

# Public Document Pack

**Gareth Owens LL.B Barrister/Bargyfreithiwr**

Chief Officer (Governance)

Prif Swyddog (Llywodraethu)



CS/NG

21 September 2023

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To: Cllr Richard Lloyd (Chair)

Councillors: Mike Allport, Bernie Attridge,  
Chris Bithell, Helen Brown, Paul Cunningham,  
Rob Davies, Adele Davies-Cooke, Carol Ellis,  
Gladys Healey, Dave Hughes, Paul Johnson,  
Richard Jones, Hilary McGuill, Ted Palmer,  
Mike Peers and Dan Rose

Dear Sir / Madam

**NOTICE OF HYBRID MEETING**  
**PLANNING COMMITTEE**  
**WEDNESDAY, 27TH SEPTEMBER, 2023 at 1.00 PM**

Yours faithfully

Steven Goodrum  
Democratic Services Manager

Please note: Attendance at this meeting is either in person in the Lord Barry Jones Council Chamber, Flintshire County Council, County Hall, Mold, Flintshire or on a virtual basis.

Public speakers have been asked if they would like to address the Committee in English or Welsh.

The meeting will be live streamed onto the Council's website. The live streaming will stop when any confidential items are considered. 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.

## A G E N D A

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 10)

To confirm as a correct record the minutes of the meeting held on 30 August 2023.

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 27 SEPTEMBER 2023**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u></b>		
6.1	FUL/000489/23	FUL/000489/23 - R - Full application - Use of hotel and installation of modular accommodation for a temporary period of up to 7 years as AASC Initial Accommodation Hostel at Northop Hall Country House Hotel, Northop Hall (Pages 11 - 36)
		10 minute Break
6.2	RES/000071/23	RES/000071/23 - A - Reserved Matters - Application for Approval of Reserved Matters following Outline Approval 061125 at Plot H4, The Airfields, RAF Sealand South Camp, Welsh Road, Garden City (Pages 37 - 56)
6.3	FUL/000506/23	FUL/000506/23 - A - Full application - for B1 (b) (c), B2 and B8 employment space, with ancillary B1a office use; associated servicing and infrastructure including parking; vehicle and pedestrian circulations; creation of new estate road; earthworks to create development platforms; landscaping; creation of drainage features; electrical substation; pumping station, and ecological works at Land at former Corus site, Northern Gateway, Garden City, Sealand (Pages 57 - 72)
6.4	FUL/000519/23	FUL/000519/23 - A - Full application - Demolition of existing building and construction of new industrial units with associated external works at Unit 102, Tenth Avenue, Sealand, Deeside (Pages 73 - 80)
Item No	File Reference	DESCRIPTION
<b><u>General Matters</u></b>		
6.5		General Matters - TPO 345 at Sunnybank, King Street, Mold (Pages 81 - 130)

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

## **PLANNING COMMITTEE** **30 AUGUST 2023**

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 30 August 2023

### **PRESENT: Councillor Richard Lloyd (Chair)**

Councillors: Chris Bithell, Paul Cunningham, Rob Davies, Adele Davies-Cooke, Carol Ellis, Gladys Healey, Paul Johnson, Richard Jones, Hilary McGuill, Mike Peers and Dan Rose

**APOLOGIES:** Councillors: Mike Allport, Bernie Attridge, Helen Brown, Dave Hughes and Ted Palmer

**ALSO PRESENT:** The following attended as Local Members:

Councillors Glyn Banks and Gina Maddison - agenda item 6.1 (FUL/000077/22)

Councillor Ian Hodge - agenda item 6.2 (OUT/000042/22)

Councillors Marion Bateman and Linda Thew - agenda item 6.5 (063810)

**IN ATTENDANCE:** Chief Officer (Planning, Environment & Economy), Service Manager - Strategy, Service Manager - Development, Senior Engineer - Highways Development Control, Senior Planning Officers, Solicitor and Democratic Services Officers

## **14. DECLARATIONS OF INTEREST**

The Chair declared a personal interest on agenda item 6.1 (FUL/000077/22) as he had been contacted on more than three occasions by members of the public and the applicant, but had not responded to the emails.

The Solicitor advised the Committee that the regulations on declarations of interest had been changed to reflect that 'significant contact' on planning applications related to a Member being contacted on four or more occasions by the applicant or same objector either orally or in writing.

## **15. 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 item on the Council's website:

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=5494&LLL=0>

## **16. MINUTES**

The minutes of the meeting held on 19 July 2023 were confirmed as a correct record, as moved and seconded by Councillors Mike Peers and Richard Jones.

**RESOLVED:**

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

**17. ITEMS TO BE DEFERRED**

The Chief Officer (Planning, Environment & Economy) advised that agenda items 6.3 and 6.4 were recommended for deferral due to access issues on the site visit and to resolve technical issues on proposed site levels and access arrangements for parking. The recommendation was moved and seconded by Councillors Chris Bithell and Mike Peers.

**RESOLVED:**

That agenda items 6.3 and 6.4 (FUL/000621/23 and CONS/000790/22) be deferred to resolve the access and technical issues, to enable a further site visit to be undertaken and a revised report at a future date.

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

**RESOLVED:**

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

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

There were nine members of the public present at the start of the meeting.

(The meeting started at 1pm and ended at 3.25pm)

.....  
**Chair**

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 30 AUGUST 2023**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
FUL/ 000077/22	Llanasa Community Council	Full application - Erection of 21 affordable dwellings with adoptable highway access at Rhewl Fawr Road, Penyffordd, Holywell	John Grange (Resident) spoke against the application.  Chris Ralphs (Agent) spoke in support of the application.  Councillors Glyn Banks and Gina Maddison (Local Members) spoke against the application.	That planning permission be granted subject to the Section 106 Obligation and conditions set out in the report, in accordance with the officer recommendation.
OUT/ 000042/22	Holywell Town Council	Outline application - Demolition of existing dwelling and erection of a block of four residential apartments, one of which is to be affordable together with associated works land at Lornell, Halkyn Street, Holywell, Flintshire	Sioned Edwards (Agent) spoke in support of the application.  Councillor Ian Hodge (Holywell Town Council) spoke against the application.  On behalf of Councillor Ted Palmer (Local Member), Councillor Paul Johnson spoke against the application.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
FUL/ 000621/23	Trelawnyd and Gwaenysgor Community Council	Full application - Conversion and extension of outbuilding to form a home office and gym, demolition of part of a boundary wall to create off street parking space with an electric vehicle charging point at Arweinfaf, Gwaenysgor	-	That the application be deferred to resolve the access and technical issues, to enable a further site visit to be undertaken and a revised report at a future date.
CONS/ 000790/22	Trelawnyd and Gwaenysgor Community Council	Conservation area application - Conversion and extension of an outbuilding to form a home office and gym; and the demolition of part of a boundary wall to create an off-street parking space with an electric vehicle charge point at Arweinfaf, Gwaenysgor	-	That the application be deferred to resolve the access and technical issues, to enable a further site visit to be undertaken and a revised report at a future date.
063810	Northop Community Council	Full application - Erection of 12 no. holiday lodges, reception/office and associated works at Northop Country Park, Northop, Mold	Councillors Marion Bateman and Linda Thew (Local Members) spoke against the application.	That the application be referred back to Planning and Environment Decisions Wales (PEDW) to note that the Committee does not support the recommendation to grant planning permission for the following reasons: <ul style="list-style-type: none"> <li data-bbox="1630 1217 2107 1355">• The economic, social and environmental benefits do not outweigh environmental harm and public safety issues.</li> </ul>

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
				<ul style="list-style-type: none"><li>• Application not justified in this location.</li><li>• Cumulative impact of this and the other proposed development.</li><li>• The application does not therefore support the objectives of The Well-Being of Future Generations (Wales) Act 2015.</li></ul>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 27 SEPTEMBER 2023**

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

**SUBJECT:** **FUL/000489/23 - FULL APPLICATION - USE OF HOTEL AND INSTALLATION OF MODULAR ACCOMMODATION FOR A TEMPORARY PERIOD OF UP TO 7 YEARS AS ASYLUM ACCOMODATION AND SUPPORT CONTRACTS (AASC) INITIAL ACCOMMODATION HOSTEL AT NORTHOP HALL COUNTRY HOUSE HOTEL, NORTHOP HALL**

**APPLICATION NUMBER:** **FUL/000489/23**

**APPLICANT:** **Payman Holdings 3 Ltd**

**SITE:** **NORTHOP HALL COUNTRY HOUSE HOTEL, Northop Hall, Mold, CH7 6HJ**

**APPLICATION VALID DATE:** **12-Jun-2023**

**LOCAL MEMBERS:** **Councillor Marion Bateman & Councillor Linda Thew**

**TOWN/COMMUNITY COUNCIL:** **Northop Hall Community Council**

**REASON FOR COMMITTEE:** **Cllr Bateman and Cllr Thew – request the application be heard at planning committee as it falls outside the settlement boundary and is not a suitable location as it does not have the necessary environmental and physical infrastructure.**

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

### **1.00 SUMMARY**

- 1.01 The proposed development comprises the conversion of the former hotel alongside the provision of 2-storey modular units on a former car park area adjacent to the hotel, to form an accommodation centre for asylum seekers. The main building will accommodate 156 occupants plus communal facilities whilst the 126 modular units will accommodate 252 occupants, giving a total of 408 occupants.

## **2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

- 2.01
1. The development is considered to be inappropriate to the character of the site and its immediate and wider setting and would significantly alter the character and appearance of the hotel as a Building of Local Interest and disrupt its local distinctiveness as a historic asset. The proposal is therefore contrary to policy STR4, STR13, PC1, PC2, PC3, EN4, EN8 and EN10 of the Flintshire Local Plan.
  2. Insufficient information has been submitted to demonstrate that the access and surrounding road network, inclusive of footpaths and footways, is suitable to provide for the safe movement of traffic and pedestrians likely to be generated by the development. The proposal therefore fails to meet the requirements set out in policy STR5 and PC5 of the LDP.
  3. Insufficient information has been provided to enable an assessment of the volume of pedestrian movement that is likely to be generated by the development relative to the existing use. The proposal therefore fails to meet the requirements set out in policy STR5 and PC5 of the LDP.
  4. Insufficient information has been submitted to ensure that the physical and social infrastructure exists, or can be provided, to ensure the proposed development can be sustainably accommodated within the community without without resulting in significant harm. The proposal therefore fails to meet the requirements of policy STR6 and PC2 of the LDP, and the requirements of Planning Policy Wales to promote sustainable placemaking, as the proposal has failed to properly consider the context, function and relationships between the development site and its wider surroundings. This is also in conflict with the goals embodied in the Well Being of Future Generations Act, and the need to improve wellbeing by locating the right development in the right location.
  5. The overall scale, siting and design of the proposed development will result in a detrimental impact upon the living conditions, amenity and potentially the safety of the adjoining neighbouring residential properties as well as the living conditions of the occupants. It is therefore considered that the proposal therefore fails to meet the requirements of policy STR4 and PC2 and PC3 of the LDP.
  6. Part of the site's access road is located in Zone C2 of the Development Advice Map (DAM) contained in TAN15. In the absence of a Flood Consequences Assessment (FCA), insufficient information has been submitted to determine the effects of flooding on the proposal (a highly vulnerable development (residential)) and as such the proposal is contrary to LDP Policy EN14 and TAN15.

7. Public Footpath No. 39 would not be safeguarded and no suitable alternative is feasible due to the proposed development site. The proposal fails to meet the requirements of LDP policies STR5, PC5 and PC6.
8. Insufficient information has been submitted to assess the impact upon protected species and as such the proposal fails to meet the requirements set out in policies STR4 and EN6.
9. Insufficient information has been submitted to determine the impact of the development upon trees. The proposal is therefore contrary to policies STR4, EN4 and EN7.

### **3.00 CONSULTATIONS**

#### **3.01 Members of Parliament**

Jack Sargeant Member of the Senedd for Alyn and Deeside (MS/AS) and Member of Parliament for Alyn and Deeside Mark Tami MP – Object to the proposal – it is our clear belief that the site remains a viable hotel and because of the lack of such facilities in the area should not be moved from that use and future residents would not have access to important services. Limited transport links in the village make it difficult to access services and the hotel use is designed for short stays and is not suitable for long term accommodation.

Sam Rowlands Member of the Welsh Parliament for North Wales–objects stating this development will overwhelm and envelope the homes and businesses on the same site. This is entirely unacceptable and will have a significant, negative impact on the wellbeing of my constituents. The proposal does not meet the requirements of policies STR4, PE12 and STR5 of the LDP and has also reiterated the concern of the Betsi Cadwaladr University Health Board.

Rob Roberts Member of Parliament for Delyn – formally objects to the proposal – it would effectively be tantamount to making the village into a big prison camp. The proposal raises significant concerns and as such the proposal should be rejected. 400 men in the village would be excessive and extreme impacting on already stretched services, it would be detrimental to the village, detrimental to those accommodated there and above all detrimental to the individuals who live on site.

#### **Local Members**

**Councillor Bateman and Councillor Thew** – request the application be heard at planning committee as it falls outside the settlement boundary and is not a suitable location as it does not have the necessary environmental and physical infrastructure.

### **Adjoining Local Member(s)**

**Councillor Dave Mackie** – The application does not comply with Welsh Government Guidance for PAC which states: Where changes have not been made based on the feedback received, justification needs to be provided within the PAC Report. I could not find any justification why changes have not been made based on the feedback received in either the PAC report or in the whole of the Planning-DAS statement.

### **Town/Community Council**

**Northop Community Council** strongly feel that the plan to locate 400 individual men at the proposed site is completely inappropriate and would have a detrimental effect on both the 400 individuals themselves, having to live in cramped and unsuitable accommodation, as well as the local residents and wider community in general. Further concerns are summarised as:

- It's the wrong location.
- There are insufficient facilities to warrant them a decent lifestyle.
- There are a lack of GP and Dentist services, poor transport links, one small village shop and a local hostelry which is for currently for sale and may close.
- Lack of social facilities and local transport which will lead to frustration and boredom.
- Members acknowledge that these 400 individuals are vulnerable and are concerned that they will not receive the support they need, to assist them integrate within the new community that they find themselves living in.
- Concern is also expressed regarding the well-being of those local residents living in private dwellings attached to
- Northop Hall Country House Hotel
- Members believe that the failure of Home Office policies and the inability to process asylum seekers and refugees in a timely fashion, has led to this horrendous backlog.
- Finally, to treat asylum seekers in this manner is wholly inappropriate, whilst private companies offering completely inappropriate accommodation, make huge amounts of money. Northop Community Council does not condone this arrangement at all.

**Hawarden Community Council** - is completely opposed to the installation of this camp for young men and creation of a Hostel for Illegal Immigrants (and the plans for Plas Bellin), it is a careless and very dangerous scheme. Hawarden Community Council also has severe reservations concerning the quality of The Planning Design & Access Statement submitted for this scheme, as clauses are misleading and appear to misrepresent Flintshire County Council Policies and/or are incoherent and unintelligible for example points

nos. 45 + in the Applicants documents. Further concerns are summarised as:

- They have not considered the wellbeing of the immigrants or the diverse impact on the surrounding area
- Facilities within Northop Hall village are very limited
- A very real fear in the community, is that given their status there is an incentive to gain a jail term
- Poor public transport means that the visiting inhabitants will be confined to the village.
- No medical facilities available
- The area for the containers is far too small for the number planned. There will be a fire hazard.
- Concerns over pollutants entering the stream
- a large number of young men roaming
- around night and day. This could have a detrimental effect on tourism and community cohesion
- The development will adversely affect the people who live and share the grounds of the hotel currently, their quality of lives and overwhelm them
- Hawarden Community Council have not been able to make contact with the developer to discuss proposal
- PAC does not comply with Welsh Government Guidance
- 18 staff will be insufficient.
- insufficient consideration has been given to the wellbeing of the people who will use this facility

**Highways Development Control** - the Highway Authority recommend refusal for the following reasons:

- a) Insufficient information has been submitted to demonstrate that the access and surrounding road network, inclusive of footpaths and footways, is suitable to provide for the safe movement of traffic and pedestrians likely to be generated by the development.
- b) Insufficient information has been provided to enable an assessment of the volume of pedestrian movement that is likely to be generated by the development relative to the existing use.

**Community and Business Protection** - (Environmental Health) - In light of the noise survey provided Environmental Protection considers that the development is unlikely to cause any substantive noise problems as there will be adequate controls in place to deal with any issues that might arise. No objection to the proposal.

**Ecology** – It is recommended that appropriate bat surveys for the building as well as for any relevant trees to be removed or pruned in order to adequately inform the application as well as the proposed

biodiversity enhancements. In addition, there are opportunities to provide Biodiversity enhancement on site through the provision of native tree and shrub planting on the species poor amenity grassland and to enhance the existing boundaries, as well as the installation of bat and bird boxes, as proposed, providing no bat roost is present.

**Trees** - There are trees and hedges on and adjacent to the proposed development and as a result a BS5837:2012 tree report is required.

Several of the accommodation units are near to or over the position of mature or specimen trees. In addition, the existing vehicular access to the site passes through woodland, part of which is a Restored Ancient Woodland Site and underneath the crowns of specimen trees. The potential impact of development on these features needs to be also assessed in an Arboricultural Impact Assessment forming part of the BS5837:2012.

**Public Rights of Way** - Public Footpath No. 39 crosses the proposed development site. As such object to the proposal at this location the basis that Public Footpath No. 39 would not be safeguarded and no suitable alternative is feasible due to the proposed development site. Built Conservation - No objection on the basis that the harm to the setting of the building will only be for a limited period.

**Strategic Housing & Delivery Programme Manager** - The concentration of households in such a semi-rural setting may impact on services, for example health care. In addition the standards suggested by the proposed development fall drastically below those expected by Welsh Government were they to support such provision.

**Betsi Cadwaladr University Health Board (BCUHB)** - still have significant concerns with the planning application and there are still many questions that need to be answered in order for the Health Board to be able to ensure that the health of the IAH residents are met and that BCUHB can continue to discharge its duties to its wider resident population without negative impacts on health and wellbeing.

**North Wales Fire and Rescue Authority** - No observations regarding access for appliances and water supplies.

**North Wales Police designing-out crime Officer** - The “Asylum Accommodation and Support, Schedule 2, Statement of Requirements” document contains a requirement that doors and windows are capable of being secured to the minimum standards recommended by the Police and the Association of British Insurers (BS3621:2017) and I would expect the applicant to comply with this requirement.

**Welsh Water/Dwr Cymru** - capacity exists within the public sewerage network in order to receive the domestic foul only flows

from the proposed development site. We recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

**Natural Resources Wales (NRW) –**

**Flood Risk** - We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. The planning application proposes highly vulnerable development (residential). While the majority of the site is located in Zone A of the Development Advice Map (DAM) contained in TAN15 Planning (FMfP) identifies the application site to be mostly within Zone 1 with a small section falling into Flood Zone 2/3 (Rivers). Based on the information submitted, we note that the modular accommodation would be located outside the modelled flood zones. However, as the site access is at risk of flooding and is included within the red-line planning application boundary, we advise that a Flood Consequences Assessment (FCA) should be submitted in support of this application. We previously advised the applicant of this in our statutory pre-application response dated 3/4/2023 (our reference CAS-211695-COM2). If this information is not provided, we would object to this planning application.

**Protected Sites**- We have concerns that the proposed development, as submitted, will damage the features for which the SSSI is of special interest. We therefore recommend that planning permission should only be granted if an appropriate planning condition is included to avoid damage to the special interest features of the SSSI.

**Protected Species**- No objection subject to conditions.

**Foul Drainage**- We note the intention to connect foul drainage to the public sewer, we therefore have no further comments to make on this aspect of the proposed development.

**Airbus** – No objection

**Ramblers Cymru** – Objects as there are no details of the amended public path

**4.00 PUBLICITY**

4.01 342 Neighbour Notifications were sent to neighbouring properties and a number of Site Notices were also displayed outside the site and around the village of Northop Hall.

4.02 At the time of writing 2596 letters of objection have been received. The objections are summarised as follows:

- The proposal is outside the settlement boundary defined by the Flintshire Local Development Plan and should be placed in a more suitable location with accesses to services and amenities.

- The proposed modular units are an inhumane place to accommodate asylum seekers and will have a significant detrimental impact upon their mental health and wellbeing.
- The proposal will have a harmful impact upon Northop County Hall House Hotel as a building of local interest and also the open countryside setting.
- Large numbers of people with poor access to amenities and services could lead to crime and anti-social behaviour and therefore risk to public safety.
- The inevitable harmful impact of noise and loss of privacy to those residents living in close proximity to the site.
- The impact of heavy traffic associated with the facility on inadequate, poorly lit, high-speed roads coupled with poor vehicular and pedestrian routes to and from the site access is a significant safety concern for both asylum residents and local residents.
- Our right to access the public footpath (right of way) within the Hotel grounds would be impacted.
- Healthcare provision is stretched in Flintshire and accommodating significant numbers of asylum seekers will put additional strain on resources which will impact upon Flintshire Residents gaining access to this critical service.
- The proposal will impact on community cohesion and integration with an unsuitable increase in the local population.
- Negative impact on house prices
- Anti-social behaviour and safety/security concerns
- Inaccuracies of the application
- Concerns over sewerage and accuracy of use of mains sewers.
- The proposal will be overbearing for adjoining residents.
- Overlooking of adjoining properties
- Light and noise pollution
- Increase in amount of accidental or deliberate trespass.
- Lack of engagement from the proposer
- Loss of business and livelihood
- Flooding
- Adequacy of the number of staff proposed to cater for the facility.

