed outside the boundary of this application) is considered to be sufficient to mitigate for the loss of any habitats caused by the proposed development at The Airfields as a whole.

7.53 The proposed scrub, tree and hedgerow planting along with proposed nest boxes will provide nesting opportunity for birds. The tree and hedgerow planting as well as the integrated bat boxes will also provide roosting habitats for bats. In addition, the proposed development also includes opportunities to provide a hedgehog highway and off site reptile mitigation, the detail of this has been agreed with the County Ecologist.

7.54 In consultation with NRW no objections have been raised following receipt of additional information. The County Ecologist also raises no objection and confirms that the information submitted is acceptable and in line with approved FEMS for the Airfields site.

7.55 Noise

This application is accompanied by a noise report as required by condition 37 attached to the outline consent. This has been prepared in accordance with the criteria specified in BS4142 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas and TAN11.

7.56 The assessment found that the dominant noise at the site is currently road traffic on the A494 and other local roads and junctions to the east. The development site will benefit from the screening provided by existing buildings and future buildings constructed as part of the approved masterplan for the area. The sound propagation model found that the site falls predominantly within NEC A for daytime periods, with the northeast corner closest to the A494 falling with the NEC B. The large majority of the site falls within NEC B for night-time periods, with a very small area falling into NEC C closest to the commercial development access road and to the A494.

7.57 To date, the respective site enabling works included the formation of a large landscape bund with planting and acoustic fence, forming the acoustic barrier, along the boundary limit with the commercial spine roads, this would back onto the rear of properties along the north/north west limits of the application site. In terms of additional mitigation to that already provided, further boundary treatments glazing and ventilation is proposed for all habitable rooms facing the new commercial access roads. Whilst these details form part of the submitted plans accompanying this reserved matters application, controls remain on the outline consent that require implementation of such where relevant. For all other properties, standard thermal double-glazing (e.g. 4-16-4) and non-acoustic passive trickle vents would be suitable. Standard 1.8m close-boarded timber garden fences are also proposed to ensure acceptable outdoor amenity.

7.58 In consultation with Community and Business Protection, no objections have been raised with the noise mitigation proposals being considered acceptable.

7.59 Character & Appearance

The site and areas to the north and west, with the exception of the Deeside Industrial Park, are predominantly rural in character, with areas beyond the site now being made ready for future commercial/employment development. However, to the south/ south east lies new (Countryside Properties Phase 1) and established residential development whereby the prevailing house types reflect that proposed within this reserved matters and the existing pattern beyond comprising semi-detached two storey properties with the exception of a cluster of bungalows along Hawthorn View. A positive outcome for the immediate locality as a result of the residential development at the Northern Gateway, is that there is now a much

wider range of different types, sizes and tenures of housing available on the market.

- 7.60 The existing dwellings in Garden City consist of a mix of architectural styles of no predominant character. They include a range of materials including pebble dash, red brick and rendering. The bungalows along Hawthorn View are red brick, while the properties on Cedar Avenue comprise of cream render detached homes set back from the road.
- 7.61 The proposed development comprises a two storey scheme. The development would deliver a mix of mews, semi-detached and detached properties with pitched roofs and velux roof lights. The external materials will be tiled roofs with a mixture of brick and render walls, with solid course detailing to the surrounds of window and door openings. This, combined with roof lights, brick opening details and porch and bay window features all add variation and interest to the development.
- 7.62 The site layout is conventional in style and is considered to reflect the general layout of surrounding roads and properties where the dwellings directly front onto the access and estate roads. The character and design of the proposed development has been informed in part by the pattern and appearance of the existing and recent new build developments seen on Phase 1 all of which are of a modern suburban appearance, and in part informed by the need for a development that responds not only to the physical constraints of the site but also to the current housing market requirements. The latter indicates that there is no shortage of larger, detached four or five bedroom 'executive-style' houses, but a general need for smaller, more affordable family dwellings with three bedrooms.
- 7.63 A development which is dominated by larger, detached, 'executive-style' houses would not be in keeping with the existing pattern of development within the locality and would be contrary to both national and local planning policies, which seek to ensure that new housing developments include a reasonable mix and balance of house types and sizes so as to cater for a range of housing needs and incomes. As such, 3 bedroom properties dominate the total provision, with 211 designated out of the 368 no. dwellings proposed.
- 7.64 The density of development equates to approximately 35.07 dwellings per ha for this particular application. HSG8 of the Flintshire Unitary Development Plan advises that on allocated sites, the general minimum net housing density should aim to achieve 30 dwellings per ha. Whilst the proposed density is more than the stipulated minimum of 30 dwellings per ha in accordance with Policy HSG8, the approved details of the outline consent set density and height parameters for the mixed use site, for which it was agreed that the density range for the residential development would be set between 25 – 40 dwellings per ha. The proposed layout, scale and density of the development

remains in accordance with the outline permission. This approach is also supported by PPW11 as part of the good placemaking principles, stating at paragraph 3.51 that “higher densities should be encouraged in urban centres and near major public transport nodes or interchanges, to generate a critical mass of people to support services such as public transport, local shops and schools.”

