

Public Document Pack

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



CS/NG

4 April 2024

Jan Kelly 01352 702301
janet.kelly@flintshire.gov.uk

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, 10TH APRIL, 2024 at 2.00 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 3 - 10)

To confirm as a correct record the minutes of the meeting held on 13 March 2024.

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 10 APRIL 2024

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	063507 - A	Full application - Residential development comprising 90 Dwellings including the provision of affordable units, areas of public open space, landscaping and associated works at Land to the south of New Brighton Road, New Brighton, Mold, CH7 6RB (Pages 11 - 42)
6.2	COU/000312/23 - A	Full application - Change of Use from Class C3 (Single Residential Dwelling) to Class C4 (House of Multiple Occupancy) at 4 Salisbury Street, Shotton (Pages 43 - 52)
6.3	FUL/000254/22 - A	Full application - Retention of building and associated use of site for operation of a brewery (partly retrospective) at Dee Bank Industrial Estate, Whelston, Bagillt (Pages 53 - 64)

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

PLANNING COMMITTEE **13 MARCH 2024**

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 13 March 2024

PRESENT: Councillor Richard Lloyd (Chair)

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

APOLOGIES: Councillors: Bernie Attridge, Paul Cunningham and Ted Palmer

ALSO PRESENT: The following attended as Local Members:

Councillor Tina Claydon - agenda item 6.1 (061994)

Councillor Carolyn Preece - agenda item 6.2 (062458)

Councillor Dave Healey - agenda item 6.3 (FUL/000769/22)

Councillor Ian Roberts - agenda item 6.4 (COU/000751/23)

Councillors Glyn Banks and Gina Maddison - agenda items 6.5 & 6.6 (FUL/000621/23 and CONS/000790/22)

Councillor Linda Thomas - agenda item 6.9 (059489)

Councillors Dennis Hutchinson and Andrew Parkhurst attended as observers

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

56. DECLARATIONS OF INTEREST

Agenda items 6.1 (061994) - Councillor Adele Davies-Cooke declared a personal interest due to the involvement of a family member in the application.

Agenda items 6.1 (061994), 6.3 (FUL/000769/22) and 6.9 (059489) - Councillor Dan Rose declared a personal interest because of his membership of an environmental organisation.

Agenda 6.2 (062458) - Councillor Mike Peers declared a personal interest due to a family member being employed by Clwyd Alyn Housing Association. Councillor Richard Jones declared a personal and prejudicial interest as a Governor of Southdown Primary School and left the meeting for that item.

Agenda item 6.3 (FUL/000769/22) - Councillor Gladys Healey declared a personal and prejudicial interest as she had previously spoken out against development of the application site before her election as a councillor. She left the meeting for that item. Councillor David Healey (Local Member not on the Planning Committee) also declared a personal and prejudicial interest having spoken out against development of the application site and having been granted dispensation by the Standards Committee, spoke before leaving the meeting for the remainder of the item.

Agenda item 6.4 (COU/000751/23) - Councillor Rob Davies declared a personal and prejudicial interest due to the involvement of a family member in the application and left the meeting for that item.

57. 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=5501&LLL=0>

58. MINUTES

The minutes of the meeting held on 7 February 2024 were confirmed as a correct record, as moved and seconded by Councillors Chris Bithell and Mike Peers.

RESOLVED:

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

59. ITEMS TO BE DEFERRED

There were no items recommended for deferral.

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

RESOLVED:

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

61. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 22 members of the public present at the start of the meeting.