## **5.00 SITE HISTORY**

- 5.01
- 058183 15no. new self-contained glamping pods with associated landscaping and external works. Withdrawn 20-Jun-2018
  - 058749 9no. new self contained glamping pods with associated landscaping and external works Refused 14-Sep-2018



- 061173 - Change of use of land for 9 glamping pods. Refused 14-Oct-2020

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Local Development Plan

STR1: Strategic Growth

STR2 The Location of Development

STR4 Principles of Sustainable Development, Design and Placemaking

STR5 Transport and Accessibility

STR6 Services, Facilities and Infrastructure

STR13 Natural and Built Environment, Green Networks and Infrastructure

STR14 Climate Change and Environmental Protection

PC1 The Relationship of Development to Settlement Boundaries

PC2 General Requirements for Development

PC3 Design

PC4 Sustainability and Resilience of New Development

PC5 Transport and Accessibility

PC6 Active Travel

EN1 Sports Recreation and Cultural Facilities

EN2 Green Infrastructure

EN4 Landscape Character

EN6 Sites of Biodiversity and Geodiversity Importance

EN7 Development Affecting Trees, Woodland and Hedgerows

EN8 Built Historic Environment and Listed Buildings

En10 Buildings of Local Interest

EN14 Flood Risk

EN15 Water Resources

EN18 Pollution and Nuisance

#### Supplementary Planning Guidance Notes

- SPGN No 3. Landscaping
- SPGN No 4. Trees and Development

#### National Planning Policy

- Planning Policy Wales Edition 11
- Future Wales: The National Plan 2040

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description**

Northop Hall Country Hotel is an attractive building which stands on the site of an original manor house believed to have been built in the 13th Century. It is situated just south of Northop Hall Village. The hotel is approached via an impressive tree lined driveway that sweeps through the hotels gardens and grounds which extend to 9 acres of private land comprising formal gardens and grounds. The site partly adjoins a wildlife site and restored ancient woodland.

7.02 Immediately to the north-west of the application site lies a number of private residential properties and a cattery business. These properties are accessed from a branch road off the main driveway.

7.03 Northop Hall Country House Hotel is regarded as a 'building of local interest' which is considered to add to the richness of the local built environment and local distinctiveness of the area.

### **Proposed Development**

7.04 The proposed development comprises the conversion of the former hotel alongside 2-storey modular units within the grounds, to form an accommodation centre for asylum seekers. The main building will accommodate 156 residents plus communal facilities whilst the 126 modular units will accommodate 252 residents, giving a total of 408 residents. In terms of impact on the community and local area infrastructure, this would be equivalent to the addition of a new population from 170 new homes, overnight (assuming occupancy rate of 2.4 persons per dwelling).

7.05 The Planning, Design and Access Statement (PDAS) explains that the proposed use is temporary but for a period of up to 7 years as an Initial Accommodation Hostel whereby asylum seekers will be provided accommodation and subsistence while their application for asylum is considered. The facility would be run by ClearSprings Ready Homes. The PDAS explains that the Home Office supports the need and that this is only the second facility in Wales.

7.06 The PDAS provides operational information relating to the scheme. It will accommodate single males only and whilst designed to accommodate them for a period of days and weeks this may be a longer period of some months. The PDAS references the hostel providing dedicated on site staff and support, a high ratio of welfare, quality living, communal and external spaces, tv, wifi, 24 hour snack and beverages. Food would be centrally prepared and consumed in communal dining room. Reference is made to the ratio of staff, safeguarding, scrutiny, security (including body cams and proof of presence security technology) being high. It explains single adult males have the lowest burden on community infrastructure particularly in terms of schooling or access to health services but it

doesn't explain the degree of freedom the occupants will have to access the community. The PDAS explains that 'residents' would be delivered to / from the site in coaches, minibuses and dedicated vehicles. It recognises the limited number of immediately local facilities.

- 7.07 There are still key aspects of the operation of the proposed development which have not been provided as part of the submission. It is unclear whether occupants are 'held' within the facility and only allowed to leave the site under supervision and by organised vehicle or whether they are able to leave the site freely.
- 7.08 This is an important factor in determining how the proposed development, its day-to-day operation, and occupants will integrate or otherwise, with the local community. This was a significant concern raised at the planning pre- application advice stage and has again been reflected in the neighbour objections. It is therefore the opinion of the Local Planning Authority (LPA) that this has not been adequately addressed. Whilst the use applied for is 'temporary' - a time period of seven years is specified where with almost continuous occupancy over that time period, any impacts will be felt continuously over that time period.

#### Principle of Development

- 7.09 The Development Plan for Flintshire comprises the Future Wales: National Plan 2040 and the recently adopted Flintshire Local Development. The middle tier of the 3 tier planning system in Wales i.e. Strategic Development Plan has not yet been prepared.
- 7.10 Future Wales sets out the national development framework for Wales, giving direction for the period up to 2040. It sets a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. It states 'Future Wales is a spatial plan, which means it sets a direction for where we should be investing in infrastructure and development for the greater good of Wales and its people'. It goes on to state 'The Well-being of Future Generations (Wales) Act 2015 influences the way we plan for new development; it demands that development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales'. It recognises that '... considering whether a development is suitable in a certain place are difficult decisions where a balance often has to be found between competing priorities. We must strive to find solutions which maximise our contribution to the goals and well-being objectives'.

- 7.11 Policy 1 ‘Where Wales will grow’ identifies Wrexham and Deeside as a National Growth Area whereby sustainable growth is delivered through growth in employment and housing and investment in infrastructure. Policy 2 addresses strategic placemaking with a number of principles of which the most relevant are:
- creating a rich mix of uses;
  - providing a variety of housing types and tenures;
  - building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;
  - increasing population density, with development built at urban densities that can support public transport and local facilities;
  - integrating green infrastructure, informed by the planning authority’s Green Infrastructure Assessment
- 7.12 Policy 20 reinforces Wrexham and Deeside as being the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing and transport infrastructure.
- 7.13 Flintshire Local Development Plan – the site lies outside the defined settlement boundary of Northop Hall which is a Tier 3 Sustainable Settlement. It is therefore in open countryside whereby a suite of policies seek to strictly control new development, particularly new residential development. The LDP through policy STR2 directs new development to sustainable settlements based on the settlement hierarchy, or to allocated sites. There is no specific policy relating to this particular form of development as it represents a unique type of development and use of land. The closest policy is policy PC12 Community Facilities which permits new education, health and community facilities on suitable sites within settlement boundaries and outside settlement boundaries only through a) the conversion of an existing building b) extension to an existing facility and c) adjoining a settlement boundary or on suitable brownfield or previously developed land. Whilst the policy gives scope for the conversion of an existing rural building, it does not encompass or envisage the scale, nature or type of development proposed in this instance.
- 7.14 It is also worth noting that no evidence has been put forward by the applicant to justify the loss of this hotel facility (albeit for a temporary period of 7 years) as required by the policy PC12 to justify the loss.
- 7.15 Although Northop Hall has a level of facilities and services which meets the day to day needs of residents such as shop, pub, school and recreation facilities, it lacks a doctors or other healthcare facilities and is reliant on higher order settlements to provide these.

- 7.16 The proposal therefore needs to be considered against the wide ranging suite of policies in the LDP and also have regard to other material planning considerations, as part of the planning balance.
- 7.17 The PDAS has included an assessment of compliance of the scheme against policies, however, the LPA raises concern with this assessment which is highlighted further within this report.
- 7.18 The PDAS addresses the principle of development in the light of Northop Hall being a tier 3 sustainable settlement and the site being in a generally sustainable location. It is argued that given the lack of a policy it is a use that should be considered on its individual merits in relation to wider national need, home office support and stated Sanctuary visions at Welsh Government and at County Council level.
- 7.19 However, the PDAS offers little explanation as to what the Home Office guidance is in relation to facilities such as this and therefore it is difficult to understand why and how this site and location is considered suitable.
- 7.20 The applicant refers to LDP Policy PC1: The Relationship of Development to Settlement Boundaries and comments: The site lies outside a settlement boundary. The nature of use pointed to a self-contained previously developed site being suitable in the absence of an allocated site within a settlement limit.
- 7.21 However, there is no requirement or indeed expectation for a development to include either a specific policy or allocation in relation to the type of development proposed.
- 7.22 It is not evidenced why a site in open countryside is more preferable than a site within a settlement boundary, and notably a higher order settlement with a greater range of facilities and services.
- 7.23 The site is referred to as self-contained. Whilst it is set apart from the settlement and within its own grounds, it is not self-contained as the hotel building / site also accommodates residential and other uses. This also comes back to the nature of the use and the need for the applicant to clarify the degree of retention of occupants on-site (and why and how) or their degree of freedom of movement. There are no criteria for such a use that defines need, or that states what a preferable location is. Without this it is firstly difficult to understand how the occupants from the development will interact with the existing community, or if not intended to, how this will be prevented. The lack of information on this key point is a significant material consideration as the perception of fear that the community have in relation to this application is tangible and relevant to the consideration of this application.

- 7.24 It is considered that there are a significant number of policy deficiencies and uncertainties which highlight the degree of conflict between the proposals and the development plan.

Scale of Development and the impact upon the surrounding area

- 7.25 The LDP sets out in policy STR2 the settlement hierarchy and the proposed development (400 residents excluding staff) is larger than 12 of the 14 Tier 5 Undefined Villages and larger than 3 of the 17 Tier 4 Defined Villages. The settlement audit for Northop Hall shows a population at 2011 of 1530. The 2021 Census shows that this has increased to just over 1800. The development represents a 22% increase in population, but this is not a balanced population increase given that it comprises adult males only. Neither is it a gradual increase in population as the occupation of the proposed development could be at maximum when opened. Given the unique nature of the development and its scale it is considered that its acceptability must be based on a detailed assessment of potential harm balanced against the factors referenced by the applicant.
- 7.26 Having regards to LDP Policy STR6 and given the scale of development, it is important in ensuring that capacity exists or can be provided to ensure that the needs of the occupants can be met, without impacting on the ability of the settled community in accessing the same facilities and services.
- 7.27 In accordance with the consultation responses, Betsi Cadwaladr University Health Board (BCUHB) have highlighted significant concerns with the planning application as insufficient information has been provided. They state: In the absence of a Health Impact Assessment, BCUHB does not have assurance that the developer will be able to meet the health needs of the Initial Accommodation Hostel (IAH) occupants without negatively impacting the provision of services to the local and wider populations of North Wales, nor does it have assurance that the screening and testing facilities for the wider population of Wales will be able to support the increase in demand the site will bring. Assurance that the site will have limited or no impact on existing services can only be resolved by additional national resource/funding to support health provision. This would include funding to deliver primary care and specialist mental health services directly to AS at the IAH site; as well as funding to increase the capacity and infrastructure within BCUHB to manage infectious diseases; including national screening and testing services to be increased to be able to manage the increase in demand.
- 7.28 As the proposed scheme has not demonstrate that adequate and efficient infrastructure is in place or can be put in place to support the proposal it fails to satisfy the requirements of LDP Strategic Policy STR6 which states: An essential element in planning for sustainable places is to ensure that the physical and social

infrastructure exists, or can be provided, to ensure that when and where development occurs, it can be sustainably accommodated within communities.

- 7.29 This is supported further by paragraph 2.49 in the Explanation of Policy STR6 which states: A key principle in planning for sustainable development is the well-being of communities. Development will only be permitted where there is adequate existing physical and social infrastructure, or where there are suitable proposals to increase provision to accommodate any additional demand deriving from proposed development and, where reasonable, to address deficiencies.
- 7.30 This also picks up on the intention in Planning Policy Wales to ensure sustainable placemaking, which requires that a proposed development must take into account the context, function and relationships between the development site and its wider surroundings. This is also aligned with the goals embodied in the Well Being of Future Generations Act, and the need to improve wellbeing by locating the right development in the right location. There is little if any evidence to show how the proposal will successfully integrate with the wider community and its limited infrastructure, what type of interaction or relationship there will be between the community and the occupants of the proposed facility, or how the well-being of either the occupants or the existing community will be improved by this proposal.

#### Design and Character.

- 7.31 In terms of character and appearance, Northop Hall Country House Hotel is regarded as a 'building of local interest', which whilst this does not share the same "statutory" protection as a listed building, is considered to add to the richness of the local built environment and local distinctiveness. Therefore, the impact of the overall setting to the Hotel is considered to be important in this context.
- 7.32 Policy EN10 states: The demolition or alteration of a Building of Local Interest will only be permitted where: .. b. in the case of alteration and extension that the works do not adversely affect the architectural or historic character of the building.
- 7.33 The applicant references low impacts on the setting of the building and the simple reversion to hotel use when the use expires.
- 7.34 The LPA considers that it is also necessary to have regard to impacts on the character and appearance of the broader site and locality, given that the development is for 7 years.
- 7.35 In terms of historical context several applications were submitted by previous owners to this Local Planning Authority over a period of

about five years for glamping pods set in the grounds of the hotel (see planning history above). The first application was for fifteen pods whilst the second and third were for nine. The Planning Authority considered that these developments were inappropriate as the units would have a detrimental effect upon the appearance of what is considered to be a heritage asset and were subsequently refused.

- 7.36 Having regards to the current proposal it is acknowledged that scheme is for a temporary period of 7 years, however it is clear that the installation of 126 modular units, stacked two storeys in height, flanking both the southern and western wings of the hotel will have a significant impact upon the setting of this heritage asset as well the wider setting of the site for the duration of that time period.
- 7.37 It is evident that the application has not considered the outcome the modular buildings would have upon the heritage asset and its setting as no heritage impact assessment (HIA) has been submitted in support of the proposal to evaluate built heritage assets on the site.
- 7.38 The historic grounds are part of the essential setting of this former country house and as such, when you approach it formally the traditional and historical appearance of the house should be protected and not subject to an inappropriate type of development. The current grounds of the hotel are attractive consisting of a curved drive, enclosing a lawned front garden, and which crosses a wooded dingle and a stream on a high embankment. It is flanked by mature limes and more recent Scots pines. There are extensive views from the site across the countryside.
- 7.39 The proposed development with its modern, modular appearance would appear completely alien to the site given its context which is exacerbated by the use of unsympathetic materials that jar with the traditional appearance of the hotel structure as well as the natural setting of the grounds.
- 7.40 The Local Planning Authority consider that given the prominent location of the development, it would have difficulties harmonising with the wider context of the Hotel grounds. The development is therefore considered to be inappropriate to the character of the site and its immediate and wider setting and would significantly alter the character and appearance of the hotel as a Building of Local Interest and disrupt its local distinctiveness as a historic asset.
- 7.41 The proposal is therefore contrary to policy STR4, PC2, PC3, EN4 and EN8 of the Flintshire Local Plan.

Residential Living Conditions



- 7.42 LDP Policy STR4 sets out important principles in achieving sustainable development, design and placemaking and seeks to ensure all new development (amongst other criteria) be designed to be adaptable, safe and accessible as well as contribute to the well-being of communities.
- 7.43 Policy PC2 sets out the general requirements for development and states (amongst other criteria) development should (b) not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution and (c) take account of personal and community safety and security in its design and layout.
- 7.44 In terms of the proposal's effect on living conditions there is little explanation provided within the application on the safety and living conditions of adjoining residents and whilst at the request of the Local Planning Authority, the applicant has provided a noise assessment which sets out control measures to reduce noise impact of the proposal on the adjoining residents, no detailed consideration has been given to explain the proposals impact upon residential amenity of neighbours by way of disturbance through increased activity or of mitigation measures to ensure personal and community safety and security.
- 7.45 This is particularly important as there is a cluster of 4 dwellings and the cattery directly adjoining the site.
- 7.46 The PDAS refers to the provision of fencing providing separation, the presence of a separate vehicular access and the orientation of rooms and modular units away from them so that there would be no additional day to day impacts from overlooking or similar impacts that would arise from the lawful use of the hotel.
- 7.47 However, it is evident that the proposed development and use is far more intense than that which could reasonably associated with the operation of the hotel which would be limited by the number of bedroom guests and ad hoc visitors to bar and restaurant. The presence of 400 occupants using the former hotel and the modular units as their main place of residence is quite different in nature (and scale) from being a guest in a hotel. Some of the neighbouring properties are also physically attached to the hotel building making the effectiveness of the proposed 'separation' measures questionable.
- 7.48 As set out in the neighbour objections there is a strong sense of fear amongst residents over the facility having regard to large number of people with poor access to amenities and services which it is

suggested could lead to crime and anti-social behaviour and therefore a risk to public safety.

- 7.49 In accordance with para 3.1. of PPW11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions.
- 7.50 The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.'
- 7.51 Given there is little explanation within the PDAS to provide reassurance on this point, the community's perception of fear is a material factor in the planning balance, and the application has failed to demonstrate how the facility takes account of personal and community safety.
- 7.52 Furthermore, in terms of residential amenity the cramped nature of the site as a consequence of the size, number and siting of the modular units within the grounds of the hotel will significantly impact upon the perception of being overlooked for the residents of the neighbouring dwellings as well as introducing a strong element of overbearing impact due again to the size and siting of the modular units within the grounds, and the resultant intensification of the use of the site.
- 7.53 The closest modular units will be within 5.5m of the closest residential property. Given their height, (two units will be stacked together) and their location on land which is significantly higher than the residential properties due to the topography of the land this will have a significant impact upon residential amenity resulting in a conflicting, overbearing form of development.
- 7.54 It is therefore considered that the proposal therefore fails to meet the requirements of policy STR4 and PC2 and PC3 of the LDP.

#### Flooding and Drainage.

- 7.56 Sewerage  
Whilst concerns have been raised by residents with regards to drainage, Welsh Water have confirmed that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site and as such have no objection to the scheme.

#### Flood Risk

- 7.57 The planning application proposes highly vulnerable development. While the majority of the site is located in Zone A of the

Development Advice Map (DAM) contained in TAN15, a small portion of the site's access road is located in Zone C2. The flood Map for Planning (FMfP) identifies the application site to be mostly within Zone 1 with a small section falling into Flood Zone 2/3 (Rivers).

7.58 It is noted that the modular accommodation would be located outside the modelled flood zones. However, as the site access is at risk of flooding and is included within the red-line planning application boundary, it is advised that a Flood Consequences Assessment (FCA) should be submitted in support of this application.

7.59 Whilst the applicant is aware of this, as it was highlighted in NRW's PAC response this has not been addressed as part of the submission and as such insufficient information has been to determine effects of flooding on the application in accordance with LDP Policy EN14 and TAN15.

#### Highway Safety

7.60 LDP Policy STR5 sets out the broad principles of transport and accessibility of which the most relevant criteria is i – facilitate accessibility ..by locating development in places with access to integrated transport infrastructure, thereby reducing the need to travel. Policy PC5, amongst other criteria reiterates the need to reduce the reliance on the car.

7.61 Whilst the PDAS makes reference to compliance with this policy, it is unclear how the proposed transport arrangements to access services and facilities complies with policy requirements based on the transport network.

7.62 The LPA requesting a transport statement from the applicant to address these concerns however, the Highways officer has reviewed the statement and maintains the stance that the application be refused for the following reasons:

7.63 a) Insufficient information has been submitted to demonstrate that the access and surrounding road network, inclusive of footpaths and footways, is suitable to provide for the safe movement of traffic and pedestrians likely to be generated by the development.

7.64 b) Insufficient information has been provided to enable an assessment of the volume of pedestrian movement that is likely to be generated by the development relative to the existing use.

7.65 The proposal therefore fails to meet the requirements set out in policy STR5 and PC5 of the LDP.

#### Public rights of way

- 7.66 Public Footpath No. 39 crosses the proposed development site.
- 7.67 The proposed design and layout has not taken into consideration comments made during the planning pre-application process and as such Public Footpath No. 39 would be directly affected by the proposed siting of the modular units.
- 7.68 There has been no proposal by the applicant to incorporate the route into the proposed layout and in the PDAS (paragraph 13) reference is made to applying under s.257 of the TCPA 1990 to temporarily stop up or divert Public Footpath No. 39 for the duration of the Development, stipulating PROW 414/39a/10 as being an alternative route.
- 7.69 There is however no legislation which allows for any route to be temporarily stopped up (and/or diverted) for a period of 7 years (Public Rights of Way can only be temporarily stopped up for this duration of time for the working of minerals (s.261 TCPA)).
- 7.70 As such any proposed diversion would have to be permanent under current legislation. The applicant has not put any proposed diversion forward for consideration and furthermore, given the nature of the development (and the planning application site) it would appear that no suitable alternative can be provided which would safeguard users of the public footpath and occupants based at the development.
- 7.71 In consideration of the above, the Public Rights of way officer objects to the proposal at this location the basis that Public Footpath No. 39 would not be safeguarded and no suitable alternative is feasible due to the proposed development site.

#### Ecological Matters and Trees

- 7.72 The access to the hotel lies adjacent to Brook Park Farm Wildlife Site to the north and east; the northern part is identified ancient woodland. The remainder of the surrounding land is grazed farmland. The site boundary includes fencing, native hedge with mature trees and garden hedges and shrubs.
- 7.73 The modular builds are proposed mainly on existing hard standing and amenity grassland of negligible ecological value as stated in the Preliminary Ecological Report (PEA).
- 7.74 The PEA references that no trees will be impacted but no information has been provided to confirm this.
- 7.75 Several of the accommodation units are near to or over the position of mature or specimen trees. In addition, the existing vehicular

access to the site passes through woodland, part of which is a Restored Ancient Woodland Site and underneath the crowns of specimen trees.