- 7.65 A detailed landscaping scheme forms part of the submitted details, which shows the landscaping proposals to comprise of grass and shrubbery strips to the sides of the driveways to provide visual interest as well as demarcate the boundaries between public and private spaces and between units. Existing planting and trees would be retained where possible, however the majority of vegetation was cleared as part of the site clearance works for the enabling and infrastructure works. Acknowledging the loss, new planting, shrubbery and a mixture of trees to the front gardens, landscaped area and the public open space areas will compensate the initial loss, encourage ecological enhancements, support climate change principles and add to the rural feel of the development.
- 7.66 Impact on Existing and Proposed Residents  
It is considered that the distances between proposed and existing properties on neighbouring parcels comprising Countryside Properties Phase 1 scheme, meets and in most cases exceeds the minimum distance separation guidelines outlined in SPGN no. 2 Space Around Dwellings.
- 7.67 In the few cases where the interface distances on site with proposed dwellings falls short, safeguarding design measures against overlooking and to protect amenity have been incorporated, this has resulted in these properties being positioned at angles or facing diagonal to a flank wall (blank gable) to offset direct interface relationships with opposing elevations with habitable rooms. Overall however, the interface distances are in accordance with the SPGN no. 2 guidance, with facing elevation distances ranging from 22m to 28m and side elevations to flank walls ranging from 12-16m.
- 7.68 In consideration of the siting, orientation and distance of the proposed dwellings relative to existing residential properties, it is not considered that the proposed dwellings would cause any unacceptable reduction or harm to the amenities of the existing occupiers in terms of privacy, loss of light or obtrusiveness.
- 7.69 Furthermore, all proposed properties with the exception of the 1 bed apartment units, are provided with private rear amenity space, with garden depths ranging from 9-14m and overall useable garden areas exceeding the SPGN no. 2 guide of 70sqm for properties with 3 bedrooms or more.

7.70 With consideration to the proposed site layout and the guidance set out in SPGN no. 2, it is considered that the development is compliant and represents good placemaking within the context of PPW11.

7.71 S.106 and CIL Compliance

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

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

7.72 As triggered by the proposed scale of the development, there is a developer requirement towards primary and secondary education. In line with SPGN no. 23 the nearest and most suitable schools to the proposed development are Sealand CP School and Hawarden High School. As such, a request of £600,593.00 is made for Sealand CP School towards extending the school in order to accommodate greater pupil capacity, and a request for £1,145,078.00 is made for Hawarden High School which will be spent on providing a new science block and school remodelling. Both projects are confirmed by Education Services and have not received more than 5 contributions towards these projects to date.

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

7.74 Other Matters

Concern have been raised that there are no bungalows proposed. However, there is no planning policy requirement which controls the type and volume of residential accommodation. The matter of increased noise has been raised but there is no evidence to substantiate that the volume of noise from this development would be significantly greater than any other use in this urban location. Notwithstanding this, site construction hours are restricted by condition on the outline consent (condition no. 24), with Sunday and bank holiday working prohibited. The matter raised regarding the devaluation of property and the loss of a private view are not matters that are considered to be material planning considerations and therefore cannot be given sufficient weight in the determination of this application.

7.75 Whilst the comment in relation to access to healthcare or lack of is noted, the Council is not responsible for maintaining or securing the provision of this service. This responsibility lies with the Health Board, Betsi Cadwaladr who have been included as consultee as part of the preparation and consultation of the emerging LDP. As such, the Council has appraised the Health Board of the LDP's planned development and housing allocation, therefore allowing them time to consider whether there is additional need for healthcare facilities within the areas identified for future growth, such as the Northern Gateway. To date, no indication of a capacity issue has been confirmed by the health board.