(The meeting started at 2pm and ended at 7.15pm)

.....
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 13 MARCH 2024

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
061994	Mold Town Council	Full application - Erection of residential development of 235 no. units together with associated public open space and infrastructure at Land to the north of Gwernaffield Road, Mold	Chris Housecroft (Resident) and Councillor Tina Claydon (Local Member) spoke against the application. Hayley Knight (Agent) spoke in support of the application.	That in accordance with the officer recommendation, planning permission be granted subject to the Section 106 Obligations and conditions in the report amended as follows: <ul style="list-style-type: none"> • S106 Obligations - 4th bullet-point to refer to the Traffic Restriction Order for Factory Pool Lane rather than Pool House Lane. Removal of the 5th bullet-point (provision of a controlled crossing facility). <p>As set out in the late observations:</p> <ul style="list-style-type: none"> • Additional condition for the provision of a 2.0 wide footway along the site's frontage with Gwernaffield Road; • Inclusion of two additional approved documents to the list in condition 2; and • Removal of conditions 9 and 12.
062458	Buckley Town Council	Outline application - Residential development of up to 140 dwellings, means of access, open	Peter Newby (Resident) and Councillor Carolyn Preece (Local Member)	That in accordance with the officer recommendation, planning permission be granted subject to the Section 106

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
		space, sustainable drainage infrastructure and all other associated works (Outline application including access, with all other matters reserved) at Well Street, Buckley	spoke against the application.	Obligations and conditions in the report, amended as follows: To remove the 2 nd bullet-point S106 Obligation and include a condition for on-site play provision of an appropriate scale.
FUL/000769/22	Hope Community Council	Full application - Erection of 70 dwellings, construction of a new vehicular access, landscaping and associated works at land at Wrexham Road, Abermorddu	Claire Olsen (Resident), Councillor Lynn Davies (Hope Community Council) and Councillor David Healey (Local Member) spoke against the application. Stuart Andrew (Applicant) spoke in support of the application.	That in accordance with the officer recommendation, planning permission be granted subject to the Section 106 Obligations and conditions in the report, amended as follows: Removal of 2 nd bullet-point S106 Obligation (extension of 20mph speed restrictions) and replace with a request for Streetscene to review the existing speed limit.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
COU/000751/23	Flint Town Council	Change of Use - Change of use from vacant retail and offices to a ground floor bar with new shop front and flats on first and second floors at former Barclays, 19-21 Church Street, Flint	<p>Councillor Carol Griffiths (Flint Town Council) spoke against the application.</p> <p>Councillor Ian Roberts spoke in support of the application.</p>	That in accordance with the officer recommendation, planning permission be granted subject to the conditions in the report, with an additional condition on the operating hours of the proposed bar as set out in the late observations.
FUL/000621/23	Trelawnyd & 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 charge point at Arweinfa, Gwaenysgor	<p>Mark Turner (Agent) spoke in support of the application.</p> <p>Gareth Williams (Resident), Sue Clarke (Trelawnyd & Gwaenysgor Community Council) and Councillor Glyn Banks (Local Member) spoke against the application.</p> <p>A statement was read out on behalf of Councillor Gina Maddison (Local Member) against the application.</p>	<p>That, against the officer recommendation, planning permission be refused for the following reasons:</p> <ul style="list-style-type: none"> • Inappropriate development in a conservation area; • Proposal contrary to policy EN9; and • Outbuilding not harmonising with the locality in terms of size and materials.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
CONS/000790/22	Trelawnyd & 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 in order to create an off-street parking space with an electric vehicle charge point at Arweinfa, Gwaenysgor	Gareth Williams (Resident) and Sue Clarke (Trelawnyd & Gwaenysgor Community Council) spoke against the application.	That, against the officer recommendation, planning permission be refused for the following reasons: <ul style="list-style-type: none"> • Inappropriate development in a conservation area caused by the demolition of the wall; • Impact on the streetscene; and • Proposal contrary to policy EN9.
FUL/001017/23	Sealand Community Council	Full application - Erection of a 66 bedroom care home (Use Class C2) for the elderly with associated access, parking and landscaping at Plot 2, The Airfields, Northern Gateway, Sealand	Claire Howes (Agent) spoke in support of the application.	That in accordance with the officer recommendation, planning permission be granted subject to the conditions in the report.
FUL/000419/23	Hope Community Council	Full application - Replacement dwelling at St Kilda, Fagl Lane, Hope	A statement was read out on behalf of Rachel Thornley (Agent) in support of the application.	That in accordance with the officer recommendation, planning permission be granted subject to the conditions in the report.
059489	Hawarden Community Council	Full application - Formation of a two way vehicular access and road at Mold	John Iball (Resident) and Councillor Linda Thomas	That the application be deferred for the following reasons:

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
		Road, Ewloe Green, Deeside	(Local Member) spoke against the application. Keith York (Agent) spoke in support of the application.	<ul style="list-style-type: none"> • The late observations not being shared; • The plan not appearing to match up with the report; and • Clarification needed on the impact of traffic from Pinfold Lane.