- 7.76 The potential impact of development on these features needs to be also assessed in an Arboricultural Impact Assessment forming part of the BS5837:2012. No statement has been provided.
- 7.77 Following a site visit by the Council's Tree Officer and Ecologist it is the opinion of the LPA that one Sycamore will need to be removed to accommodate pods and there is potential to impact boundary trees. In particular, the mature weeping willow with dense ivy which has potential for roosting bats.
- 7.78 A previous 2020 Preliminary Ecological Appraisal by Enfys for the Glamping pods planning application highlighted the value of the woodland for badgers and woodland edge for roosting, foraging and commuting bats.
- 7.79 The building due to its location in proximity to woodland has high potential as a bat roost. While the building will not be directly impacted by this proposal, the number and elevation of pods, the associated increase in lighting and noise would impact a bat roost if present.
- 7.80 As such appropriate bat surveys for the building as well as for any relevant trees to be removed or pruned in order to adequately inform the application as well as the proposed biodiversity enhancements need to be submitted and agreed.
- 7.81 Planning Policy Wales (PPW) 10 (para 6.4.5) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity". There are opportunities to provide Biodiversity enhancement on site through the provision of native tree and shrub planting on the species poor amenity grassland and to enhance the existing boundaries, as well as the installation of bat and bird boxes, as proposed, providing no bat roost is present. This can be secured by condition.

## **8.00 CONCLUSION**

- 8.01 The applicant considers that the development meets a clear need for a hostel on a suitable and available site and that substantial weight should be given to the need to accommodate asylum seekers and that there is no requirement to explore alternatives.

- 8.02 Whilst the site is available it is far from evidenced or proven that it is suitable for the proposed use in terms of a range of policies, guidance and material planning considerations. Neither is there any definitive information that relates to the need, either nationally or locally, to locate asylum seekers in North Wales or specifically Flintshire.
- 8.03 It is noted that a key principle within PPW is the principle of 'the right development in the right place'. Although there is ultimately no policy requirement to consider alternatives, this should not be read as implying the only available site / proposal should be accepted. What is clear is that the principles of sustainable placemaking have not been followed by the applicant, and as a consequence the well-being of those in the existing community has the potential to be negatively impacted by the proposal.
- 8.04 Similarly, whilst some weight should be attached to the need to house asylum seekers, this again should not make an unacceptable site and location acceptable.
- 8.05 The PDAS recognises in para 84 that there would be localised impacts for the duration of the development. However, the applicant states that ClearSprings Ready Homes would be contracted by the Home Office to operate the site under the requirements of the AASC, but the PDAS fails to explain what this entails.
- 8.06 The PDAS refers to there being substantial social benefits through the provision of much needed accommodation but does not address wider social benefits or dis-benefits arising from the operation of the development.
- 8.07 It is considered that the proposal will during its operation be detrimental to the character of the site and its immediate and wider setting and would significantly alter the character and appearance of the hotel as a Building of Local Interest and disrupt its local distinctiveness as a historic asset. Furthermore the overall scale, siting and design of the proposed development will result in a detrimental impact upon the living conditions, amenity and potentially the safety of the adjoining neighbouring residential properties contrary to the policies highlighted above.
- 8.08 Insufficient information has been submitted to demonstrate that the access and surrounding road network is suitable to provide for the safe movement of traffic and pedestrians likely to be generated by the development or that the physical and social infrastructure exists, or can be provided, to ensure the proposed development can be sustainably accommodated within the community without detriment.
- 8.09 Nor has any information been submitted to determine effects of flooding on the proposal or on protected species and trees.

Additionally, Public Footpath No. 39 would not be safeguarded, and no suitable alternative is feasible due to the proposed development site.

- 8.10 Having regards to all the above, the proposal fails to meet the requirements of Local and National Planning policy and is therefore recommended for refusal.
- 8.11 Other Considerations
- 8.12 The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.13 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.14 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.15 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

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

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

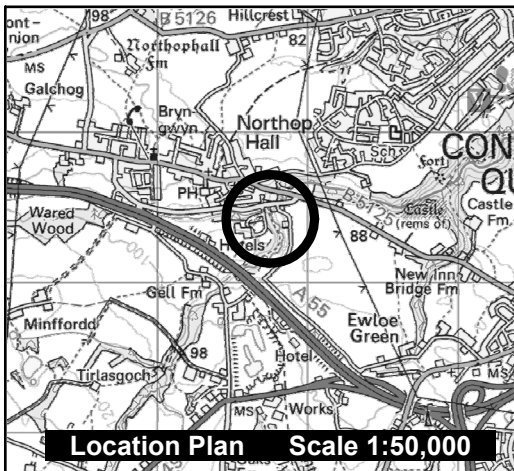
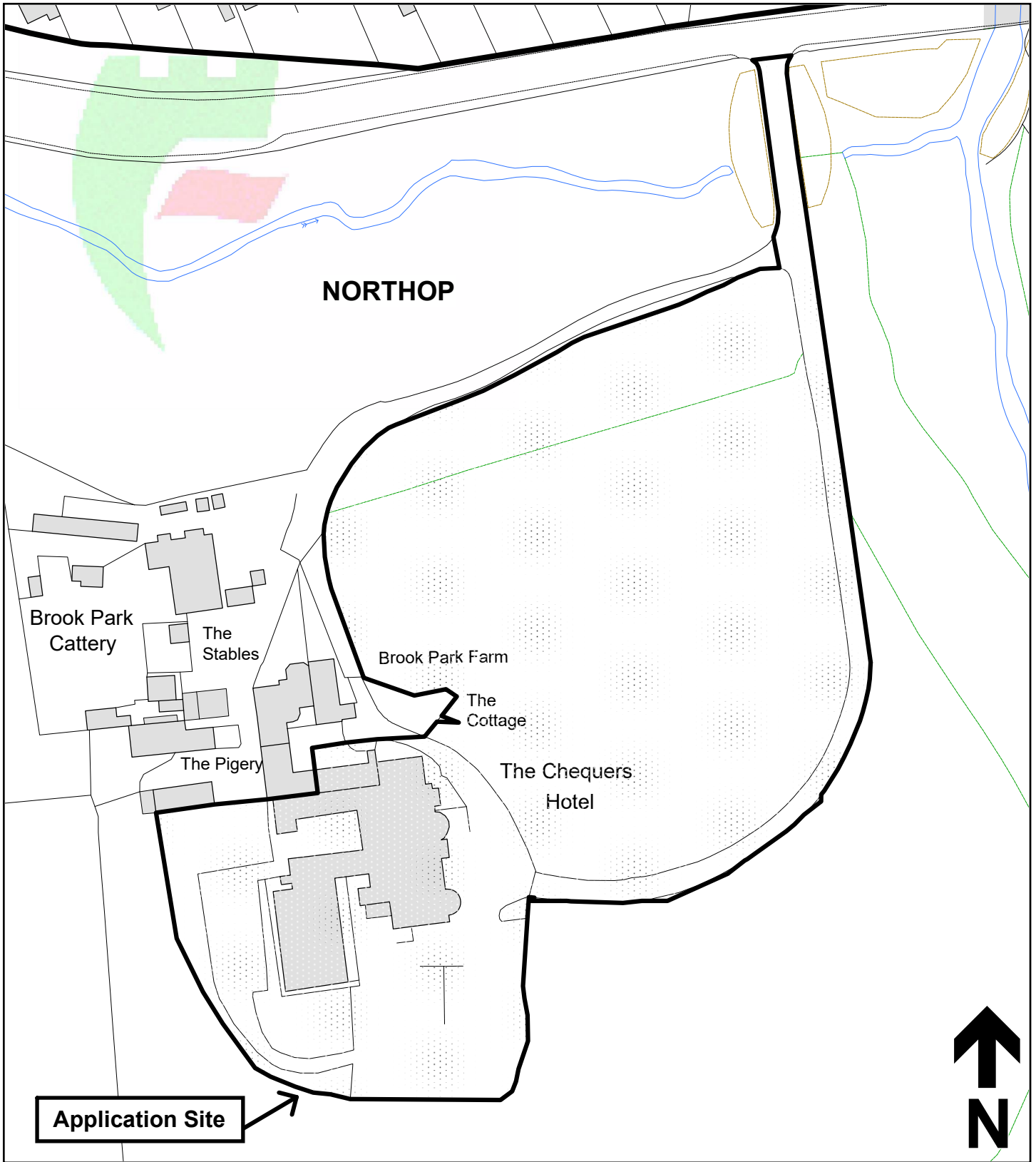
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Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale    1:1250

OS Map ref    SJ 2767

Planning Application    FUL/000489/23

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **27<sup>th</sup> SEPTEMBER 2023**

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

**SUBJECT:** **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 061125**

**APPLICATION NUMBER:** **FUL/000071/21**

**APPLICANT:** **BELLWAY HOMES NW LIMITED**

**SITE:** **PLOT H4, THE AIRFIELDS, RAF SEALAND SOUTH CAMP, WELSH ROAD, GARDEN CITY, FLINTSHIRE, CH5 2RD**

**APPLICATION VALID DATE:** **25<sup>TH</sup> JANUARY 2023**

**LOCAL MEMBERS:** **COUNCILLOR CHRISTINE JONES**  
**COUNCILLOR DALE SELVESTER**

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

**REASON FOR COMMITTEE:** **DUE TO THE SCALE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This is an application for the approval of reserved matters following the grant of outline planning permission on land at the former RAF Sealand, now known as the Airfields for the proposed erection of 89 dwellings on Plot H4. The original outline consent reference 061125 granted an employment led mixed use development and associated infrastructure comprising construction of accesses, roads, footpaths, cycle paths, earthworks, and flood mitigation on land at former RAF Sealand.

- 1.02 The original outline planning permission (ref. 049320) has been varied by a freestanding permission (ref. 061125) approved pursuant to Section 73 [S73] of the Town and Country Planning Act 1990 (as amended). This reserved matters application is to be considered pursuant to this latest outline planning permission (ref. 061125).
- 1.03 The Airfields site together with the neighbouring former Corus site forms part of a long standing commitment of Flintshire County Council and Welsh Government to bring forward a comprehensive, mixed use redevelopment in this area (known as a whole as the Northern Gateway) taking advantage of the strategic location and the availability of previously developed land.
- 1.04 This reserved matters application relates to plot H4 of the residential development at the Airfields, and proposes the erection of 89 no. dwellings together with associated infrastructure, recreational space and landscaping. The proposed scheme would deliver a mix of 2, 3 and 4 bedroomed properties in a variety of house types.
- 1.05 This site forms part of the wider mixed use strategic allocation including housing under Policy STR3A: Strategic Site: Northern Gateway of the Flintshire Local Development Plan. The principle of development is therefore considered acceptable in planning policy terms.
- 1.06 Issues in respect of design, layout, access, residential amenity, interface distances and flood risk have been negotiated and resolved.
- 1.07 The application is supported with a financial assessment, which argues viability implications in respect of the obligatory developer contributions sought towards the provision of affordable housing and education contributions. This assessment has been independently examined and it is considered satisfactory that a financial contribution of £277,035 is sought towards Hawarden High School together with a provision of 10% affordable housing on the site. Whilst the affordable housing is below that as set out in Policy HN3 of the FLDP, Members attention is drawn to the plan appended to this report which outlines the location and quantities of affordable housing across the entirety of the Northern Gateway site. Bearing in mind the range of locations, sizes and house types available it is considered that commitment meets with local needs and on balance it is appropriate to seek a reduced affordable housing contribution to ensure full education contributions and provision is secured.

**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 provision at Hawarden High School of £277,035.00
- Provision of 10% of dwellings to be for affordable purposes
- The establishment of a Management Company for the management and future maintenance of the onsite public open space and communal landscaping areas.

#### Conditions

1. Compliance with the approved plans
2. Site levels shall be set at a minimum of 6.0m AOD
3. Installation of noise mitigation measures including acoustic glazing/ventilation

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application

### **3.00 CONSULTATIONS**

3.01 **Local Member**: No responses received at time of writing report

**Sealand Community Council**: No objections raised

**Highways Development Control**: No objections raised

**Community and Business Protection**: Provided that the noise mitigation measures as identified in the Noise Assessment are implemented then no objections raised

**Welsh Water/Dwr Cymru**: No response received at time of writing report

**Natural Resources Wales**: No objections

**Airbus**: No aerodrome safeguarding objection

**Clwyd Powys Archaeological Trust**: All archaeological matters have been dealt with in the outline planning permission and relevant conditions discharged. No objections received.

### **4.00 PUBLICITY**

4.01 Site Notice and Neighbour Notification letters posted. No responses received at time of writing report

### **5.00 SITE HISTORY**

- 5.01 062898  
Application for approval of reserved matters following Outline Approval reference 061125 for the erection of 368 no. dwellings. – Approved 22.02.22
- 059938  
Application for the approval of details reserved by condition nos. 7 (sustainable drainage scheme), 15 (landscaping) and 19 (construction environmental management plan) attached to planning permission ref. (058990) – Partially Discharges 13.08.19
- 059903  
Application for the approval of details reserved by condition nos. 5, 7, 8, 9, 11, 12, 15, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 31, 32, 33, 35, 36 & 41 attached to planning permission ref. 058990 – Approved 19.08.19
- 059514  
Application for approval of reserved matters following outline approval for the erection of 283 no. dwellings. – Approved 25.09.19
- 058990  
Application for removal or variation of a condition following grant of planning permission. (049320) – Approved 25.10.18
- 058950  
Application for approval of reserved matters phase 1 informal landscaping and POS following outline approval. (049320) – Approved 13.03.19
- 058531  
Application for the approval of details reserved by condition no. 27 (construction management plan) attached to planning permission ref. 049320 – Approved 02.08.18
- 058514  
Application for the approval of details reserved by condition nos. 5 (phasing scheme) 6 (development brief), 30 (highway works/transport implementation strategy), 34 (framework travel plan) and 38 (scheme for the layout, design and timetable for implementation of works) attached to planning permission ref. 049320 – Approved 24.08.18
- 058508  
Application for the approval of details reserved by condition nos. 5 (construction environmental management plan) and 6 (ecological compliance audit report) attached to planning permission ref. 057404 – Approved 07.08.18

058506

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

058452

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

058244

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

057404

Application for approval of reserved matters following outline approval 049320 for phase one enabling works comprising an access road, surface water drainage, landscaping and engineering works to create developments platforms – Approved 09.03.18

054488

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

051764

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

051139

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

050730

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

049320

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

**6.00 PLANNING POLICIES**

- 6.01 Flintshire Local Development Plan  
Policy STR1: Strategic Growth  
Policy STR2: The Location of Development  
Policy STR3A: Strategic Site: Northern Gateway  
Policy STR4: Principles of Sustainable Development, Design and Placemaking  
Policy STR5: Transport and Accessibility  
Policy STR11: Provision of Sustainable Housing Sites  
Policy STR13: Natural and Built Environment, Green Networks and Infrastructure  
Policy STR14: Climate Change and Environmental Protection  
Policy STR15: Waste Management  
Policy PC1: The Relationship of Development to Settlement Boundaries  
Policy PC2: General Requirements for Development  
Policy PC3: Design  
Policy PC4: Sustainability and Resilience of New Development  
Policy PC5: Transport and Accessibility  
Policy PC6: Active Travel  
Policy HN1: New Housing Development Proposals  
Policy HN2: Density and Mix of Development  
Policy HN3: Affordable Housing  
Policy EN6: Sites of Biodiversity Importance  
Policy EN8: Built Historic Environment and Listed Buildings  
Policy EN14: Flood Risk

Adopted Supplementary Planning Guidance

- 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  
TAN 2: Planning & Affordable Housing.  
TAN 5: Nature Conservation & Planning  
TAN 11: Noise  
TAN 12: Design  
TAN 15: Development and Flood Risk  
TAN 16: Sport, Recreation & Open Space  
TAN 18: Transport

**7.00 PLANNING APPRAISAL**

7.01 Site Description

The site makes up part of the major strategic site at Deeside Airfields, the Northern Gateway.



- 7.02 The Northern Gateway site is the largest strategic site in Flintshire. 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.
- 7.03 The surrounding area is a mix of agricultural land, residential land and industrial land. The site is bound by the approved residential development of Phases H3, H5, H6, H7 and H8 to the south-east of 368 dwellings which is currently being built out and Phase H1 of 283 dwellings which is nearing completion.
- 7.04 To the north-west is approved employment land within the wider Northern Gateway site. Both Full and Reserved Matters consents have been granted on these parcels with work commenced or due to commence imminently on Plots B and C.
- 7.05 On the adjacent parcel of Northern Gateway, Reserved Matters consent has been granted for housing developments; commercial units and a district centre
- 7.06 The site sits immediately adjacent to the defined settlement boundary of Garden City with the majority of the settlement located to the south. Sealand Primary School is located on the adjacent Northern Gateway land with active travel linkages available from the development plot to the school.
- 7.07 Taking in the wider context of the site, further north is Deeside Industrial park which comprises of commercial and industrial units whilst to the west is the industrial complex of Tata Steel. Queensferry is the nearest larger settlement located to the south where there is access to a range of amenities
- 7.08 Proposed Development  
The proposed development would involve the erection of 89 no. dwellings together with associated infrastructure and landscaping. The joint applicants Anwyl and Bellway will each develop broadly half of the site. Anwyl will construct 43 units and Bellway 46 units. The proposed dwellings comprise a mix of two, three and four bed dwellings comprising a mix of semi-detached and detached dwellings. All of which are two-storey in form.
- 7.10 In detail the application proposes:  
14 No. 2 bedroom dwellings  
56 No. 3 bedroom dwellings  
19 No. 4 bedroom dwellings  
The net density of the development is 33.50dph.
- 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.

- 7.12 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.
- 7.13 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.
- 7.14 Public Open Space (POS) is incorporated within the site layout with further POS 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.
- 7.15 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.
- 7.16 Principle of Development  
The site forms part of the strategic mixed use development allocation STR3A: Strategic Site: Northern Gateway within the adopted Flintshire Local Development Plan.
- 7.17 Both this application site, the Airfields and the adjacent Former Corus, Garden City 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.
- 7.18 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. The Airfields site alone has an agreed principle of 725 residential units.

- 7.19 The Northern Gateway Strategic site continues to remain an allocated site commitment in the recently adopted Local Development Plan (LDP). As such the development of this site is a key part to supporting the overall housing delivery as part of the LDP.
- 7.20 As identified above the site is located immediately adjacent to the settlement boundary of Garden City as identified in the Flintshire Local Development Plan, which is a Tier 2 Local Service Centre settlement with an array of employment opportunities and a selection of facilities and services. The site's allocation for mixed use, including the recently approved local district centre, reflects both the strategy of the Flintshire Local Development Plan and the principles of PPW11 at a national level. In this context therefore, there is a clear policy framework supporting the principle of residential development on this site.
- 7.21 Contributions and Viability  
The application is supported with a financial assessment, which argues viability implications in respect of the obligatory developer contributions sought as part of SPGN No9 (affordable housing) and No23 (education). The assessment was independently assessed on behalf of the Council by an appointed valuer and quantity surveyor in July 2023. 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. In particular, the financial breakdown focussed on so called abnormal costs which would not necessarily be expected on all residential development sites. In this case, significant infrastructure costs associated with raising the development platform to ensure that the site would be flood free in accordance with the site wide Flood Risk mitigation strategy results in abnormally large amounts of soil and material having to be brought onto the site.
- 7.22 The valuer concluded that the full developer contributions as triggered by policy (20% affordable provision and full education financial contributions of £277,035) would render the development unviable. The viability evidence is considered credible and has been accepted following the third party review.
- 7.23 However the Council requested that an alternative offer could be achieved which would satisfy the policy demand. The viability assessment concluded that a provision of 10% affordable housing and full education contributions of £277,035 could be derived from the development whilst ensuring that the site could be adequately built out. The Applicant and landowner have agreed to meet this request, which would be secured by the proposed S.106 Legal Agreement.
- 7.24 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.

7.25 Detailed matters with regards to affordable housing and education contributions will be examined in due course but as an overarching principle, the alternative offer of a reduced affordable housing provision but full education contribution is considered acceptable.

7.26 Education

Education colleagues were consulted on the application and advised that in line with SPGN No.23 the nearest and most suitable schools to the development are Sealand Primary and Hawarden High School.

7.27 They determine that based on the size of the development it is reasonable to calculate that a further 21 pupil places for primary and 15 pupil places for secondary would be generated. Additionally Education colleagues confirm that Sealand Primary school has 34 surplus places, whilst Hawarden High School has 11 places.

7.28 Accordingly, even with the proposed development and additional pupils, Sealand Primary School would still be below capacity. Therefore, no Education Contributions can be sought for this school.

7.29 However, as there will be a shortfall at Hawarden High School a contribution of £277,035 is sought to be used for an identifiable project to facilitate the additional pupil places. As detailed above this will be secured by way of the proposed Section 106 Legal Agreement.

Affordable Housing

7.30 Policy HN3 of the Flintshire Local Development Plan concerns Affordable Housing and confirms that national planning policy recognises that a community's need for affordable housing is a material planning consideration.