## **8.00 CONCLUSION**

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

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

### **8.01 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.

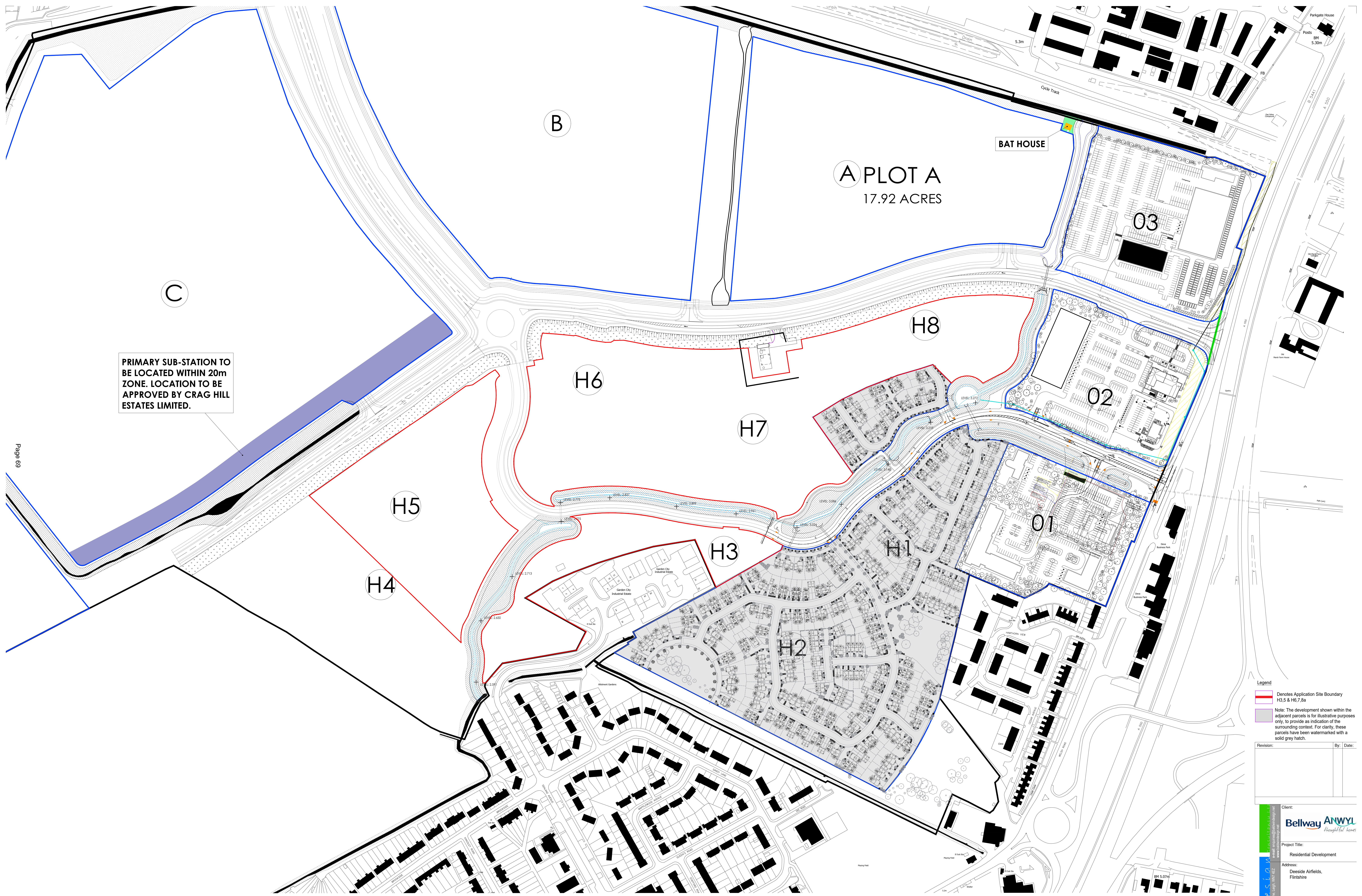
**LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:**      **Katie H Jones**  
**Telephone:**            **(01352) 703257**  
**Email:**                    **[katie.h.jones@flintshire.gov.uk](mailto:katie.h.jones@flintshire.gov.uk)**

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PRIMARY SUB-STATION TO BE LOCATED WITHIN 20m ZONE. LOCATION TO BE APPROVED BY CRAG HILL ESTATES LIMITED.

**A PLOT A**  
17.92 ACRES

BAT HOUSE

O3

O2

O1

H8

H7

H6

H3

H1

H2

H5

H4

Legend

Denotes Application Site Boundary  
H3.5 & H6.7.8a

Note: The development shown within the adjacent parcels is for illustrative purposes only, to provide as indication of the surrounding context. For clarity, these parcels have been watermarked with a solid grey hatch.

Revision:	By:	Date:

Client:  
**Bellway ANWYL**  
*Thoughtful homes*

Project Title:  
Residential Development

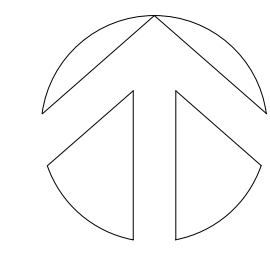
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Flintshire

Drawing Title:  
Location Plan

Drawing No:  
AHBH.DALP.01

Dwn:	Ckd:	Date:
IP	ST	09.03.2021
Scale:	Paper Size:	Rev:
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B

A

03

02

01

Page 70

# Deeside Airfields



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Legend

- Application Site Boundary
- H4 Boundary, Subject to a Separate Application
- Denotes Proposed Footpath Link

to provide an indication of the surrounding context. For clarity, these parcels have been watermarked with a solid grey hatch.

Legend

- Denotes Affordable Provision
- Denotes Proposed Footpath Link
- Denotes Private Driveway
- Proposed Screen Wall
- Denotes Easement

Revision	By	Date
Rev A - H5 Road Edge Updated	JB	16.04.21
Rev B - Updated to planners comments	JB	05.07.21
Rev C - N/A	JB	05.08.21
Rev D - Revised in line with planner's comments	JB	07.09.21
Rev E - Revised in line with planner's comments	JB	11.11.21

Client: **Bellway ANWYL**  
Thoughtful homes

Project Title: Residential Development

Address: Deeside Airfields, Flintshire

Drawing Title: Composite Detailed Site Layout H3, H5, H6, H7 & H8

Drawing No: AH BH DA CD SL 04

Drawn: JB    Ckd: CB    Date: 07.01.2021

Scale: 1:1000    Paper Size: A0    E

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The windows indicated to the side elevations are optional windows only. The default position will be that each of these windows is included unless referred to as omitted on the separate materials schedule or external finishes plan.