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

<u>REPORT TO:</u>	<u>PLANNING COMMITTEE</u>
<u>DATE:</u>	<u>10th APRIL 2024</u>
<u>REPORT BY:</u>	<u>CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)</u>
<u>SUBJECT:</u>	<u>FULL APPLICATION - RESIDENTIAL DEVELOPMENT COMPRISING 90 DWELLINGS INCLUDING THE PROVISION OF AFFORDABLE UNITS, AREAS OF PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS AT LAND TO THE SOUTH OF NEW BRIGHTON ROAD, NEW BRIGHTON, MOLD</u>
<u>APPLICATION NUMBER:</u>	<u>063507</u>
<u>APPLICANT:</u>	<u>STEWART MILNE HOMES (NORTH WEST ENGLAND) LTD</u>
<u>SITE:</u>	<u>LAND TO THE SOUTH OF NEW BRIGHTON ROAD, NEW BRIGHTON, MOLD</u>
<u>APPLICATION VALID DATE:</u>	<u>8th SEPTEMBER 2021</u>
<u>LOCAL MEMBERS:</u>	<u>COUNCILLOR M EASTWOOD</u> <u>COUNCILOR H MCGUILL</u>
<u>TOWN/COMMUNITY COUNCIL:</u>	<u>ARGOED COMMUNITY COUNCIL</u>
<u>REASON FOR COMMITTEE:</u>	<u>SIZE OF PROPOSAL RELATIVE TO SCHEME OF DELEGATION</u>
<u>SITE VISIT:</u>	<u>SITE VISIT UNDERTAKEN IN NOVEMBER 2023</u>

1.00 SUMMARY

- 1.01 This is a full application for 90 dwellings including the provision of affordable units, areas of public open space, landscaping and associated works at land south of New Brighton Road, New Brighton
- 1.02 This application was previously brought before the Planning Committee on 22nd November 2023. The Committee deferred the determination of the application at this meeting and requested

further information concerning the safe route to schools issue. More information has duly been submitted and the report has been updated with regard to this matter in paragraphs 7.07-7.15.

- 1.03 This is one of a number of housing sites that are allocated in the adopted LDP where there is a need for them to begin to deliver the LDP housing requirement they contribute to. This requires them to gain planning approval, to enable developers to build and complete homes in accordance with the committed delivery rates in the LDP housing trajectory. Failure to achieve this will put pressure on the ability of the plan to maintain delivery levels which in turn will bring pressure for speculative development proposals to be submitted.

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

2.01 Section 106

The conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:

- Primary School Contributions- Contribution required would be £36,771.00 towards improvements to Ysgol Sychdyn, Sychdyn
- A requirement to notify the Council whether LEAP or play area equipment will be maintained by the Council or a management company and, if it is to be the Council the arrangements for the transfer of the LEAP following its provision and the agreement of a LEAP commuted sum to cover the cost of further maintenance.
- The provision of 36 no. affordable homes to be of a housing mix and tenure to be agreed with the Local Planning Authority, and to remain affordable in perpetuity.
- Freehold ownership of the defined Ecology Area will be transferred to an appropriate third sector body that is approved by the LPA before occupation of the 60th dwelling; As identified in the great crested newt conservation plan, defined commuted sum and requirement for index-linked ground rent service charges to include ecological surveillance, management and wardening in perpetuity [costed management plan will be required to inform costings]; biennial liaison meetings, and; management plan review.