7.31 The Policy details that the quota of 20% affordable housing provision within the Garden City sub-market area is a target for negotiation on a site by site basis subject to detailed viability considerations. As noted above, and as Members may recall given the history of the wider Northern Gateway site, high infrastructure costs have meant that viability has impacted on the delivery of full affordable housing and other contributions across the site. On earlier phases the Council could only seek a significantly reduced contribution towards education and in some instances no affordable housing provision. As with those earlier phases, in this case a balance must be struck between providing necessary education contributions to facilitate additional need and the demand for affordable housing.

7.32 For Members benefit, appended to this report is an overview of where the Affordable Housing is to be provided across the entirety of the

strategic Northern Gateway site. As can be noted the Affordable Housing is dispersed throughout the site, providing a range of house types, sizes and locations. Whilst the provision of 10% for this site is below that as identified in Policy HN3 the provision across the Northern Gateway site is considered to meet the demand of the local area whilst still providing variety and choice for future occupiers.

7.33 It is therefore considered that the proposal meets with both local and national planning policy.

7.34 Highway Safety

Phase 3 is served by an access which has been constructed as part of the enabling works reserved works consent. The applicant has engaged with the Highways Authority with regards to the provision of private drives and sustainable travel.

7.35 Matters including parking and turning and layout are covered by conditions attached to the outline planning permission.

7.36 As Members may be aware from other applications across Northern Gateway, the outline planning permission required that off-site highway works be carried out at a particular trigger point of the development. At the time of initial consultation with Welsh Government those works had not been completed and accordingly it was recommended that a condition be imposed requiring that the works be completed prior to occupation. Both Welsh Government and the Highways Authority are satisfied that the works have now been satisfactorily completed and therefore the condition is not now necessary.

7.37 Flood Risk

The planning application proposes highly vulnerable development (residential). Natural Resources Wales (NRW) Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Rivers / Sea).

7.38 A Flood Consequences Assessment (FCA) was submitted in support of this application which demonstrates that the risks and consequences of flooding are manageable to an acceptable level.

7.39 The FCA refers to earlier hydraulic modelling work undertaken in support of the Reserved Matters application for the Plot H4 enabling works application (planning reference 063101). The modelling is based on the flood risk criteria agreed as part of the original outline permission back in 2013. The baseline modelling, which takes account of the enabling works approved under planning reference 063101, including the raised development platform, shows that no flooding of the development platform is expected in the 0.5% AEP

tidal breach and overtopping events with an allowance for climate change, or the 1% AEP fluvial event with an allowance for climate change.

- 7.40 The FCA states that in order to comply with the requirements of the approved Amended Flood Mitigation Plan, development platform levels should be set to a minimum of 4.77 m AOD and finished floor levels should be set to a minimum of 5.37 m AOD. The FCA (drawing no 452-H3-E310 Rev F), stating that development platform levels will be raised to a minimum of 4.95 m AOD and finished floor levels to a minimum of 5.40 m AOD.
- 7.41 In respect to flood risk elsewhere, it is considered that the compensatory storage provisions for prior phases of development offset the loss of floodplain storage associated with this plot, and therefore the conclusion in the FCA that this proposal is not likely to impact on flood risk elsewhere is concurred with.
- 7.42 Layout, Character and Appearance  
The design proposal is characterised by a range of residential house types. The character of adjacent new estates is established created by partnered and other major developers forming the sites immediate context in terms of design indicators and characterisation. There is a mix of low-rise residential dwellings consisting of 2 to 4 bedroom houses, the mix consists of detached and semi- detached properties providing a street scene of modern and sympathetic architectural styles. The elevational styles and proposed materials of the dwellings complement the surrounding housing that exists in the local area. The material palette includes red brick and grey or red roofs.
- 7.43 The final layout has been designed to accord with the parameters set by the outline planning permission as well as local site constraints and other design considerations. Each plot has been designed to include a private garden space and dedicated parking. The layout has been designed to create a legible street pattern that is easy for use by pedestrian and cyclists. Each plot has its own landscape front gardens and secure rear gardens with areas of hardstanding allocated for bin storage.
- 7.44 Whilst the density of development is higher than set out in Policy HN2 of the LDP this is largely down to the choice of smaller house types. The layout has been designed to take into account appropriate interface distances to other proposed dwellings and existing dwellings as set out in SPGN No2. Space Around Dwellings. Consideration has been given to the area of POS to ensure natural surveillance and to provide buffers between the proposed housing and proposed highway infrastructure / future commercial development to the north-west.
- 7.45 Residential Amenity

In consideration to the siting, orientation and distance of the proposed dwellings, none of the proposed units would cause an unacceptable reduction or harm to the amenities of the any future occupiers in terms of privacy, loss of light or obtrusiveness. In terms of the size of the proposed garden depths, separation distances between the proposed dwellings etc these meet the guidelines within the SPGN No. 2 by ensuring no instances of habitable rooms directly facing and where this is the case, separation distances meet the standard of 22m.

7.46 Ecological Matters

The loss of habitats was fully assessed as part of the original outline planning application for this site and was considered to be acceptable subject to proposed mitigation. Overall, the habitats management plan as submitted with this application report demonstrates that the proposed landscaping on this site (together 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. The proposed landscaping details will support those mitigation measures and for that reason the Council's Ecologist raises no objection

7.47 Other Matters

The application has been accompanied by a comprehensive noise assessment. This has been reviewed by the Council's Community and Business Protection section who confirm that suitable noise levels can be achieved for the proposed dwellings as long as certain glazing/ventilation is used for certain dwellings.

7.48 Therefore, it is recommended that that acoustic glazing/ventilation is installed on the properties for which it is required as specified in the applicants report and other mitigation measures are adhered to.

7.49 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.

7.50 As triggered by the proposed scale of the development, there is a developer requirement towards secondary education. In line with

SPGN no. 23 the nearest and most suitable school to the proposed development is Hawarden High School. Following the verification of the viability assessment submitted, the Developer has agreed to provide a total payment of £277,035 towards secondary education. The money will be spent on an identifiable project at Hawarden High School. The project is confirmed by Education Services and has not received more than 5 contributions towards to date.

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

## **8.00 CONCLUSION**

The site forms part of the strategic mixed use development allocation STR3A: Strategic Site: Northern Gateway within the adopted Flintshire Local Development Plan. It is also located immediately adjacent to the settlement boundary of Garden City, which is a Tier 2 Local Service Centre settlement in the FLDP, with access to a variety of employment opportunities and a selection of facilities and services. The site's allocation for mixed use reflects both the strategy of the Flintshire Local 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 approval following the outline consent. These matters include the viability claim, flood risk, highways, 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 the imposition of 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

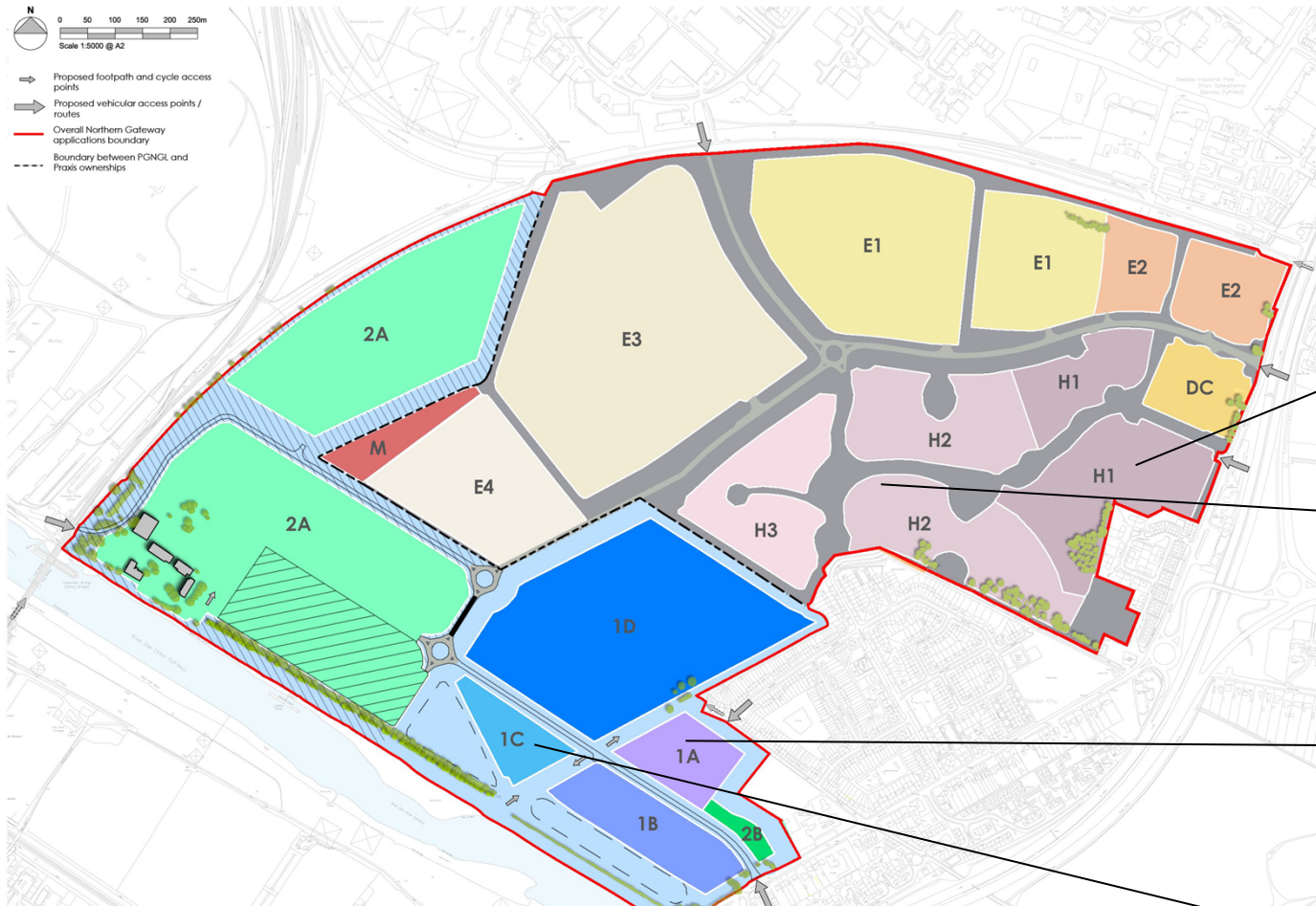
Responses to Publicity

**Contact Officer: Claire Morter**

**Telephone: 01352 703299**

**Email: [Claire.e.morter@flintshire.gov.uk](mailto:Claire.e.morter@flintshire.gov.uk)**

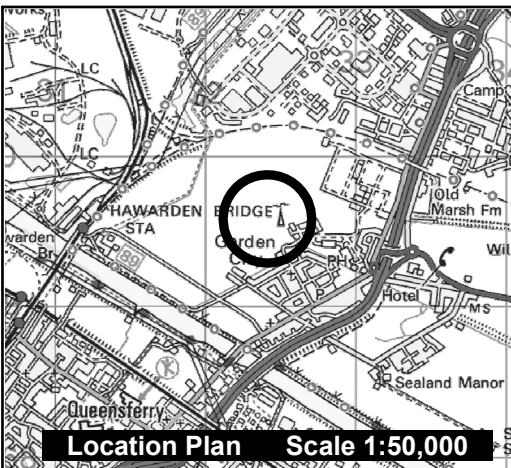
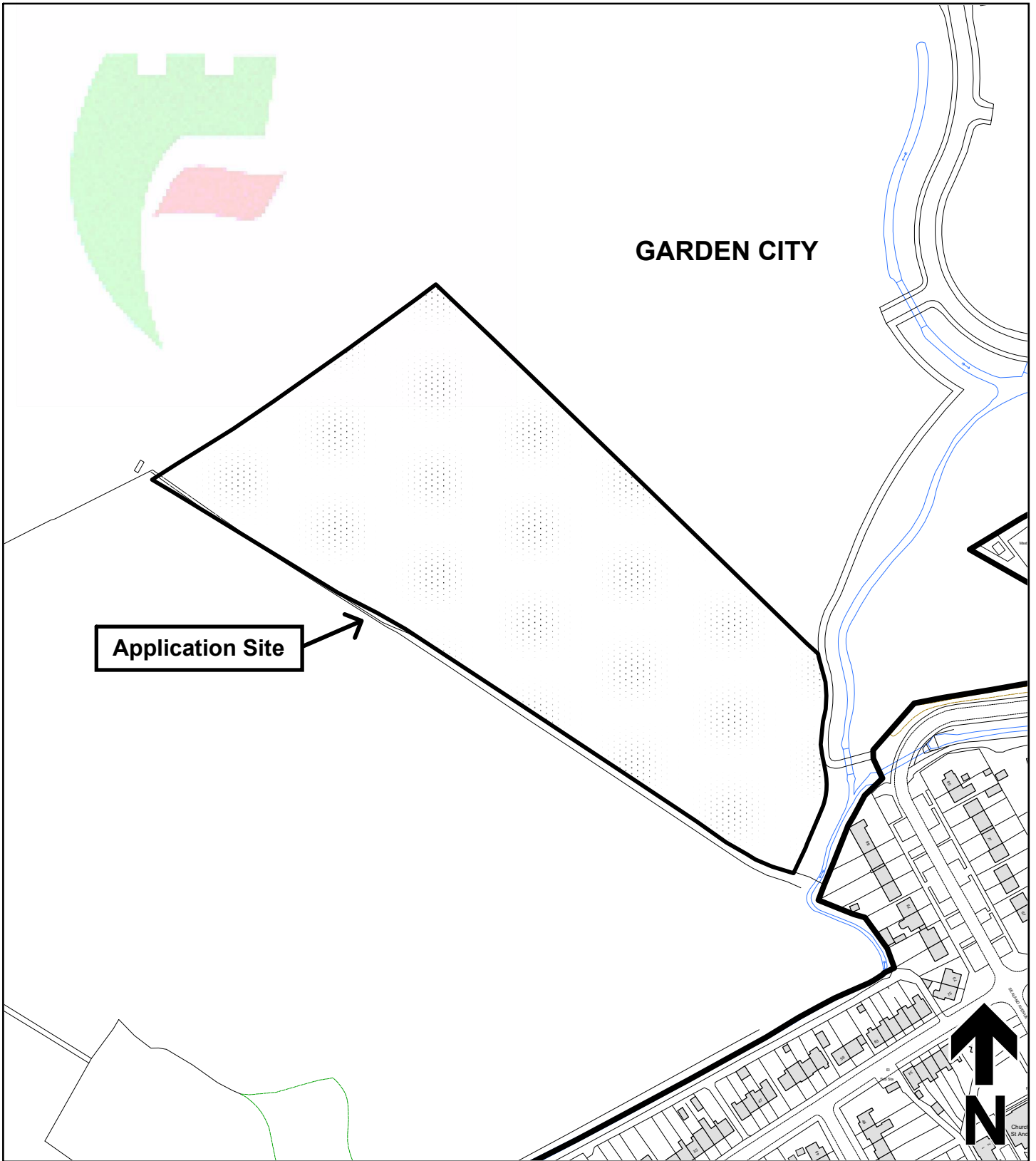
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## Northern Gateway Affordable Housing Commitments

- A. **Countryside Homes**  
28 dwellings  
12 no. two bed  
16 no. three bed
- B. **Anywl/Bellway**  
37 dwellings  
10 no. one bed  
20 no. two bed  
7 no.3 bed
- C. **Lane End**  
100 dwellings  
6 no. one bed  
54 no. two bed  
38 no. three bed  
6 no. four bed
- D. **Bellway**  
5 dwellings  
(affordable housing  
contribution of  
£225,000 in lieu of  
additional on-site  
provision)

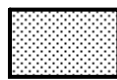
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Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3269

Planning Application RES/000071/23

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **27<sup>th</sup> SEPTEMBER 2023**

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

**SUBJECT:** **FULL PLANNING APPLICATION FOR B1 (b) (c), B2 and B8 EMPLOYEMENT SPACE, WITH ANCILLARY B1a OFFICE USE; ASSOCIATED SERVICING AND INFRASTRUCTURE INCLUDING PARKING; VEHICLE AND PEDESTRIAN CIRCULATIONS; CREATION OF NEW ESTATE ROAD; EARTHWORKS TO CREATE DEVELOPMENT PLATFORMS; LANDSCAPING; CREATION OF DRAINAGE FEATURES; ELECTRICAL SUBSTATION; PUMPING STATION AND ECOLOGICAL WORKS**

**APPLICATION NUMBER:** **FUL/000506/23**

**APPLICANT:** **POCHIN GOODMAN (NORTHERN GATEWAY) LTD (PGNGL)**

**SITE:** **LAND AT FORMER CORUS SITE, NORTHERN GATEWAY, GARDEN CITY, SEALAND, FLINTSHIRE CH5 1PY**

**APPLICATION VALID DATE:** **24<sup>TH</sup> MAY 2023**

**LOCAL MEMBERS:** **COUNCILLOR CHRISTINE JONES**  
**COUNCILLOR DALE SELVESTER**

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

**REASON FOR COMMITTEE:** **DUE TO THE SCALE OF THE DEVELOPMENT**

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

## **1.00 SUMMARY**

- 1.01 This is a full planning application for the proposed erection of five industrial units with associated infrastructure on land at the former Corus site, Welsh Road, Garden City. Together with the adjacent land known as the Airfields the two component parts make up the Northern Gateway a strategic mixed use site.
- 1.02 Whilst there is an extant outline planning permission for the land in question, the parameters of scale as approved back in 2014 do not meet with the current market demands. As the proposed building heights exceed the outline consent a full planning application has been submitted.
- 1.03 The five industrial units vary in height and design depending on the intended end user. In total 1,086,038 ft<sup>2</sup> / 100,901 m<sup>2</sup> of internal floor space is to be created. The application is supplemented with comprehensive assessments to support the proposal covering highway safety, ecological matters, flood risk, landscape and visual impact for example.
- 1.04 The application site is identified in the Local Development Plan under Policy STR3A as a key strategic site delivering both housing but also industrial and employment opportunities to the county. The location of the site within the Deeside Enterprise Zone is important in delivering the growth context as set out in Future Wales which identifies Wrexham and Deeside as a National Growth Area. Initial employment opportunities will be during construction phases but based on the industry standard the development could generate circa 1086 direct jobs on the site at the operational stage, alongside additional indirect jobs and beneficial multiplier effects.
- 1.05 Matters including the impact on heritage assets, flood risk, ecological implications and highway safety have been fully assessed and are considered to be compliant with local and national planning policy.
- 1.06 It is therefore recommended that Members endorse the recommendation to approve the application subject to the conditions as outlined at Paragraph 2.01 of this report and the applicant entering into a Section 106 Agreement to secure the long term maintenance of the estate roads, Public Rights of Way and sustainable travel linkages.

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

- 2.01 That conditional planning permission be granted, subject to the applicant entering into a Section 106 Obligation to provide:
- The establishment of a Management Company for the



management and future maintenance of the internal estate roads, Public Rights of Way and sustainable travel linkages.

### Conditions

1. Time limit on commencement
2. Compliance with approved plans
3. Submission of a drainage scheme
4. No surface water run off from increases to roof areas
5. Submission of a CEMP
6. Submission of an Amphibian Conservation Plan
7. Implementation of landscaping scheme
8. Details for the prevention of surface water run off onto the Highway
9. Submission of a Construction Traffic Management Plan

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application

## **3.00 CONSULTATIONS**

3.01 **Local Member Councillor Christine Jones:** – No formal response received following discussions with the case officer

**Local Member Councillor Dale Selvester:** – No response received at time of writing report

**Sealand Community Council:** No objections received

**Highways Development Control:** Following the initial consultation amended details have been requested and received. The details are considered acceptable subject to the applicant entering into a Legal Agreement to secure the maintenance of the estate roads, PROW and sustainable travel links .

**Community and Business Protection:** The land contamination assessment report provided is limited but reasonable. No further information is expected to be provided with respect to land contamination.

**Welsh Water/Dwr Cymru:** No objection subject to the inclusion of conditions relating to the submission of a drainage scheme and surface water discharge.

**Natural Resources Wales:** Flood risk – No objection following the submission of additional information.

Protected species – No objections to the proposed mitigation subject to the inclusion of conditions

**Airbus**: No aerodrome safeguarding objection

**Welsh Government**: No objections given with regards to the A494 trunk road

**Public Rights of Way**: No formal response received following re-consultation

**Ramblers Association**: The proposal will require a diversion of a footpath No 3 and the Ramblers Association reserve the right to comment in detail at DMMO/diversion stage. Every effort should be made to keep path open via a concessionary route during construction. The path will change from a rural path to part of an industrial estate and should be hard-surfaced, and incorporated into the overall walking route network of the estate.

#### **4.00 PUBLICITY**

4.01 Site Notice displayed – no responses received at time of writing report

#### **5.00 SITE HISTORY**

5.01 There is a complex and lengthy planning history to the Northern Gateway site and accordingly the most relevant applications to this particular plot are listed below.

063591

Application for the approval of Reserved Matters following outline approval for the erection of 400 dwellings  
Approved 30.03.22

060411

Application for approval of reserved matters following outline approval (056540) for the erection of 129 no. dwellings. Approved 28.10.21

059635

Application for removal of conditions 6, 8, 11 and 32 and variation of conditions 7, 31, 36 and 44 following grant of planning permission. (056540).  
Approved 05.06.20

058868

Application for approval of reserved matters relating to the phase 1a enabling and infrastructure works following outline

Approval. (056540).  
Approved 30.08.19

056540

Application for variation of conditions 5 (mix of development and phasing), 32 (highway works) and 38 (off-site highway works) and removal of conditions 6 (highway works at Station Road/Asda junction) and 10 (flood defence works) following grant of planning permission 054758 Outline application for an employment led mixed use development incorporating logistics and technology park (B1, B2, B8), residential (C3), local retail centre (A1), Hotel (C1), Training and skills centre (C2, D1) new parkland, conversion of buildings, demolition of barns, and associated infrastructure comprising construction of accesses, roads, footpaths, cycle paths, earthworks, and flood mitigation.