The location of the rainwater downpipes is illustrative only. The detailed engineering layout will illustrate the plot specific location of the downpipes, and this must be followed.

Elevations Correspond to Floor Plan Drawing:  
SH-3B-2S-P1



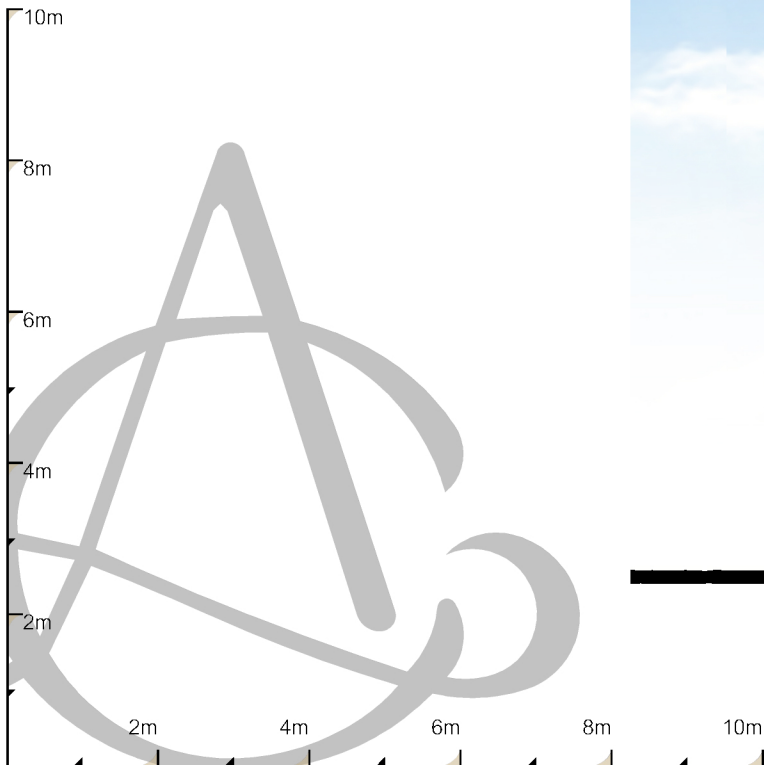
Front Elevation

Side Elevation



Rear Elevation

Side Elevation





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Elevations Correspond to Floor Plan Drawing:  
FA-4B-2S-P1



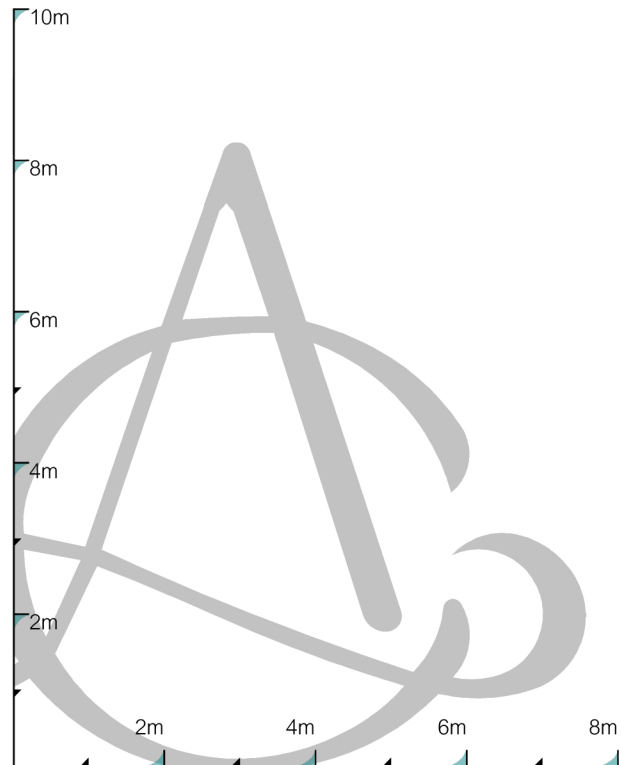
Front Elevation

Side Elevation



Rear Elevation

Side Elevation





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The windows indicated to the side elevations are optional windows only. The default position will be that each of these windows is included unless referred to as omitted on the separate materials schedule or external finishes plan.

The location of the rainwater downpipes is illustrative only. The detailed engineering layout will illustrate the plot specific location of the downpipes, and this must be followed.

Elevations Correspond to Floor Plan Drawing:  
SC-4B-2S-P1



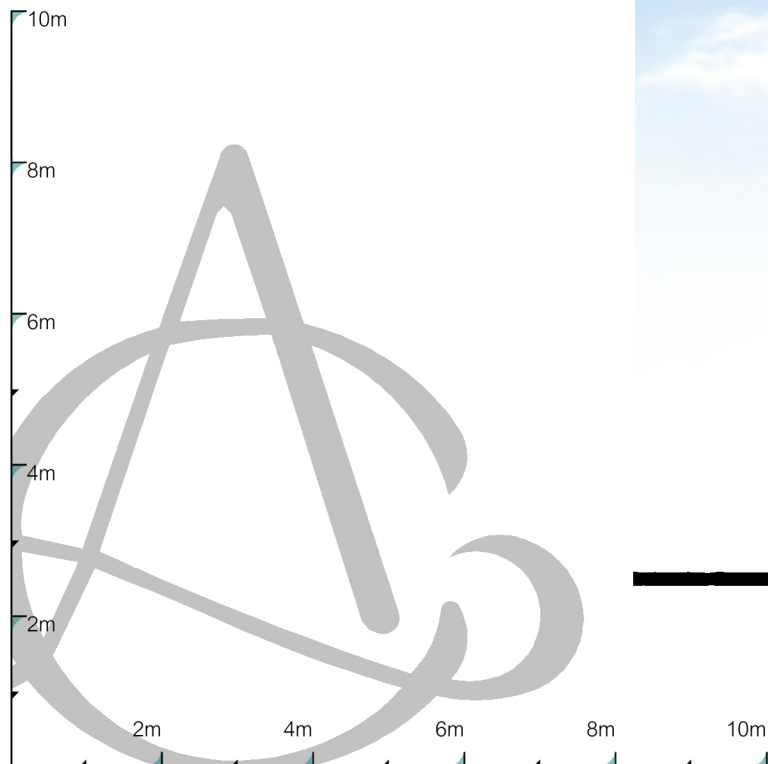
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Side Elevation



Rear Elevation

Side Elevation



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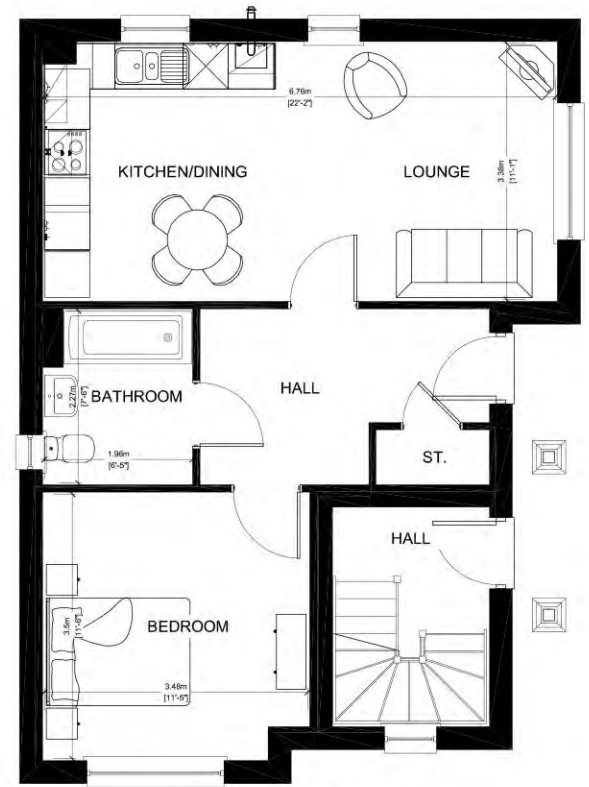
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FRONT ELEVATION