Approved 02.03.18

054758

Variation of conditions 6, 9 and 42 and removal of condition nos. 17, 18, 19 and 20 attached to planning permission ref: 050125 Approved 16.03.16. 050125 Employment-led mixed-use development, incorporating Logistics and Technology Park (B1,B2,B8) with residential(C3),local retail centre (A1), hotel (C1), training and skills centre(C2,D1),new parkland; conversion of buildings, demolition of barns; and associated infrastructure comprising construction of accesses, roads, footpaths/ cycle paths, earthworks and flood mitigation/drainage works

Approved 13.05.14

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Local Development Plan**

Policy STR1: Strategic Growth

Policy STR2: The Location of Development

Policy STR3A: Strategic Site: Northern Gateway

Policy STR4: Principles of Sustainable Development, Design and Placemaking

Policy STR5: Transport and Accessibility

Policy STR7: Economic Development, Enterprise and Employment

Policy STR8: Employment Land Provision

Policy STR13: Natural and Built Environment, Green Networks and Infrastructure

Policy STR14: Climate Change and Environmental Protection

Policy STR15: Waste Management

Policy PC1: The Relationship of Development to Settlement Boundaries

Policy PC2: General Requirements for Development

Policy PC3: Design

Policy PC4: Sustainability and Resilience of New Development

Policy PC5: Transport and Accessibility

Policy PC6: Active Travel  
Policy PE1: General Employment Land Allocations  
Policy PE2: Principal Employment Areas  
Policy EN6: Sites of Biodiversity Importance  
Policy EN8: Built Historic Environment and Listed Buildings  
Policy EN14: Flood Risk

Adopted Supplementary Planning Guidance

SPGN No. 8 – Nature Conservation and Development

SPGN No. 11 – Parking Standards

National

Planning Policy Wales Edition 11, February 2021

TAN 5: Nature Conservation & Planning

TAN 11: Noise

TAN 12: Design

TAN 15: Development and Flood Risk

TAN18: Transport

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This application seeks full planning permission for five industrial units to create B1 (b) (c), B2 and B8 employment space with ancillary B1a office space on land at the former Corus site, Welsh Road, Garden City. For clarity the proposed B1, B2 and B8 use classes are defined as:

#### Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

#### Class B2. General industrial

Use for the carrying on of an industrial process

#### Class B8. Storage or distribution

Use for storage or as a distribution centre.

### **7.02** The site already has an extant outline planning permission for a mixed use development for:

*'Mixed-use development, incorporating Logistics and Technology Park (B1, B2 and B8) with residential (C3), local retail centre (A1), hotel (C1), training and skills centre (C2, D1), new parkland; conversion of buildings, demolition of barns; and associate infrastructure comprising construction of accesses, roads, footpaths/ cycle paths, earthworks and flood mitigation/ drainage works at Northern Gateway, Land off Welsh Road, Deeside.'*

- 7.03 Due to changing market demands following the grant of outline planning permission which extend beyond the remits of the extant consent the applicant is seeking a full planning permission rather than reserved matters.
- 7.04 The Northern Gateway site comprises of the former Corus Garden City site and the former RAF Sealand site. The Northern Gateway site spans a vast area and is owned by Praxis Real Estate Management Ltd (Praxis) and Pochin Goodman Northern Gateway Ltd (PGNGL). The northern part of the wider Northern Gateway (former RAF Sealand) site is owned by Praxis with the southern part (former Corus site) owned by PGNGL
- 7.05 Site Description  
The application site is located on the western edge of the Garden City, a settlement within the Sealand area of Flintshire. The nearest town centre is Queensferry which is approximately 1 mile to the south of the Site.
- 7.06 The site occupies a strategic location, not only within Flintshire, but also in a sub-regional and national spatial context. Located next to Deeside Industrial Park, the site lies strategically within the wider Deeside area and is well served by the local trunk road network with access from Welsh Road (B5441). To the east of the B5441 Welsh Road lies the A494 trunk road.
- 7.07 The loosely 'L' shaped site is located to the south western plot of the Former Corus Garden City site and measures approximately 35.88 hectares (88.65 acres) in size. It is bound to the south by the River Dee and the Shotton Point complex of buildings to the south west. The west the application site is bordered by Route 5 of the Sustrans National Cycle Network, whilst the adjacent Airfields site sits to the North.
- 7.08 Proposed Development  
The application proposes the erection of five industrial units with associated infrastructure works. As noted above there is an extant planning permission for similar development on this parcel of land but no Reserved Matters has been sought or granted.
- 7.09 In their supporting statement the applicant confirms that since the granting of outline planning permission in 2014 market demands have altered and in response to this larger units are being sought. In particular, the outline planning permission is subject to height parameters which are not operationally suitable given the potential end users of the units. For clarity the proposed units are outlined below:

Proposed Unit	Total GIA	Proposed Maximum Building Height (to ridge)	Previously Approved Maximum Building Heights
Unit 1	387,826 ft <sup>2</sup> / 36,031 m <sup>2</sup>	22m	18-20m
Unit 2a	56,575 ft <sup>2</sup> / 5,256 m <sup>2</sup>	16.5m	18-20m
Unit 2b	113,390 ft <sup>2</sup> / 10,535 m <sup>2</sup>	19m	18-20m
Unit 3	37,000 ft <sup>2</sup> / 3,440 m <sup>2</sup>	14m	18-20m
Unit 4	491,247 ft <sup>2</sup> / 45,639 m <sup>2</sup>	22m	Parts of Unit 4 cover a range between 12-15m and 18-20m

- 7.10 The Proposed Development will provide 100,901 m<sup>2</sup> (1,086,038 ft<sup>2</sup>) GIA of floorspace across the site. This will be accommodated across 5 no. of buildings, ranging in size to include B1 (b) (c), B2 and B8 employment uses providing a mix of industrial, storage and distribution accommodation with ancillary office use. Despite the increase in building heights the total floorspace being proposed for the site is 19,099 m<sup>2</sup> less than the previously consented B2/B8 floorspace set out in the outline planning permission.
- 7.11 Principle of Development  
The site forms part of the strategic mixed use development allocation STR3A: Strategic Site: Northern Gateway within the adopted Flintshire Local Development Plan.
- 7.12 Both this application site, the Former Corus, Garden City and the adjacent Airfields 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.
- 7.13 Both component sites have the benefit of outline planning permission which as part of the approved mixed use including residential and employment. The Northern Gateway Strategic site continues to remain an allocated site commitment in the recently adopted Local Development Plan (LDP). In addition, the site sits within the Deeside Enterprise Zone and is important in delivery the growth context set out in Future Wales which identifies Wrexham and Deeside as a National Growth Area.
- 7.14 The site's allocation for mixed use, including the recently approved local district centre, reflects both the strategy of the Flintshire Local Development Plan and the principles of PPW11 at a national level. The submission of this application to bring forward crucial industrial units

and resulting employment opportunities is welcomed in delivering the ambitions of the masterplan for this site. In this context therefore, there is a clear policy framework supporting the principle of the proposed development on this site.

7.15 Impact on Heritage Assets

The Southern boundary of the proposed development site is adjacent to the former John Summers office complex which contains a number of Cadw and locally listed heritage assets. The Shotton Steelworks Garden is registered Grade II listed for the survival of the layout, formal structure and much of the major planting of a formal garden and forecourt designed to complement the adjacent office buildings and form an integrated design.

7.16 The main office building dates from 1907 and is listed for the definite architectural character of this early 20th century. In addition, there are separate office buildings which are also separately Listed.

7.17 The employment land allocated which encompasses the entirety of the application site is located closest to these heritage assets. Conservation Officers have been involved from pre-application stage and have influenced the overall design and layout of the proposed development.

7.18 The application is supplemented with a Built Heritage statement and Landscape and Visual Impact Assessment which conclude that careful design and use of external materials will mitigate any visual impact on the setting of those heritage assets. In addition, the wider site context with existing units on Deeside Industrial Estate and the recently approved industrial units on the adjacent Airfields site (including the ICT papermill) will form of cohesive backdrop of industry which is reflective of the buildings former use.

7.19 Overall, it is considered that the proposed development will cause no impact on heritage assets.

7.20 Flood Risk

The site lies entirely in Zone C1 as defined by the Development Advice Map (DAM) referred to in TAN15: Development & Flood Risk (2004) and within the TAN15 Defended Zone according to the Flood Map for Planning (FMfP).

7.21 A Flood Consequences Assessment (FCA) has been supplied with the application which presents an assessment of risk based on the 2013 agreed flood risk parameters. The FCA has identified that the site is at risk from a number of sources in the baseline scenario, including tidal flood risk from the River Dee, and fluvial flood risk from Shotwick Brook/Garden City Drain.

- 7.22 In order to mitigate the identified flood risk, raising of the development platform and finished floor levels is proposed. The FCA states that the finished floor levels will be set between 5.075 m AOD and 5.35 m AOD, which complies with the previously agreed design finished floor level. However, some parts of the development platform would be set below the agreed design level, with some areas as low as 4.0 m AOD (the loading bays).
- 7.23 As there is a deviation from the agreed levels, the mitigation measures provided within the FCA do not strictly comply with the previously agreed flood risk mitigation strategy. However, it is noted that the FCA explains that the perimeter of the development platform will be set to a level of 5.075 m AOD, meaning that the outer perimeter of the platforms would be raised to the agreed design level. Whilst the proposed levels do not comply with the previously agreed flood risk mitigation strategy, NRW confirm that having lower levels within the development platform does not significantly compromise the principles of the agreed flood risk mitigation measures on the basis that the perimeter of the surrounding development platform is at or above the agreed minimum level.
- 7.24 The applicant has provided operational reasoning for the lower floor levels on the loading bays which has been accepted by NRW. Accordingly, the mitigation measures recommended within the FCA are considered acceptable and the risks associated from flooding can be adequately managed.
- 7.25 Drainage  
Dwr Cymru/Welsh Water confirm that there is capacity within the public sewerage network in order to receive the domestic foul only flows from the proposed development site, however it appears that the applicant proposes to discharge foul flows directly into the rising main. The applicant has been advised that is not permissible, but an alternative point of connection is possible. Accordingly it is recommended that a drainage strategy for the site, shall be appropriately conditioned, implemented in full and retained for the lifetime of the development. Surface Water drainage will be dealt with through the separate SAB application process.
- 7.26 Ecological Implications  
The application adjoins the following protected sites –
- Dee Estuary Special Area of Conservation (SAC),
  - River Dee and Bala Lake SAC,
  - The Dee Estuary Special Protection Area (SPA), and
  - The Dee Estuary Ramsar
- 7.27 The application is supplemented by a comprehensive Ecological Assessment which considers the impact of the development on the nearby protected sites and species. The Assessment confirms that



mitigation for habitat loss is already being delivered through implementation of the site wide Framework Ecological Mitigation Strategy (FEMS) covering the whole of the Northern Gateway development on the former Corus Garden City site submitted and approved with the original outline planning permission on the site.

7.28 Potential construction phase impacts on retained habitats (i.e. root compaction on hedgerows/trees) and habitat degradation through dust pollution/surface water run off are to be mitigated through the implementation of a Construction Environmental Management Plan (CEMP) and installation of root protection fencing around retained trees which can be secured by way of a suitably worded condition.

7.29 Highway Safety

The application is supported by highway design details including the internal estate road layout and parking and turning facilities. Access to the site is via the spine road already approved under the earlier enabling works Reserved Matters consent.

7.30 The internal estate roads will not be adopted by the Highway Authority and will instead be maintained by the landowners PGNGL. Providing that the applicant enters into a Legal Agreement that secures the maintenance of the estate roads, Public Rights of Way and sustainable travel links then no objection is received from the Highways Authority.

7.31 The proposed parking facilities accord with the Councils SPGN No.11.

7.32 Public Rights of Way

Public Right of Way (PROW) currently runs on the western side of the existing landscape bund that runs parallel to the Shotwick Brook along the eastern boundary to proposed Unit 1. The removal of part of the existing bund and the proposed drainage attenuation provision as proposed alongside Unit 1 and Unit 2B, will require diversion of the PROW, albeit on a similar route parallel with the existing PROW, alongside the proposed drainage swale. The PROW diversion will be applied for separately and the Ramblers Association will be consulted at that stage.

7.33 S.106 and CIL Compliance

The infrastructure requirements arising 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.

7.34 It is considered that the requirement to form a management company for the maintenance of infrastructure on the site meets the Regulation 122 tests.

## **8.00 CONCLUSION**

This application seeks planning permission for the erection of five industrial units for Uses B1 (b) and (c), B2 and B8 with ancillary B1 (a) on land at the former Corus, Northern Gateway.

The proposed development will provide important employment opportunities and is key in delivering and supporting the ambitions of not only the Local Development Plan but also the growth as identified in the Future Wales Plan.

The scale of the development is substantial with building heights at a maximum of 22 metres. However, significant consideration needs to be given to the wider context of the site with Deeside Industrial Park and the existing (and committed) units on the adjacent Airfields providing the backdrop.

Careful design consideration has been given to mitigate any impact on the adjacent heritage assets and the Conservation Officer raises no concerns.

With no objections from statutory or third party consultees it is considered that the application is fully compliant with both local and national planning policy and I therefore recommend that planning permission is granted subject to the applicant entering into a S106 Agreement and the imposition of conditions 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**

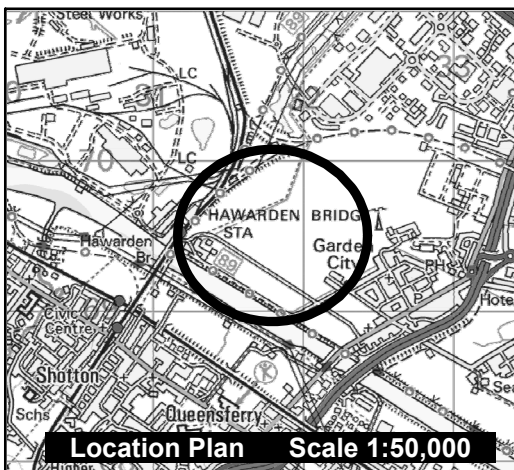
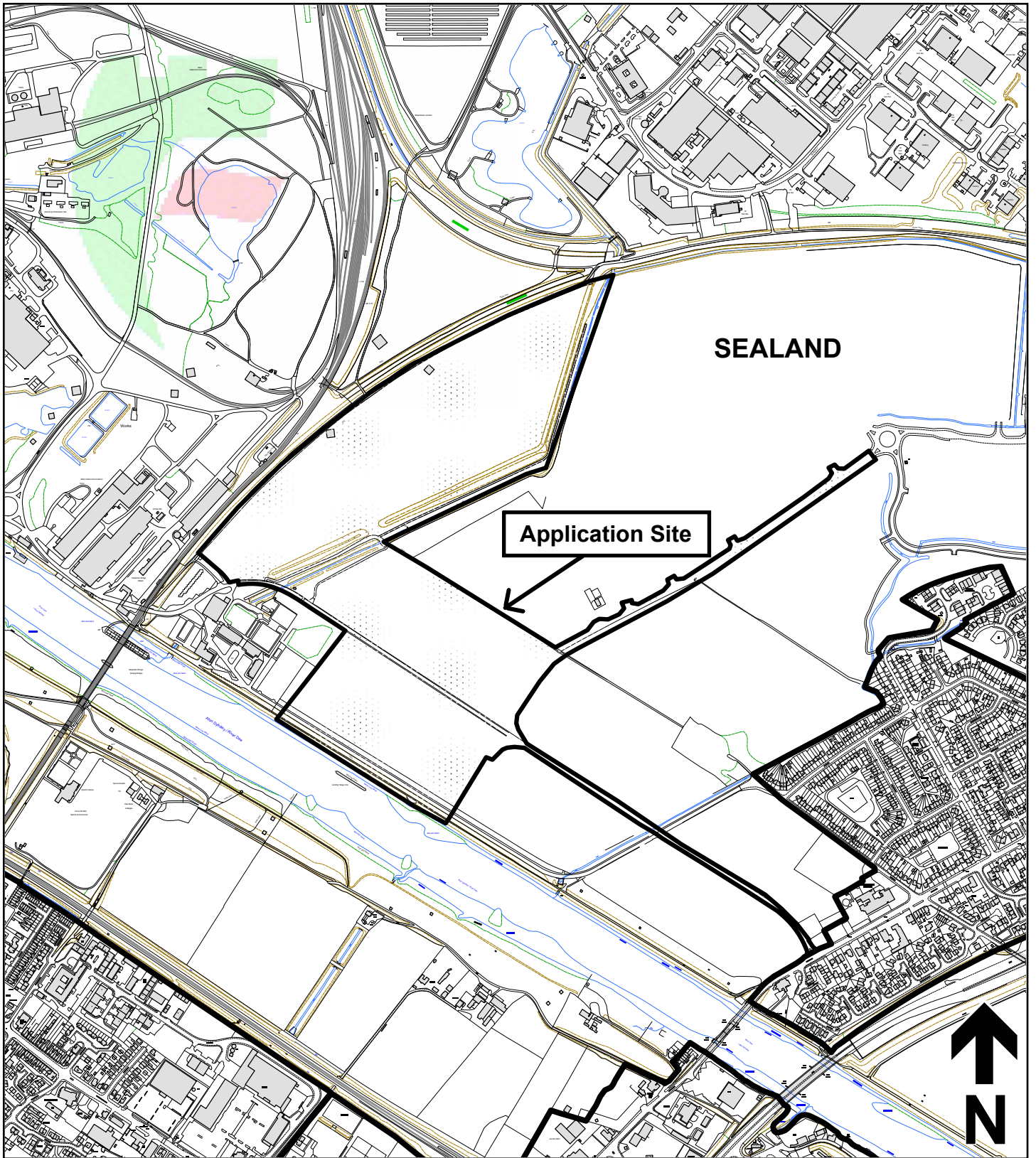
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer: Claire Morter**

**Telephone: 01352 703299**

**Email: [claire.e.morter@flintshire.gov.uk](mailto:claire.e.morter@flintshire.gov.uk)**

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

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Planning Application FUL/000506/23

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **27<sup>TH</sup> SEPTEMBER 2023**

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

**SUBJECT:** **FULL APPLICATION – DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEW INDUSTRIAL UNITS WITH ASSOCIATED WORKS**

**APPLICATION NUMBER:** **FUL/000519/23**

**APPLICANT:** **F.I. REAL ESTATE MANAGEMENT LTD**

**SITE:** **UNIT 102, TENTH AVENUE, SEALAND, DEESIDE**

**APPLICATION VALID DATE:** **30/5/23**

**LOCAL MEMBERS:** **COUNCILLOR C M JONES**  
**COUNCILLOR D SELVESTER**

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

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

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

### **1.00 SUMMARY**

- 1.01 This is a full application for the proposed demolition of an existing building and construction of a new building accommodating 4 No industrial units for B2 (General Industrial) and B8 (Storage and Distribution) Uses, with associated works at Unit 102, Tenth Avenue, Sealand, Deeside.
- 1.02 This application is being reported to Planning Committee as the proposed floorspace of the building, exceeds that allowed to be determined by officers under the delegation scheme.

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

- 2.01
- 1 Time limit on commencement
  - 2 In accordance with approved plans
  - 3 Materials to be submitted and approved.
  - 4 Site/Finished Floor Levels (FFL's) to be submitted and approved.
  - 5 Access to provide for the simultaneous passage of 16.5m articulated vehicles (HGV's)
  - 6 No work to commence on access until details have been submitted and approved.
  - 7 Access to provide for a visibility splay of 2.4m x 90m,
  - 8 Parking, loading, unloading, and turning facilities to be provided prior to bringing into use.
  - 9 Positive means to prevent surface water run off on highway to be provided.
  - 10 Construction Traffic Management Plan to be submitted and approved.
  - 11 Travel Plan and Transport Implementation Strategy to be submitted and approved.
  - 12 No surface or land drainage to connect directly or indirectly into the existing public sewerage system.

**3.00 CONSULTATIONS**

3.01 **Local Members**

**Councillor C M Jones:** No objection to determination under delegated powers.

**Councillor D Selvester:** No response received at time of preparing report.

**Sealand Community Council:** No objections

**Highways Development Control:** No objection subject to the imposition of conditions

**Community and Business Protection:** No objection

**Welsh Water/Dwr Cymru:** Request that any permission includes a condition in respect of surface water/land drainage.

**Natural Resources Wales:** No objection

**Airbus:** No aerodrome safeguarding objection

**Welsh Government (Trunk Roads):** Do not wish to issue a direction.



#### **4.00 PUBLICITY**

4.01 Press Notice, and 7 Neighbour Notification letters sent.

No responses received at time of preparing report.

#### **5.00 SITE HISTORY**

5.01 No history

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan

Policy STR1: Strategic Growth

Policy STR2: The Location of Development

Policy STR4: Principles of Sustainable Development, Design and Placemaking

Policy STR5: Transport and Accessibility

Policy STR7: Economic Development, Enterprise, and Employment.