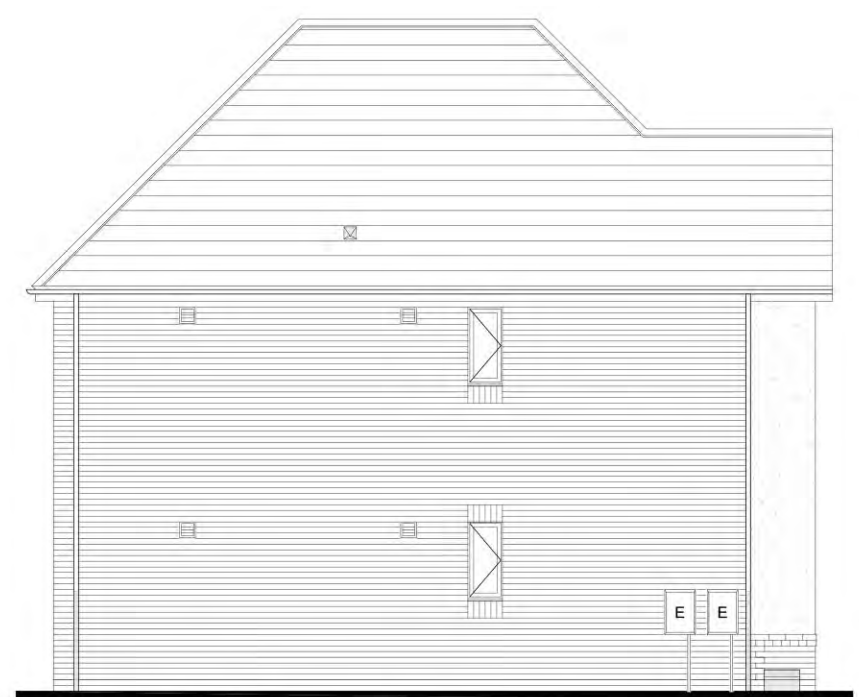


SIDE ELEVATION



GROUND FLOOR PLAN

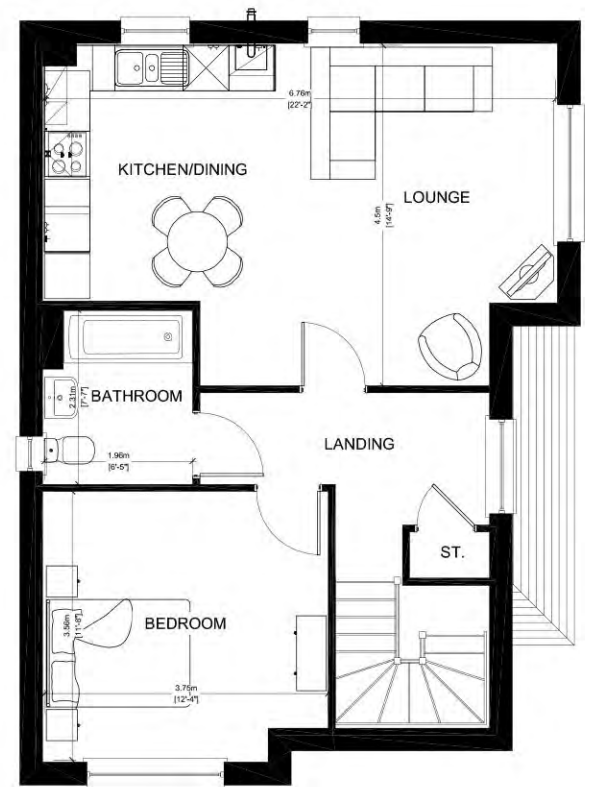
Page 75



REAR ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN

Revision:	By:	Date:

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*thoughtful homes*

Project Title: Residential Development

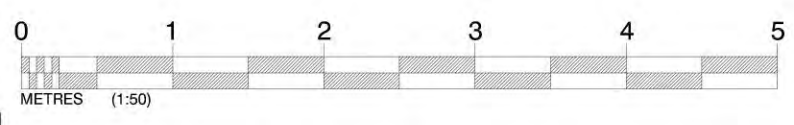
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Drawing No: AH.DA.HT.DISL.01

Dwn: AW Ckd: ST Date: 17.03.2021

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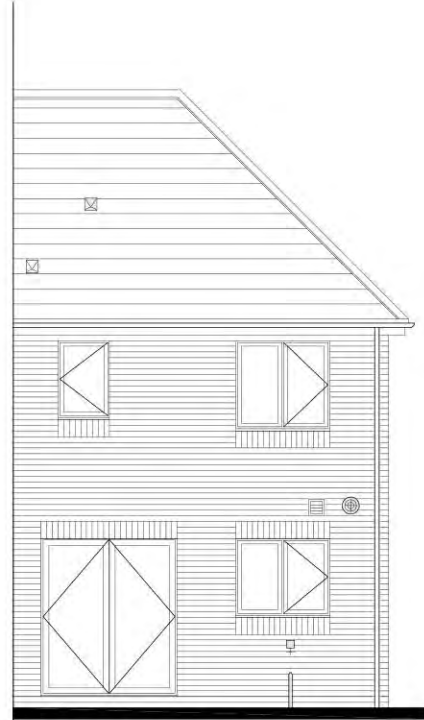




KINNERTON - BRICK OPTION



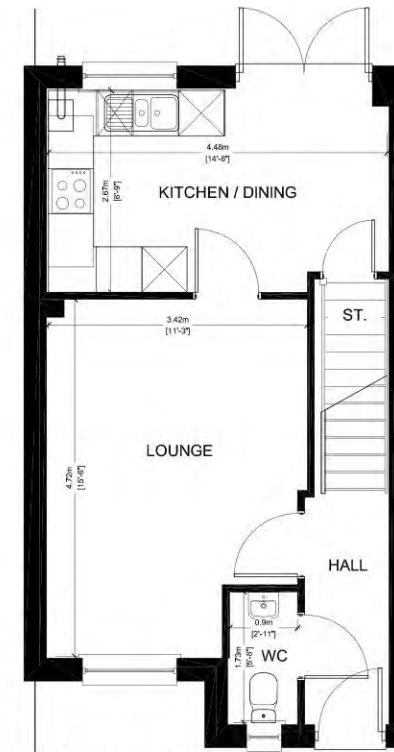
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



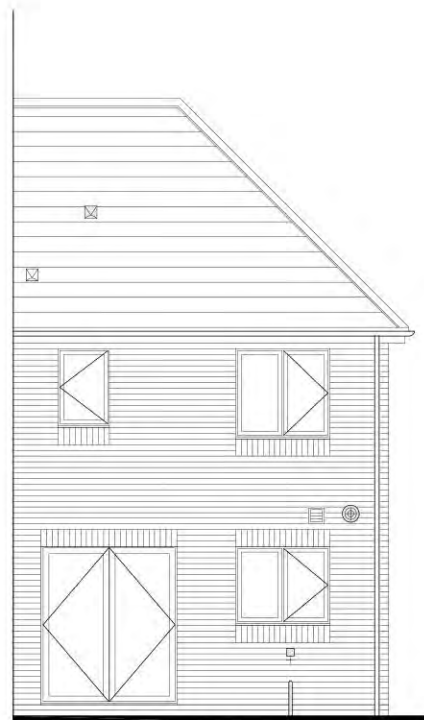
GROUND FLOOR PLAN

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KINNERTON - RENDER OPTION



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN

Revision:	By:	Date:

Client: **ANWYL** thoughtful homes

Project Title: Residential Development

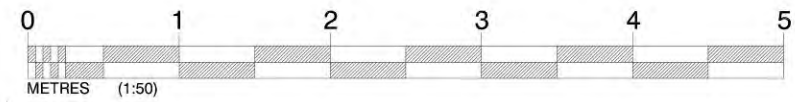
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Drawing No: AH.DA.HT.KINN.01

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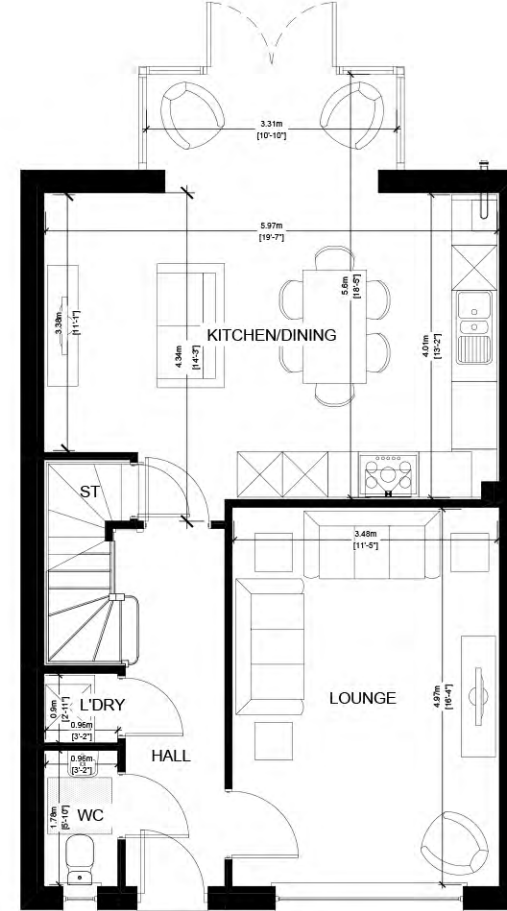




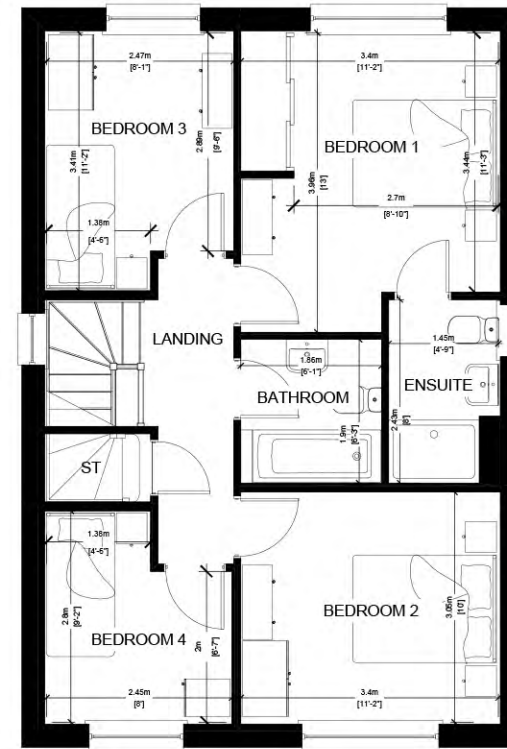
FRONT ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

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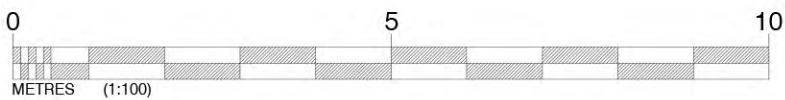
Page 77



REAR ELEVATION



SIDE ELEVATION



Revision:	By:	Date:
Rev A - Revised to suit planning layout.	IF	14.09.21

Client: **ANWYL**  
*thoughtful homes*

Project Title:  
**Residential Development**

Address:  
 Deeside Airfields,  
 Flitshire

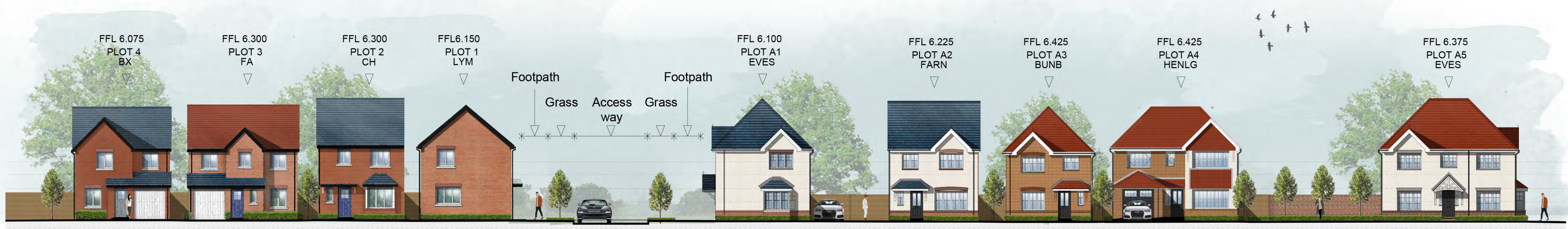
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**Plans and Elevations  
 Farndon - Brick**