Policy STR8: Employment Land Provision

Policy PC1: The Relationship of Development to Settlement Boundaries

Policy PC2: General Requirements for Development

Policy PC5: Transport and Accessibility

Policy PE1: General Employment Land Allocations

Policy PE2: Principal Employment Areas

Policy EN14: Flood Risk

Policy EN15: Water Resources

Supplementary Planning Guidance Notes

SPGN No 11. Parking Standards

National Planning Policy

Planning Policy Wales Edition 11

Future Wales Plan 2020-2040

Technical Advice Note (TAN) 12: Design

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

Technical Advice Note (TAN) 18: Transport

Technical Advice Note (TAN) 23: Economic Development

#### **7.00 PLANNING APPRAISAL**

7.01 Introduction

The site the subject of this application which amounts to approximately 1.5 hectares in area, is located between Tenth Avenue

and the A548 at Deeside Industrial Park, Sealand, the site being within a Principal Employment Area, as defined in the Flintshire Local Development Plan.

7.02 Proposed Development

The plans submitted as part of this application propose the demolition of an existing building on site, which measures approximately 48m x 48m x 8m (high) and redevelopment by the erection of a new building measuring approximately 121m x 57m x 16m (high). The new building would accommodate 4 No individual units which have a combined total footprint area of 6897m<sup>2</sup>.

7.03 The proposal is being referred to Planning Committee as the proposed floorspace to be created, exceeds the threshold limit of 5000m<sup>2</sup> that could be determined as officer level, as allowed by the scheme of delegation for development on established industrial estates/business parks, or land allocated for such purposes in the development plan.

Main Planning Considerations

7.04 The main planning considerations to be addressed in determination of this application include:

- i) Principle of development
- ii) Scale/ form/design
- iii) Adequacy of access and parking
- iv) Flood risk.

These issues are addressed in further detail below.

Principle of Development

7.05 The site lies within the Deeside Industrial Park and DARA Principal Employment Area, where proposals for B1, B2 and B8 uses are supported by Policy PE2 of the Flintshire Local Development Plan, subject to the safeguarding of relevant development management considerations.

Scale / Form / Design

7.06 The scale form and design of the proposed building whilst larger than that currently in -situ, can be satisfactorily accommodated on site, and is characteristic in design terms with other existing units within the wider industrial estate. This is considered acceptable having regard to Policies PC2, PC3 and PE2 of the Flintshire Local Development Plan

Adequacy of Access / Parking

7.07 Consultation on the application has been undertaken with Highways Development Control, who confirm given the sites existing usage, that there is no objection to the development subject to the imposition of conditions in respect of access, visibility, surface water run-off, and

submission of a Construction Traffic Management Plan, Transport Plan and Transport Implementation Strategy.

Flood Risk

- 7.08 It is noted that the site is located within a C1 Flood Zone as defined in the Development Advice Maps in Technical Advice Note 15 – Development and Flood Risk (TAN15) This is defined as an area of the floodplain which is developed and served by significant infrastructure including flood defences.
- 7.09 The proposed use of the buildings fall within the definition of Less Vulnerable Development and the redevelopment of this brownfield site, would meet the tests set out in para 6.2 of TAN15, particularly as the proposal is necessary to contribute to employment objectives.
- 7.10 A Flood Consequences Assessment (FCA) has been submitted as part of the application which has been assessed by Natural Resources (Wales) it being confirmed that the risks associated with potential flooding of the site can be acceptably managed subject to the imposition of a condition controlling site /finished floor levels.

**8.00 CONCLUSION**

It is considered that the nature /scale of the proposed development is acceptable both in visual terms and from a functional perspective representing a high-quality development that provides for a range of units with the industrial estate. It is considered that the proposal is acceptable having regard to both national and local planning policies and guidance. It is therefore recommended that the application is approved subject to the conditions referenced in 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.

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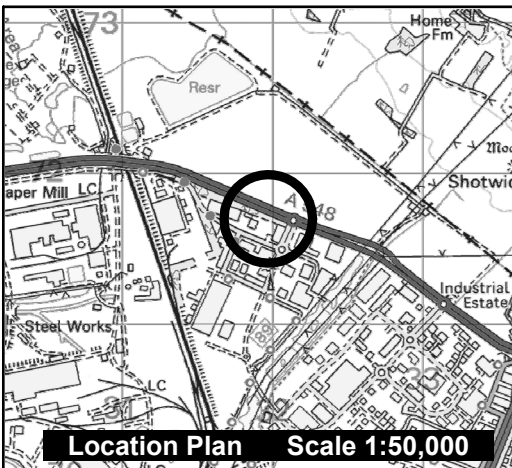
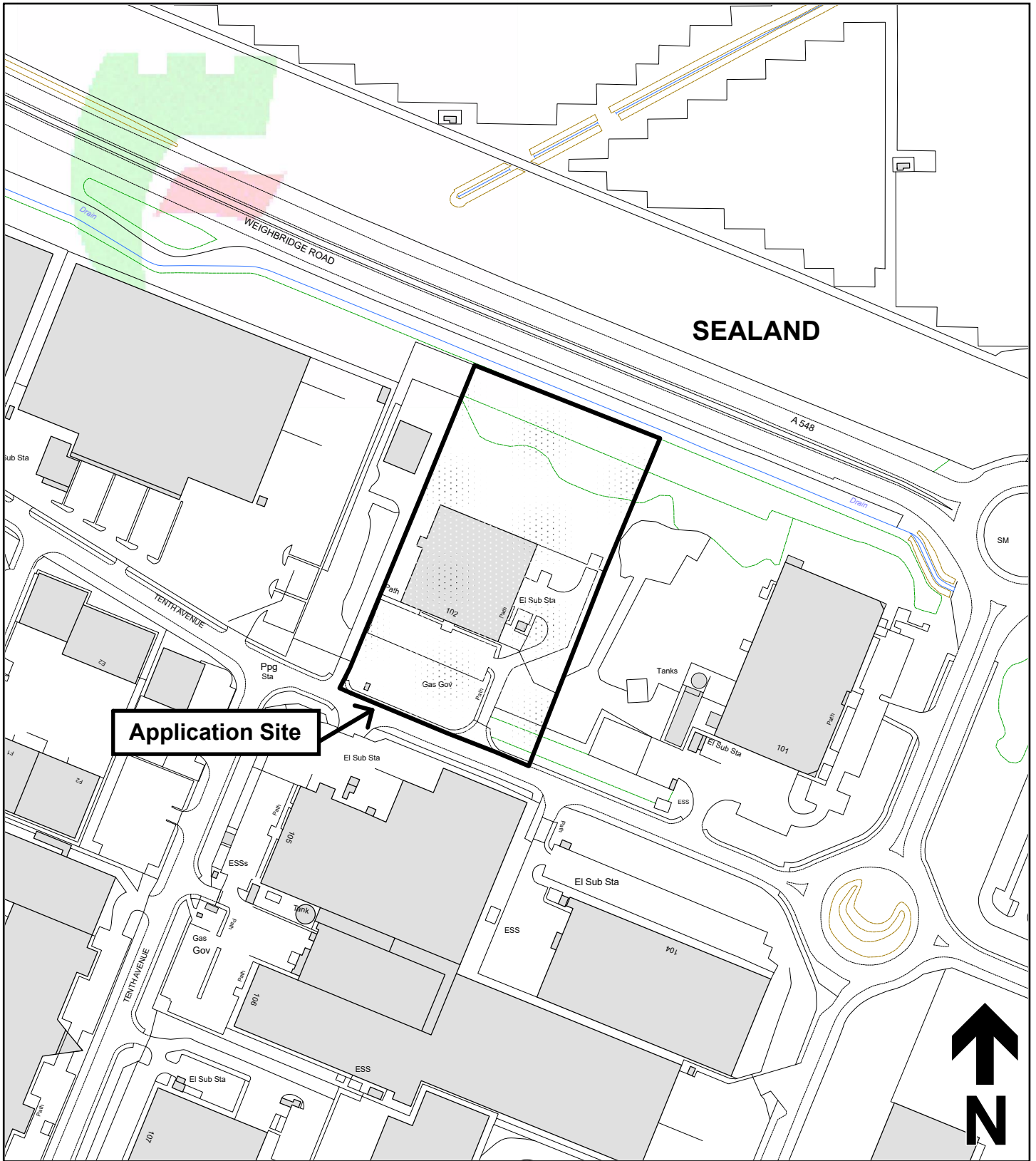
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
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Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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OS Map ref SJ 3171

Planning Application FUL/000519/23

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:**                    **WEDNESDAY, 27 SEPTEMBER 2023**

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

**SUBJECT:**              **GENERAL MATTERS - TREE PRESERVATION ORDER NO.345 AT SUNNYBANK, KING STREET, MOLD**

<b>1.00</b>	<b>PURPOSE OF REPORT</b>
1.01	To consider a letter of objection to a provisional Tree Preservation Order (TPO) affecting two mature pines at the Sunnybank, King Street, Mold. The report summarises the objections, provides the officer's responses and considers other relevant factors.
1.02	It is recommended that the provisional TPO is confirmed without modification so that it remains in force.
<b>2.00</b>	<b>REPORT</b>
2.01	On 15 March 2023 a six-week conservation area notification (TCA/000243/23) was submitted to the Council to fell two mature pines, located at the front of the property known as Sunnybank, King Street, Mold, one of a pair of attractive Edwardian period villas. Having assessed the trees, it was considered that the trees afforded significant amenity and merited protection by a provisional TPO, to prevent them from being felled once the six weeks' period had expired.
2.02	The provisional TPO was made on 12 April 2023 and will expire on 11 October 2023, following which, the trees will no longer be protected unless the provisional TPO is confirmed by a resolution of the Planning Committee. If the provisional TPO is confirmed it will become permanent and provide continued protection to the two pine trees.
2.03	The owner of Sunnybank has submitted a letter of objection to the provisional TPO. The points of objection can be divided into two main categories, firstly the assertion that the roots of either or both pines have caused damage to the property and secondly, that the trees are unsafe. The letter of objection is eight pages long and

	notwithstanding the need to summarise these points, the objections relevant to the trees are included in this report.
2.04	<b>Structural Damage – Summary of Points of Objection</b>
	Edwardian homes are typically built on shallow foundations making them vulnerable to ground movement caused by large tree growth. Pine trees generally have shallow rooting habits which is particularly relevant in this case as they tend to use a large proportion of the available water in the upper sections of the water table, which can contribute to subsidence related damage to buildings.
2.05	In the turret room [ <i>the ground floor hexagonal room attached to the southwest corner of the main dwelling and one of the principal historical features of the listed building</i> ] significant cracking of the original internal tiled window sills has occurred which corresponds with diagonal cracking in the external brickwork, in addition the original parquet floor slopes upwards. The objector states that these did not exist when they moved to the property in 2005.
2.06	<b>Structural Damage – The Council’s Response</b>
2.07	The property is one of a pair of fine Edwardian dwellings that are Grade II Listed and of merit to Mold Conservation Area. It is considered that the two mature pines complement the dwelling and are of a species frequently planted in large Victorian and Edwardian properties. It should also be recognised that the two mature pines contribute significantly to the amenity of King Street and the Conservation Area.
2.08	The fact that relatively minor movement has occurred in the turret room is not disputed however only circumstantial evidence has been provided to support the claim that the trees are the cause of the damage observed. Critically, the claim is not supported by a structural engineer’s report.
2.09	The movement in the turret room is variously referred to as subsidence, upward movement and cracking, and it is important to define precisely what movement is occurring, and when, which could indicate its cause.
2.10	In broad terms tree roots can damage structures in two ways-  ‘Direct action’ where a root pushes directly against a structure as it grows. <i>or</i> ‘Indirect action’ where tree roots dry out a soil, which if it is prone to shrinking upon drying, can cause subsidence (downward movement) and heave (upward movement) when the soil rewets. This seasonal cycle of movement can damage buildings when the foundations rely on that soil for support.



2.11	It is considered that 'direct action' is most unlikely to have caused the movement in the turret room because it is a substantial structure that is not within two or three metres of the trunk where movement resulting from the direct action of tree roots is possible.
2.12	The possibility that tree roots are causing the movement in the turret room as result of 'indirect action' is considered to be low because the clay soils present across Flintshire are not highly shrinkable and due to the regional climate are not subject to prolonged periods of drying. In addition, pines do not have a high-water demand.
2.13	Where trees are implicated in subsidence insurance claims it is industry best practice to require a building surveyor's report, trial hole report, soil and root analyses, a level monitoring report and an arboricultural report to determine liability for a claim. The insurance industry's requirement for a range of reports reflects the complexity of tree related subsidence. By comparison, in this case, only a tree report has been provided in support of the claim that the trees are damaging the building, which describes the damage but not the mechanism for how it has been caused by the pines.
2.14	A matter of particular concern observed on site visit, is that the surface water drains off the property's driveway towards the dwelling and into a drainage channel at the base of the outside wall. On visual inspection by the Forestry Officer and the Built Conservation Officer this drainage channel is not watertight and is directing rainwater towards the foundations and is very likely to be soaking them during heavy rain. Edwardian and Victorian properties frequently have clinker foundations which will expand if saturated. This has not been investigated by the owner as a possible cause of the movement in the turret room.
2.15	To assist with the investigation of the cause of the movement present in the turret room it was agreed with the owner that the Council would appoint a structural engineer specializing in listed buildings to undertake a report. At the time of preparing this committee report the surveyor had not been able to gain access to visit the property. The owner has also been advised that the Council's Historic Building Repairs Grant could contribute towards the cost of making repairs to the dwelling once the cause of the movement is known.
2.16	It is acknowledged that the driveway's surface has become uneven with age due in part to the tree roots. Repairs could be made to the driveway without the need to remove the roots or felling the trees.

2.17	The respective contributions the two pines and the listed building make to the Conservation Area are both material considerations for the LPA to consider and each are significant. Both are important and yet complement each other to the extent that, together, they are a feature of amenity within the conservation area that is greater than the sum of its parts. The best outcome would be to make repairs to the listed building, ensuring that damage does not reoccur and retaining the trees as a feature of the property and Conservation Area.
2.18	<b><u>Tree safety – Summary of Points of Objections</u></b>
2.19	Even if the pine tree root structure was not close enough to the property to damage the foundation, which they are, the trees still present a threat to the property and surrounding public areas. The arborist reported the tree closest to the property has a weak union making it susceptible to major limb failure during inclement weather. In March 2013 a large limb fell leaving one precariously hanging.
2.20	With the ever-changing climate conditions of drier/hotter summers, rainier winters, strong and random storms, strong winds: tornado/funnel clouds, this compounds concern of safety to road users, public, residents and the Grade II listed building.
2.21	A large neighbouring tree fell onto the public highway, amazingly on this occasion there was no injury or fatalities however, there was structural damage caused to the garden wall of Sunnybank.
2.22	The objector says their concerns have been dismissed with the decision making based on the one-sided view of the Forestry Officer who places tree preservation (on the grounds of amenity) over the risks and dangers to the public and to a Grade II listed building. Therefore, the objector now places full responsibility of any incident of the considered dangerous trees onto Flintshire County Council.
2.23	The objector has engaged with members of the Welsh Government, Local Councillors and Government Bodies to raise concern of the risk and danger to human life and to the Grade II listed building(s).
2.24	<b><u>Tree safety – The Council’s Reponses</u></b>
2.25	Members are advised that in addition to affording significant visual amenity trees have a vital role in mitigating climate change and maintaining biodiversity. These benefits should be balanced against the low risk of catastrophic failure that an individual tree might present. This is the approach the Council adopts on the many trees it manages on its own land and is an accepted part of Tree Risk Assessment.
2.26	Both trees are healthy and do not have any major defects that present an unacceptable risk to people or property. The second paragraph of the report by Treehogs submitted on behalf of the property owner in

	support of the Conservation Area notification to fell the trees, states that they are in a reasonable condition and only later then refers to the tree nearest the dwelling leaning and having a weakness in a codominant stem union.
2.27	It is considered that this weakness is not major and could be addressed by the pruning of 2-3 selected limbs towards the corner of the dwelling to lessen weight, this was recommended in an email to the owner on 10 August 2022. There is also the option of inserting a brace in the tree, although this would not be justified if pruning is carried out. The identification of this minor weakness does not justify the removal of both trees. By comparison, the sycamore in the neighbouring garden which fell into the road was evidently in poor condition and would have been severely decayed for a number of years prior to its failure.
2.28	Even where they are subject to a TPO the owners of trees are responsible for them and are under a duty of care to manage the risks that they pose. The duty of care in UK law does not require the risk of tree failure to be eliminated, only reasonable steps to be taken.
2.29	It is recognised that climate change represents a major challenge for everyone, and it is important that these effects are responded to as they arise, however felling the trees based on unquantified climate impacts would be premature.
2.30	<b><u>General – Points of Objections</u></b>
2.31	Insurance specialist advice that the objector has obtained is that they will not insure for accidental damage to a property with trees over 10m in height and within 10m of the property.
2.32	The objector states that they are also passionate and believes in sustainability and protecting our environment. The objector asks for approval to remove the two Corsican Pines which are not suitable for a town centre property, allowing the objector to look at a replanting scheme of suitable tree species that would not only offer local amenity but also be in proportion and not a threat to the Grade II listed building, both future protecting the property and maintaining local amenity, public safety.
2.33	<b><u>General – The Council’s Responses</u></b>
2.34	In return for lower premiums, insurance companies will often impose conditions and it is up to the policy holder to be aware of them and search for an alternative provider if the precondition cannot be met.
2.35	It is not considered that the pines are out of proportion with the listed building. The maturity and stature of the two pines contribute to the setting of the listed building which replacement tree planting would not for many years. LPA should protect trees which are considered to

	contribute to the character or amenity of a particular locality in accordance with Planning Policy Wales (Edition 11).
<b>3.00</b>	<b>CONCLUSION</b>
3.01	If it is not resolved to confirm the TPO it will lapse on 12 October 2023 and the trees will cease to be protected and are most likely to be felled.
3.02	If the TPO is confirmed the owner will need to apply to the Council to carry out work to the trees unless they are specifically exempt. It is possible that the owner may apply to fell the trees by, for instance, providing more comprehensive information about the alleged subsidence in the turret room. Any proposed tree work and its reasons would need to be considered on its merits at that time.
<b>4.00</b>	<b>RECOMMENDATIONS</b>
4.01	Taking into account the reasons for the objection and the Council's consideration of them it is recommended that Tree Preservation Order No. 345 is confirmed without modification.
	<b>LIST OF BACKGROUND DOCUMENTS</b> Conservation Area notification (Reference TCA/000243/23) Tree Report by Treehogs (12/01/2023) Provisional TPO No.345 (15/04/2023) Objection to the TPO (15/05/2023)
	<b>Contact Officer: Stuart Body (Forestry Officer)</b> <b>Telephone: 01352 703264</b> <b>Email: <a href="mailto:stuart.body@flintshire.gov.uk">stuart.body@flintshire.gov.uk</a></b>

Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) and/or  
Notification of Proposed Works to Trees in Conservation Areas (CA)

Town and Country Planning Act 1990

**Publication of applications on planning authority websites**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Tree Location

Please provide the address of the site where the tree(s) stands (full address if possible)

Number  Suffix

Property Name

Address Line 1

Address Line 2

Town/City

Postcode

Easting (x)

Northing (y)

**If the location is unclear or there is not a full postal address, describe as clearly as possible where it is**

(for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road')

### Applicant Details

Name / Company

## Name/Company

Title

Mr

First name

Gareth

Surname

Buckley

Company Name

Treehogs

## Address

Address line 1

Poplar Cottage, Vicarage Lane, Gresford

Address line 2

Great Sutton

Address line 3

Town/City

Wrexham

Country

United Kingdom

Postcode

LL128US

Are you an agent acting on behalf of the applicant?

Yes

No

## Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

Email address

\*\*\*\*\* REDACTED \*\*\*\*\*

## Agent Details

## Name/Company

Title

Mr

First name

Gareth

Surname

Buckley

Company Name

Treehogs

## Address

Address line 1

Poplar Cottage, Vicarage Lane

Address line 2

Gresford

Address line 3

Town/City

Wrexham

Country

United Kingdom

Postcode

LL12 8US

## Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

Email address

\*\*\*\*\* REDACTED \*\*\*\*\*

## Identification of Tree(s) and Description of Works

Before answering these questions you might find it helpful to consult a tree surgeon to clarify what needs to be done.

Please provide a full and clear description of:

- The proposed works
- The trees affected including species and location

2 pine trees to be felled due to damage being caused to Grade 2 listed building - further details in attached tree survey report

**Trees protected by Tree Preservation Order should be numbered according to the First Schedule of the Tree Preservation Order. For example - T3 oak; two beech and one birch in G2.**

**You must identify the trees on a sketch plan showing the location in relation to building(s), named roads and boundaries.**

Please state the reference you have given the plan (as described above)

Sunnybank, Mold - Site plan

Your plan needs to show the precise location of the tree(s) in relation to nearby property/roads/boundaries. It should, therefore:

- indicate the main features of the site where the tree(s) stand and its surroundings; in particular, you should:
  - mark and name surrounding roads
  - sketch in buildings, including adjoining properties
  - add house numbers or names
- mark the position of the tree(s) to which you want to carry out work
- identify them by the number shown in the Tree Preservation Order where possible; if you use a different number, please make sure that this can be matched with your description of the tree(s)
- if there are many trees on the site, make clear which tree(s) are included in this application by:
  - marking all trees on the plan, but only numbering those to which you want to carry out work
  - showing the approximate distance between the application tree(s) and buildings
  - adding other relevant features on the site (e.g. greenhouse, paths)

If it is impossible to identify the tree(s) accurately on the plan (e.g. because they are part of a woodland or group of trees), please identify their approximate location on the plan and provide details of how the tree(s) are marked on site (e.g. high visibility tape, tree tags, paint, etc); trees must not be marked by scarring or cutting into the bark.

## Trees - Reason(s) for work(s)

Please state the reasons for carrying out the proposed works on the tree(s)

Damage to Grade 2 listed building - further details available in attached tree report

**Do your reasons for carrying out the proposed works include any of the following**

Health or safety of the tree(s) - e.g. it is diseased, fears that it might break or fall

Yes

No

**If Yes, you will need to provide a report by a tree professional (arboriculturist)**

Alleged subsidence damage

Yes

No

## Trees - Additional Information

Are you providing additional information in support of your application?

Yes

No



Sunnybank, Mold: Arboricultural Report

## Tree Ownership

Is the applicant the owner of the tree(s)?

Yes

No

If No, please provide the address of the owner (if known and if different from the tree location)

### Name/Company

Title

\*\*\*\* REDACTED \*\*\*\*

First name

\*\*\*\* REDACTED \*\*\*\*

Surname

\*\*\*\* REDACTED \*\*\*\*

Company Name

### Address

Number

Suffix

Property Name

Sunnybank

Address line 1

King's Street

Address line 2

Town/City

Mold

Postcode

CH7 1EF

### Contact Details

Primary number

Secondary number

Email address

## Tree Preservation Order Details

Are you seeking consent for works to tree(s) subject to a Tree Preservation Order?

- Yes  
 No

Are you wishing to carry out works to tree(s) in a conservation area?

- Yes  
 No

## Authority Employee/Member

With respect to the Authority, is the applicant or agent one of the following:

- (a) a member of staff  
(b) an elected member  
(c) related to a member of staff  
(d) related to an elected member

Do any of these statements apply to you?

- Yes  
 No

## Declaration

I / We hereby apply for Tree works: Trees in conservation areas/subject to TPOs as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Gareth Buckley

Date

13/03/2023

Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) and/or  
Notification of Proposed Works to Trees in Conservation Areas (CA)

Town and Country Planning Act 1990

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Please state the reasons for carrying out the proposed works on the tree(s)

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**If Yes, you will need to provide a report by a tree professional (arboriculturist)**

Alleged subsidence damage

Yes

No

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Yes

No

Sunnybank, Mold: Arboricultural Report

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Is the applicant the owner of the tree(s)?

Yes

No

If No, please provide the address of the owner (if known and if different from the tree location)

### Name/Company

Title

\*\*\*\* REDACTED \*\*\*\*

First name

\*\*\*\* REDACTED \*\*\*\*

Surname

\*\*\*\* REDACTED \*\*\*\*

Company Name

### Address

Number

Suffix

Property Name

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Address line 2

Town/City

Mold

Postcode

CH7 1EF

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(b) an elected member  
(c) related to a member of staff  
(d) related to an elected member

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I / We agree to the outlined declaration

Signed

Gareth Buckley

Date

13/03/2023





Poplar Cottage · Vicarage Lane · Gresford · Wrexham · LL12 8US

# Arboricultural Survey of Sunnybank, Mold



Gareth Buckley  
Arboricultural Surveyor  
Treehogs  
1/12/2023

## Scope

The scope of this survey and report is to provide an inspection of 2 mature Corsican pine trees at Sunnybank, King Street in Mold. The main objective is to focus on risk assessment of the trees and mitigation with the adjacent property and public highway in mind. The onsite inspection was undertaken by Gareth Buckley on 10<sup>th</sup> January 2023, using the Visual Tree Assessment (VTA) method of inspection. Gareth is a qualified and experienced arboricultural surveyor and consultant with a BSc in Arboriculture gained from the University of Central Lancashire.

## Survey Observations & Recommendations

There are 2 mature Corsican pine trees in close proximity to the Grade 2 listed property of Sunnybank. While both trees are in reasonable condition as trees, they are causing significant structural damage to the building due to subsidence affecting the building foundations. This is evident from the structural cracks forming in the exterior brickwork and interior fittings of the turret section of the house, which is closest to the trees (damage shown in images 1 to 4 below). One window which used to open has had to be sealed shut due to the movement.



Image 1: Cracking in exterior wall

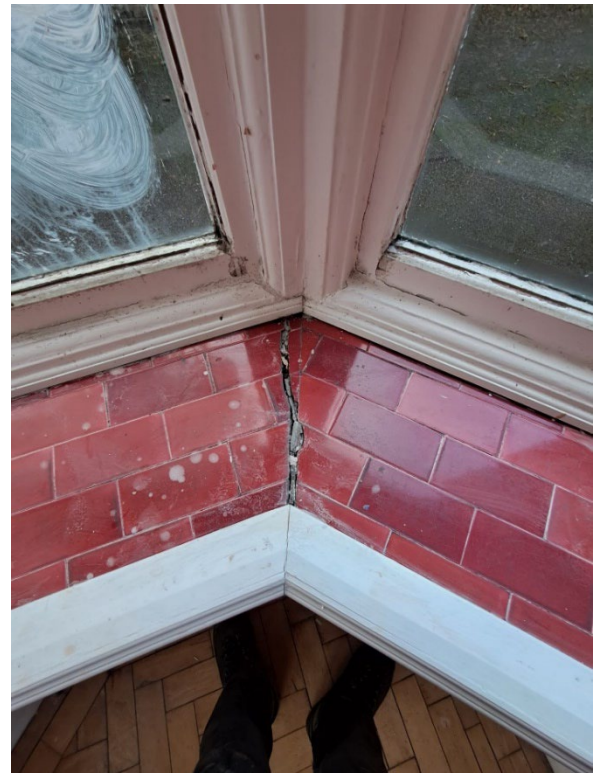


Image 2: Cracking in interior of turret room



The tree closest to the house (T1) is leaning towards the house, and has a codominant stem union at approximately 8m, which is likely to be structurally weak due to a substantial amount of included bark within the union (shown in Image 5 overleaf). The weakness of this union means the tree is susceptible to major limb failure during potential storm events. In this case there would be substantial damage to the building due to the proximity between the building edge and the large stems that would be most likely to fail from the point of the branch union.

It has been suggested by the tree officer of Flintshire Council that the trees could be reduced in height to mitigate the risk of further structural damage to the building from continued subsidence. This option is short-sighted as the percentage of canopy reduction that would be required to sufficiently reduce the subsidence of the adjacent soil volume would leave the trees with very little live growth for long term survival. This would also remove the majority of the amenity value currently provided by the trees to the local area.

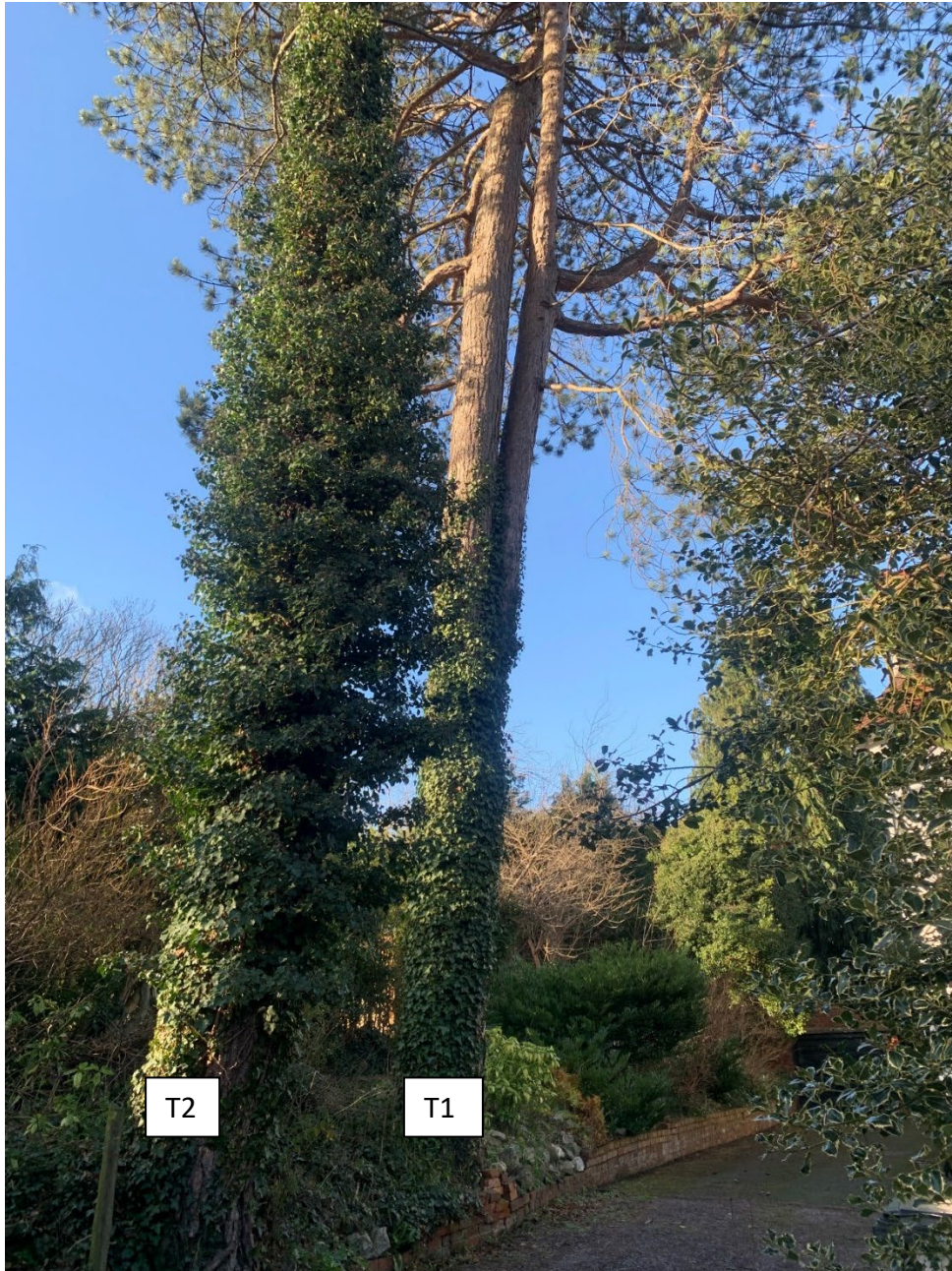


Image 5: Main stems of T1 and T2 showing codominant branch union of T1

The only option that sufficiently reduces the risk of both limb failure and further subsidence related damage is to fell both trees to ground level. This option will enable the owner of Sunnybank to commit to reparative structural building works, secure in the knowledge that further subsidence related damage would have been prevented.

While it is unfortunate that felling to ground level is the only option to preserve the long-term integrity of the house, this Grade 2 listed property has substantial amenity and historical value that should be taken into account when considering this application for tree work inside a conservation area.

Tree ID	Species	DBH @1.5m (mm)	Height (m)	Condition	Works
T1	Corsican Pine	780	18	Codominant branch union at 8m, stem lean towards house. Structural cracking in building very likely to be caused by subsidence from root growth.	Fell to ground level
T2	Corsican Pine	670	19	No defects in the tree itself; structural cracking in building due to subsidence	Fell to ground level

DATED

12 April

2023

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**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999  
TREE PRESERVATION ORDER**

**Town and Country Planning Act 1990  
The Flintshire County Council  
(Community of Mold)**

**Tree Preservation Order No. 345 (2023)  
Sunnybank, King Street, Mold**

**Gareth Owens  
Chief Officer (Governance)  
Flintshire County Council  
County Hall  
Mold  
Flintshire CH7 6NR**

**(Ref: FCC(TPO)046301)**





**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999  
TREE PRESERVATION ORDER**

**Town and Country Planning Act 1990**

**The Flintshire County Council (Community of Mold)  
Tree Preservation Order No. 345 (2023)**

The Flintshire County Council in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order.

**Citation**

1. This Order may be cited as the Flintshire County Council (Community of Mold) Tree Preservation Order No: 345 (2023).

**Interpretation**

2. In this Order “the authority” means the Flintshire County Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

**Application of section 201**

3. The Authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 12 April 2023.

**Prohibited acts in relation to trees**

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders)<sup>1</sup> and subject to article 5, no person shall
  - a. cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
  - b. cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

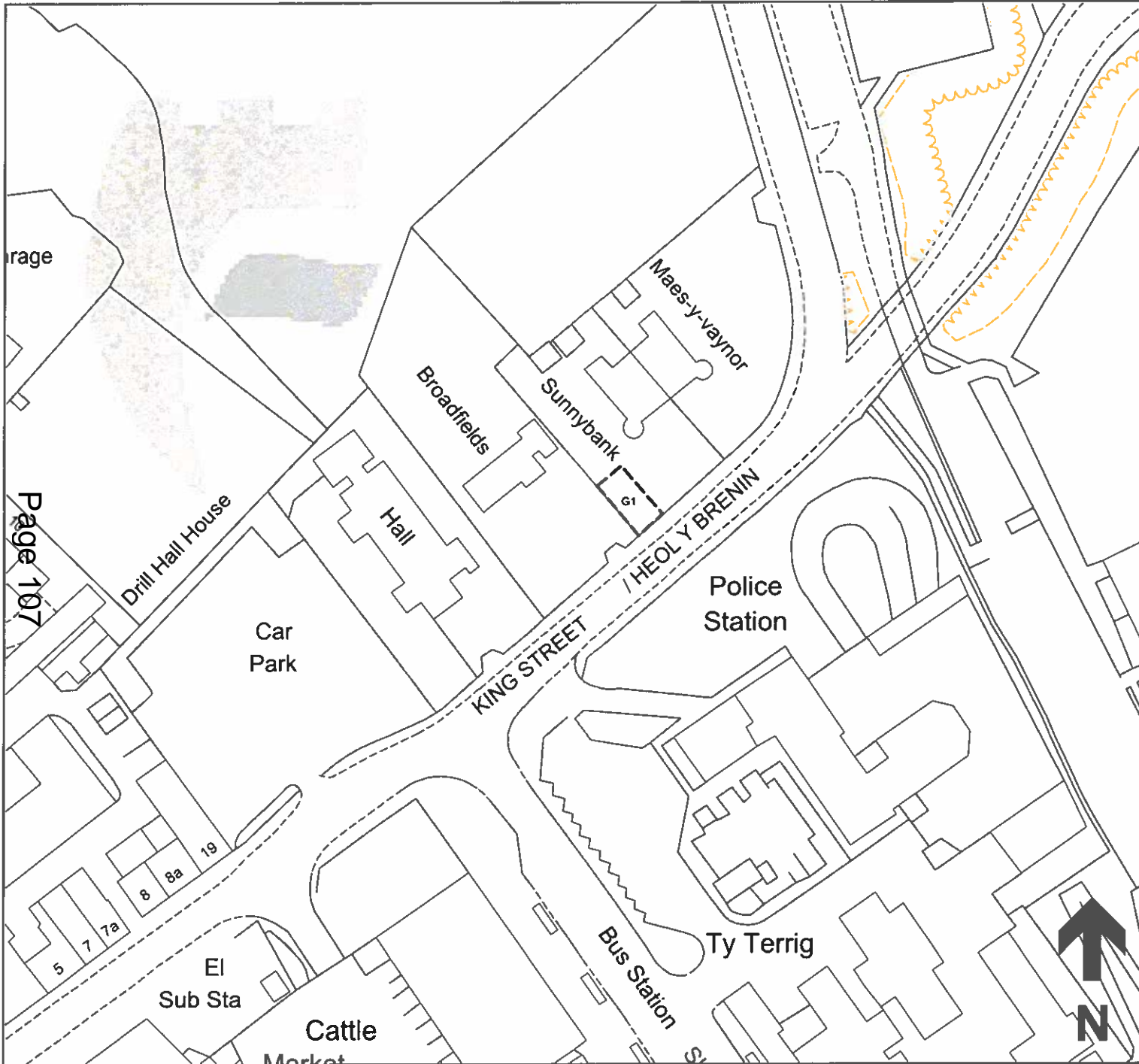
any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the Authority and, where such consent is given subject to conditions, in accordance with those conditions.

---

<sup>1</sup> Subsection (6) of section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping or lopping trees which are dying, dead or have become dangerous, or the undertaking of those acts in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. Subsection (7) of that section makes section 198 subject to section 39(2) of the Housing and Planning Act 1986 and section 14 of the Forestry Act 1967.

## Exemptions

5. (1) Nothing in article 4 shall prevent:-
- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary
    - (i) in the interests of the safe operation of the undertaking;
    - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
    - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
  - (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
  - (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;".
  - (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
  - (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
  - (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
  - (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;



Map referred to in the  
**FLINTSHIRE COUNTY COUNCIL**

Community of Mold

**Tree Preservation Order  
 No. 345 (2023)**

Sunnybank, King Street,  
 Mold

Signed:

*Mared Gaswood*  
 Chairman of the Council

Signed:

*[Signature]*

~~Legal Services Manager~~  
 Chief Officer (Governance)

Date: 12 April 2023

Scale 1:1000  
 OS Map SJ 2364



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

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- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or
  - (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.
- (2) In paragraph (1), "statutory undertaker" means any of the following
- (a) a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
  - (b) a relevant airport operator (within the meaning of Part V of the Airports Act 1986),
  - (c) the holder of a licence under section 6 of the Electricity Act 1989,
  - (d) a public gas transporter,
  - (e) the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,
  - (f) water or sewerage undertaker,
  - (g) the Civil Aviation Authority or a body acting on behalf of that Authority,
  - (h) the Post Office.

### **Applications for consent under the Order**

6. An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall
- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
  - (b) specify the work for which consent is sought; and
  - (c) contain a statement of the applicant's reasons for making the application.

## **Application of provisions of the Town and Country Planning Act 1990**

7. (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

## **Directions as to replanting**

8. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- (3) A direction under paragraph (1) may include requirements as to
  - (a) species;
  - (b) number of trees per hectare;
  - (c) the preparation of the relevant land prior to the replanting; and
  - (d) the erection of fencing necessary for the protection of the newly planted trees.

## **Compensation**

9. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of
  - (a) the refusal of any consent required under this Order; or
  - (b) the grant of any such consent subject to conditions,he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this article
  - (a) if more than 12 months has elapsed since the date of the authority's decision or, where such a decision is the subject of

- an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any other case, no compensation shall be payable to a person
- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
- (5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.
- (6) In this article
- “development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and
- “owner” has the meaning given to it by section 34 of the Forestry Act 1967.