Drawing No:  
**AH.DA.HT.FARN.01**

Dwn: AW Ckd: ST Date: 17.03.2021  
 Scale: 1:100 Paper Size: A3 Rev: A

Baldwin Design  
 4 Marina Walk, Pennington Wharf, Plank Lane, Leigh, WN7 4EZ  
 Tel: 01925 747615  
 e-mail: enquiries@baldwindesign.net  
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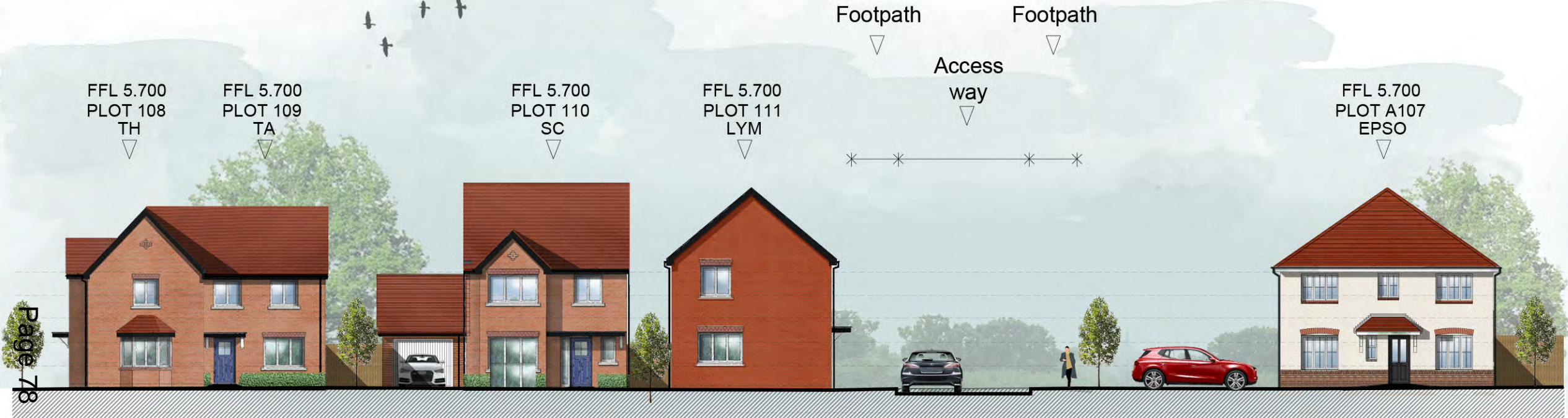
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Site Section A-A



Site Section B-B

Site Section C-C

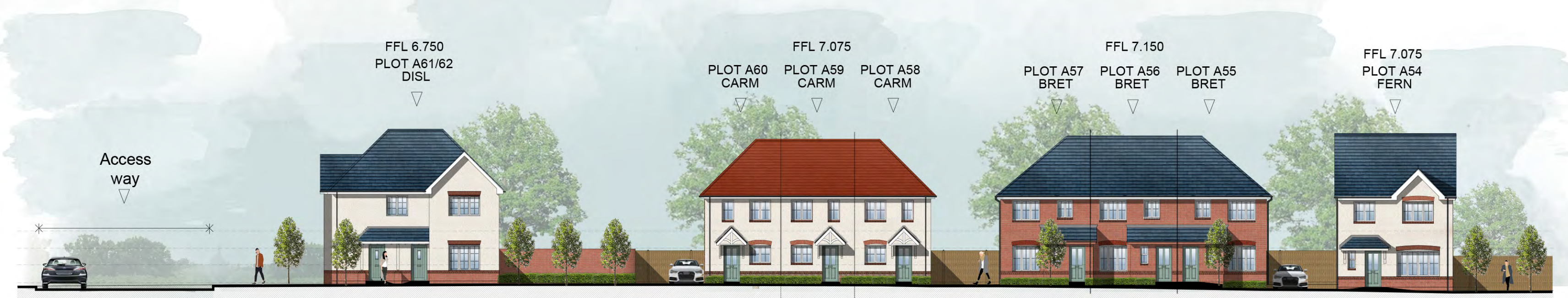


Site Section D-D

Site Section G-G



Site Section E-E



Site Section F-F



Locator NTS

Revision:	By:	Date:
Rev A - Revised to suite "Composite CAD Site Layout Rev D"	IF	08.09.21

Client: **Bellway ANWYL** thoughtful homes

Project Title: **Residential Development**

Address: **Deeside Airfields, Flitshire**

Drawing Title: **Street Scenes**

Drawing No: **AH.BH.DA.SS.01**

Dwn: IF, Ckd: ST, Date: 18/03/21, Scale: 1:200, Paper Size: A1, Rev: A