Dated 12 April 2023

The Common Seal of the )  
**FLINTSHIRE COUNTY COUNCIL** )  
was hereunto affixed in the presence of: )



Chair of the Council Maved Gaswood

Chief Officer (Governance) [Signature]

**SCHEDULE 1**

**SPECIFICATION OF TREES  
Tree Preservation Order No. 345 (2023)**

**Trees specified individually  
(encircled in black on the map)**

Reference on Map	Description	Situation	
		Eastings	Northings
	NONE		

**Groups of Trees  
(within a broken black line on the map)**

Reference on Map	Description	Situation	
G1	A Group of two Corsican Pines (Pinus sp.)	323862	364119
	NONE		

**Woodlands  
(within a continuous black line on the map)**

Reference on Map	Description	Situation	
	NONE		

**Reference to an Area  
(within a dotted black line on the map)**

Reference on Map	Description	Situation	
	NONE		



## SCHEDULE 2

### PART 1 PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provisions of the Town and Country Planning Act 1990	Adaptation or Modification
<p><b>Section 69</b> (registers)</p>	<p>(a) In sub-section (1)</p> <p style="padding-left: 20px;">i. omit</p> <p style="padding-left: 40px;"><i>“, in such manner as may be prescribed by a development order,”</i></p> <p style="padding-left: 40px;"><i>“such”</i> in the second place where it appears; and</p> <p style="padding-left: 40px;"><i>“as may be so prescribed”</i>; and</p> <p style="padding-left: 20px;">ii. Substitute <i>“matters relevant to tree preservation orders made by the Authority”</i> for <i>“applications for planning permission”</i>.</p> <p>(b) In sub-section (2)</p> <p style="padding-left: 20px;">i. After <i>“contain”</i> insert <i>“, as regards each such order”</i>; and</p> <p style="padding-left: 20px;">ii. For paragraphs (a) and (b) substitute</p> <p style="padding-left: 40px;">(a) Details of every application under the order and of the Authority’s decision (if any) in relation to each such application, and</p> <p style="padding-left: 40px;">(b) A statement as to the subject matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.</p> <p style="padding-left: 40px;">(c) Omit sub-sections (3) and (4) (as required by Section 198(4)).</p>
<p><b>Section 70</b> (determination of applications: general considerations)</p>	<p>(a) In sub-section (1)</p> <p style="padding-left: 20px;">i. substitute</p> <p style="padding-left: 40px;"><i>“Subject to sub-sections (1A) and (1B), where”</i> for <i>“Where”</i>;</p> <p style="padding-left: 40px;"><i>“the Authority”</i> for <i>“a local planning authority”</i>;</p> <p style="padding-left: 40px;"><i>“consent under a tree preservation order”</i> for <i>“planning permission”</i> where those words first appear; and</p> <p style="padding-left: 40px;"><i>“consent under the order”</i> for <i>“planning permission”</i> in both of the other places where those words appear;</p> <p style="padding-left: 20px;">ii. After <i>“think fit”</i>, insert</p> <p style="padding-left: 40px;"><i>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”</i>; and</p>

<p><b>Section 70 ctd</b> (determination of applications: general considerations)</p>	<p>iii Omit "subject to Section 91 and 92,"</p> <p>(b) After sub section (1) insert</p> <p><i>"(1A) - Where an application relates to an area of woodland, the Authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area."</i></p> <p><i>"(1B) - Where the Authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)".</i></p> <p>(c) Omit sub-sections (2) and (3).</p>
<p><b>Section 75</b> (effect of planning permission)</p>	<p>(a) In sub-section (1) substitute _____</p> <p>i "Any" for the words from "Without" to "any";</p> <p>ii "consent under a Tree Preservation Order" for "planning permission to develop land";</p> <p>iii "the consent" for "the permission"; and</p> <p>iv "the land to which the Order relates" for "the land".</p> <p>(b) Omit sub-sections (2) and (3).</p>
<p><b>Section 78</b> (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(a) In sub-section (1) substitute _____</p> <p>i "the Authority" for "a local planning authority";</p> <p>ii "consent under a Tree Preservation Order" for "planning permission" in the first place where those words appear;</p> <p>iii "consent under such an Order" for "planning permission" in the second place where those words appear;</p> <p>iv For paragraph (c) substitute</p> <p><i>"(c) give a direction under a Tree Preservation Order, or refuse an application for any consent, agreement or approval of that Authority required by such a direction; or</i></p> <p><i>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the Authority".</i></p>

<p><b>Section 78 ctd</b> (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(b) Omit sub-section (2).</p> <p>(c) In sub-section (3) for “served within such time and in such manner as may be prescribed by a Development Order”, substitute:</p> <p><i>“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such Notice shall be served.</i></p> <p>(a) <i>in respect of a matter mentioned in any of paragraphs (a) to (c) of sub-section (1), within the period of 28 days from the receipt of notification of the Authority’s decision or direction or within such longer period as the Secretary of State may allow;</i></p> <p>(b) <i>in respect of such a failure as is mentioned in paragraph (d) of that sub-section, at any time after the expiration of the period mentioned in that paragraph, but if the Authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant”.</i></p> <p>(d) For sub-section (4), substitute _____</p> <p><i>“(4) The Appellant shall serve on the Authority a copy of the Notice mentioned in sub-section (3)”.</i></p> <p>(e) For sub-section (5), substitute _____</p> <p><i>“(5) For the purposes of the application of section 79(1), in relation to an appeal made under sub-section (1)(d), it shall be assumed that the Authority decided to refuse the application in question”.</i></p>
<p><b>Section 79</b> (determination of appeals)</p>	<p>(a) In sub-sections (1) and (2), substitute “the Authority” for “the local planning authority”.</p> <p>(b) Omit sub-section (3).</p> <p>(c) In sub-section (4), substitute _____</p> <p>i “section 70(1), (1A) and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”.</p> <p>ii “consent under a Tree Preservation Order” for “planning permission”; and</p> <p>iii “the Authority” for “the local planning authority and a Development Order may apply, with or without modifications, to such an appeal any requirements imposed by a Development Order by virtue of sections 65 or 71”.</p> <p>(d) Omit sub-section s(6) and (6A).</p> <p>(e) In sub-section (7), omit the words after “Section 78”.</p>

PART II  
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,  
AS ADAPTED AND MODIFIED BY PART 1

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

**Section 69**

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to Tree Preservation Orders made by the Authority.
- (2) The register shall contain, as regards each such Order:
  - a. Details of every application under the Order and of the Authority's decision (if any) in relation to each such application; and
  - b. A statement as to the subject-matter of every appeal under the Order and of the date and nature of the Secretary of State's determination of it.
- 1(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.
- (1) Subject to sub-sections (1A) and (1B), where an application is made to the Authority for consent under a Tree Preservation Order.
  - (a) they may grant consent under the Order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
  - (b) they may refuse consent under the Order.
- (1A) Where an application relates to an area of woodland, the Authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
- (1B) Where the Authority grants consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

**Section 75**

Any grant of consent under a Tree Preservation Order shall (except in so far as the consent otherwise provides) ensure for the benefit of the land to which the Order relates and of all persons of the time being interested in it.

**Section 78**

- (1) Where the Authority:
  - (a) refuse an application for consent under a Tree Preservation Order or grant it subject to conditions;
  - (b) refuse an application for any consent, agreement or approval of that Authority required by a condition imposed on a grant of consent under such an Order or grant it subject to conditions;
  - (c) give a direction under a Tree Preservation Order, or refuse an application for any consent, agreement or approval of that Authority required by such a direction; or

- (d) fail to determine any such application as is referred to in paragraphs (1) to (c) within the period of 8 weeks beginning with the date on which the application was received by the Authority.

The applicant may by Notice appeal to the Secretary of State.

- (3) Any appeal under this section shall be made by Notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such Notice shall be served.
  - (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of sub-section (1), within the period of 28 days from the receipt of notification of the Authority's decision or direction or within such longer period as the Secretary of State may allow;
  - (b) in respect of such a failure as is mentioned in paragraph (d) of that sub-section, at any time after the expiration of the period mentioned in that paragraph, but if the Authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.
- (4) The Appellant shall serve on the Authority a copy of the Notice mentioned in sub-section (3).
- (5) For the purposes of the application of section 79(1), in relation to an appeal made under sub-section (1)(d), it shall be assumed that the Authority decided to refuse the application in question.

#### **Section 79**

- (1) On an appeal under section 78, the Secretary of State may:
  - (a) allow or dismiss the appeal, or
  - (b) reverse or vary any part of the decision of the Authority (whether the appeal relates to that part of it or not).

And may deal with the application as if it had been made to him in the first instance.

- (2) Before determining an appeal under section 78, the Secretary of State shall, if either the Appellant or the Authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) Subject to sub-section (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State unless section 78 as they apply in relation to an application for consent under a Tree Preservation Order which fails to be determined by the Authority.
- (5) The decision of the Secretary of State on such an appeal shall be final.

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Sunnybank  
King Street  
Mold  
Flintshire  
CH7 1LA



Nicola Price  
Sunnybank  
King Street  
Mold  
Flintshire  
CH7 1LA

15<sup>th</sup> May 2023

Flintshire County Council  
Chief Officer - Mr Andrew Farrow  
(Planning, Environment & Economy)  
County Hall  
Mold  
Flintshire  
CH7 6NR

**Re: Objection to Tree Preservation Order No. 345 (2023)**

Following advice given by the Forestry Officer representing Flintshire County Council, to investigate concerns of safety and structural damage caused by two Corsican Pines to the Grade II listed building of Sunnybank, Mold, Flintshire, CH7 1LA. Professional Arborist(s) and a Structural Engineer conducted site visits and inspections at a considerable cost and their findings are detailed below.

**Overview:**

Sunnybank (privately owned) is an Edwardian Grade II listed property built in 1910 and of importance in amenity and significance to the local area. The property is in danger of structural damage being caused by close proximity of two large trees and needs to be saved, preserved and protected on an urgent basis for now and future generations.

Edwardian homes are typically built on shallow foundations making them vulnerable to ground movement caused by large tree growth in close proximity to the building.

There are two large Corsican Pines in the grounds of the property (front garden), which are in close proximity to the property (house) and roadside border. The height of the trees is approximately 60 feet (18.29m) with a trunk and branch weight of approximately 20 ton per tree. The height of the property is approximately 39 feet (12m), with an approx. distance of 20 feet (6m) from tree to house.

There is only one vehicle entrance (driveway to the property) which means all vehicle movement is driving over the shallow tree roots. The tree roots have become more evident in the past ten years breaking through the driveway creating large, raised areas (bumpy surface), visible on all parts of the driveway (loose gravel, tarmac and pathway) - the driveway was originally flat.



## Structural Engineer

A structural engineer who conducted an inspection of the property advised that pressure is being applied upwards beneath the foundations and floor at the south west corner of the property – most common being related to the physical presence of tree roots – the larger the tree, the greater the zone of influence the root system will have on adjacent land, buildings and drainage systems with the two large Corsican Pines within close proximity would appear to be the most likely cause of the structural problem evident.

Structural damage to property - During the inspection it was noted that there is significant cracking to the internal, original featured Edwardian tiled windowsills, this cracking profile corresponds to diagonal cracking to the mortar joints within the external brickwork. It was also noted that the opening window (original single glazed window) within this room no longer sits square (right) within its frame and has had to be temporarily repaired (sealed shut) to protect against further movement/structural damage.

The floor of the 'Turret' room, consists of the original parkay (wood block) flooring, which looks to be in good condition, but when applying a spirit level to the floor surface it is apparent that the floor slopes up (lifting up) to the south west corner. It was also noted that the original tiled windowsills appear to be following the same profile, with the south west corner being higher than the rest of the sill structure.

## Arborist Advice

Four independent Arborists have visited Sunnybank to evaluate the trees and assess the impact on the property. With a report submitted to Flintshire County Council including a risk assessment to the property. In summary it was considered that the trees present a risk to the property with signs of existing structural damage.

It has been suggested by the Forestry Officer of Flintshire County Council that the trees could be reduced in height to mitigate the risk of further structural damage and subsidence to the building. This option is not viable and short-sighted as the percentage of canopy reduction that would be required to sufficiently reduce the risk would leave the trees with very little live growth for *long term survival*. This would also remove the majority of the amenity value currently provided by the trees to the local area.

The only option that sufficiently reduces the risk of tree limb failure and further structural damage to the property is to fell both trees to ground level. This option will enable me, as the owner of Sunnybank to commit to reparative structural building repairs and safeguard the property.

While it is unfortunate that felling to ground level is the only option to preserve the long-term integrity of this Grade II listed property, the amenity and historical value should be taken into account when considering this application for tree work inside a conservation area.

Pine trees in general have shallow rooting habits which is particularly relevant in this case as they tend to use a large proportion of the available water in the upper sections of the water table, which can contribute to subsidence related damage to buildings. Pines have a deep tap root with a much shallower root system, the roots can be double the length of the tree. These shallow pine tree root systems can be 12 inches or less underneath the grounds surface.

Even if the pine tree root structure was not close enough to the property to damage the foundation, which they are, the trees still present a threat to the property and surrounding public areas.

## Builders

Two builders who visited the property to quote for repair to the windowsill have confirmed structural damage due to tree root activity. Roots are pushing the windowsill upwards. I can confirm that these structural cracks were not apparent when I first moved into the property in 2005 (see images)

## Risks

The arborist reported the tree closest to the property has a lean towards the property with multiple trunks and has a codominant stem union at approximately 8m high which is likely to be structurally weak due to the substantial amount of included bark within the union. The weakness of this union means the tree is susceptible to major limb failure during the events of high winds, heavy rain, snow, ice and storms. In March 2013 a large limb fell leaving one precariously hanging (see images)

## Climate Changes

With the ever-changing climate conditions of drier/hotter summers, rainier winters, strong and random storms, strong winds: tornado/funnel clouds, this compounds concern of safety to road users, public, residents and the Grade II listed building.

## Conservation Officer

A visit made to the property by Mr. Chris Rees-Jones, Conservation Officer on 28<sup>th</sup> April 2023 accompanied by the Forestry Officer, Mr Stuart Body. Mr. Chris Rees-Jones said that he would share information on the situation with Mr. Terry Parry (Consultant Engineer, Earl Road Mold) and would follow up with advice on additional assistance about funding support which could be granted. No advice or details of assistance has been received to date.

## Forestry Officer

Mr Stuart Body, who was adamant that the Corsican Pine trees take priority over the Grade II listed building and that there was no point in obtaining any further advice from Arborists as his decision is that the trees are the most important aspect to protect for local amenity value. Forestry Officer Mr. Stuart Body has stated, *"the trees are a prominent and attractive feature of amenity within the conservation area which are clearly visible from King Street and complement the other trees in the locality"*. Mr. Stuart Body had no regard for the urgent need to protect and preserve the Grade II listed building only having concerns for preserving the trees at any cost to the Grade II listed building, believing that the Grade II listed building is secondary to the trees.

## Insurance

With known structural damage to the Grade II Listed property, caused by the Corsican Pine roots, if these are left in situ, this places an even bigger issue in obtaining insurance cover for / and protecting the Grade II listed property. Insurance specialist advice is they *will not insure* for accidental damage to a property with trees over 10m in height and within 10m of the property.

## Consideration

I too am passionate and believe in sustainability and protecting our environment. I ask for approval to remove the two Corsican Pines which are not suitable for a town centre property, allowing me to look at a replanting scheme of suitable tree species such as a more visual native broadleaf tree, Wild Cherry, Wild Service tree, or even Hornbeam that would not only offer local amenity but also be in proportion and not a threat to the Grade II listed building, both future protecting the property and maintaining local amenity, public safety.

## Liability

I have raised concerns to Flintshire County Council (Forestry Officer) on multiple occasions of the potential danger of the trees in question falling and the safety to road users, public, residents and the Grade II listed building. Recently a large neighbouring tree (adjacent to the trees in question at Sunnybank – see images) fell onto the public highway causing significant road closure resulting in a major clean-up operation conducted by FCC. Amazingly on this occasion there was no injury or fatalities caused to motorist, public or buildings. However, there was structural damage caused to the garden wall of Sunnybank. As property owner, I have done my very best by raising and presenting the concern of dangers that the trees in question present to the public and to the Grade II listed building (Sunnybank) which includes a neighbouring Grade II listed building. These concerns have been dismissed with the decision making of the Forestry Officer (Mr. Stuart Body) in maintaining that the Tree Preservation Order (TPO) remains in place based on the one sided view of the Forestry Officer who places tree preservation (on the grounds of amenity) over the risks and dangers to the public and to a Grade II listed building(s) with no care or interest in protecting or preserving the Grade II listed building(s).

Therefore, I now place full responsibility of any incident of the considered dangerous trees onto Flintshire County Council.

In addition, I have engaged with members of the Welsh Government, Local Councillors and Government Bodies listed below to raise concern of the risk and danger to human life and to the Grade II listed building(s) and to report the one-sided view from Flintshire County Council, Forestry Officer who is adamant that the trees in question are the priority not the Grade II listed building(s).

- Hannah Blythyn MS/AS - (Deputy Minister for Social Partnership) Welsh Government
- Rob Roberts - Independent MP for Delyn
- Matt Sprake – Senior Case Worker for Rob Roberts MP
- Councillor Chris Bithell
- Councillor Tina Claydon
- CADW – Welsh Government (protecting historic buildings & structures)
- Planning Aid Wales

Some of whom will be contacting Flintshire County Council directly to question the Tree Preservation Order and the risks, dangers and issues surrounding the matter of public safety and the preservation of a Grade II listed building.

I respectfully request that Flintshire County Council reconsider the placement of a Tree Preservation Order on the trees in question at Sunnybank, King Street, Mold, assessing the information provided within this letter of objection against the decision made.

Sincerely, **Ms. Nicola Price**

Damage on King Street roadside/outside Sunnybank following neighbouring tree fall Nov 2021

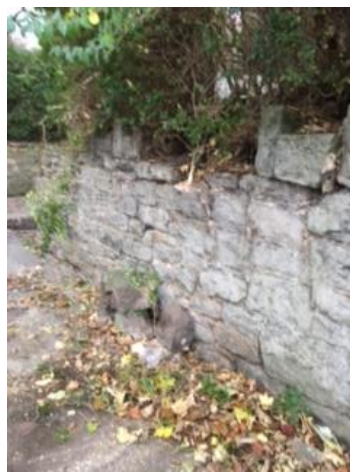
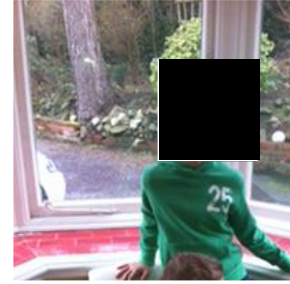


Image of Sunnybank with the pines in their earlier years

FEBRUARY 2012



May 2023



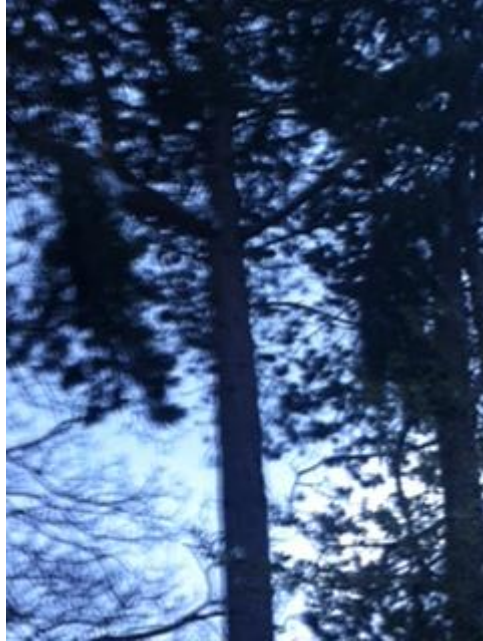
**February 2012**

Images of turret room where the Edwardian windowsill tiles **are not cracked or lifting**

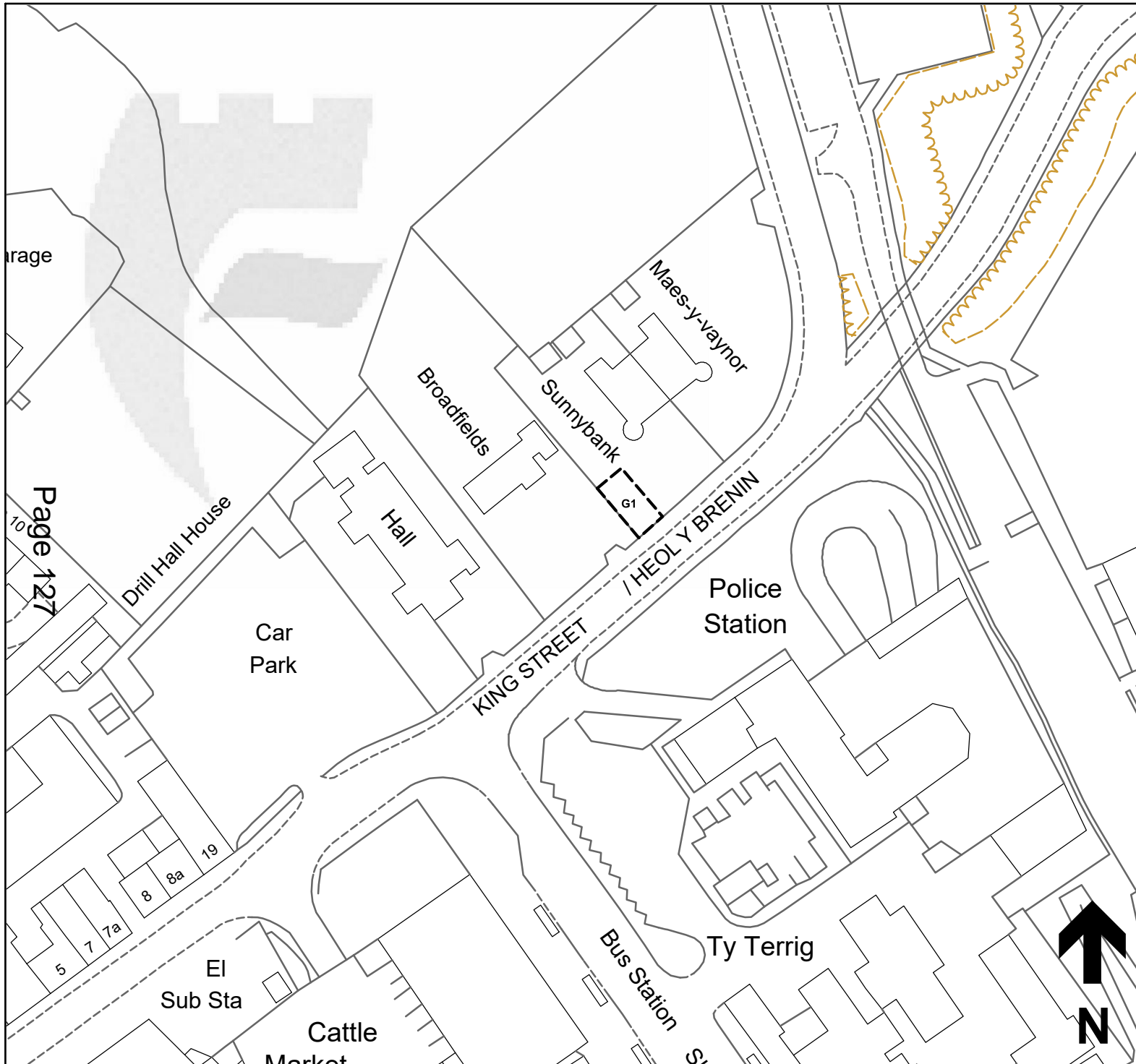
**May 2023**

Images of turret room with **cracks and lifting of Edwardian tiles and windowsill**

- Tape measure sits on a **higher** elevation (left side of crack in windowsill)
- Tape measure slopes on crack due to lifting
- Tape measure sits on **lower** elevation (right side of crack)
- Windowsill movement in the sill (lift/drop)



March 2013 – following snow one large limb fell onto the driveway leaving another limb precariously hanging at height



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Map referred to in the  
**FLINTSHIRE COUNTY COUNCIL**  
 Community of Mold  
**Tree Preservation Order  
 No. 345 (2023)**

Sunnybank, King Street,  
 Mold

Signed:

Chairman of the Council

Signed:

Legal Services Manager/  
 Chief Officer (Governance)

Date:

Scale 1:1000  
 OS Map SJ 2364



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

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