- Funding for the review of speed restrictions on New Brighton Road (approximately £6000) in consultation with Flintshire County Council Highways Strategy Team.

Conditions

1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
2. The development shall be carried out in accordance with the following approved plans and documents:
 - Application Form
 - Planning Statement by Hourigan Connolly.
 - Pre-Application Consultation Report by Hourigan Connolly.
 - Design and Access Statement by Stewart Milne Homes (North West England) Limited.
 - Transport Assessment by SCP.
 - Safe Route to School Review by SCP Ref: DR/18259/TN03
Date: 9th January 2024
 - Preliminary Ecological Appraisal by Ecology Services Ltd.
 - Protected Species Survey Report (Bats) by Ecology Services Ltd. (Part 1).
 - Protected Species Survey Report (Bats) by Ecology Services Ltd. (Part 2).
 - Bat Transect & Automated Survey Report by Ecology Services Ltd.
 - EDNA & H.S.I Survey Report for Great Crested Newt by Ecology Services Ltd.
 - Hedgerow Regulations Assessment by Ecology Services Ltd.
 - Protected Species Survey Report for Reptile by Ecology Services Ltd.
 - Precautionary Compensatory Scheme for Great Crested Newt
 - Geo-Environmental Assessment Report by Brownfield Solutions Ltd.
 - Noise Impact Assessment by REC.
 - Arboricultural Impact Assessment by Ascerta.
 - Flood Consequence Assessment by Sutcliffe (Part 1).
 - Flood Consequence Assessment by Sutcliffe (Part 2).
 - Flood Consequence Assessment by Sutcliffe (Part 3).
 - Hydraulic Modelling Report by Welsh Water.
 - Agricultural Land Classification Report by Richard Stock.
 - Heritage Statement by Neo Environmental.
 - Dwg. 296-NB-LP-01 Location Plan.

- Dwg. SK296/NBM/PL05 Planning layout.
- Dwg. SK296/NBM/BTL01 Boundary Treatments Layout Rev E
- Dwg. SK296/NBM/HLL01 Hard Landscaping Layout Rev E
- Dwg. SK296/NBM/RL01 Refuse Layout.
- Dwg. SK296/NBM/PSS01 Proposed Street Scenes.
- Dwg. SK296/NBM/AP03 POS Area Plan.
- Dwg. SK296/NBM/TRL01 Tree Retention and Loss Plan.
- Plot Specification Sheet.
- Dwg. SM.TS.04 Topographical Survey.
- Dwg. SK306-HTE-01 Individual Elevations.
- Dwg. 29949-615 P3 Preliminary External Levels Sheet 1 of 4.
- Dwg. 29949-616 P3 Preliminary External Levels Sheet 2 of 4.
- Dwg. 29949-617 P3 Preliminary External Levels Sheet 3 of 4.
- Dwg. 29949-618 P3 Preliminary External Levels Sheet 4 of 4.
- Dwg. 29949-619 P1 Preliminary External Levels Overall Site.
- Dwg. 29949-625 P2 Longitudinal Sections Sheet 1 of 3.
- Dwg. 29949-626 P2 Longitudinal Sections Sheet 2 of 3.
- Dwg. 29949-627 P2 Longitudinal Sections Sheet 3 of 3.
- Dwg. 29949-640 P2 Manhole Schedule.
- Dwg. 29949-655 P4 Preliminary Drainage Layout Sheet 1 of 4.
- Dwg. 29949-656 P4 Preliminary Drainage Layout Sheet 2 of 4.
- Dwg. 29949-657 P4 Preliminary Drainage Layout Sheet 3 of 4.
- Dwg. 29949-658 P4 Preliminary Drainage Layout Sheet 4 of 4.
- Dwg. 29949-659 P1 Preliminary Drainage Layout Overall Site.
- Dwg. V23-66-2MT 600 Alnwick GF Layout.
- Dwg. V23-66-2MT-601 Alnwick FF Layout.
- Dwg. V23-66-2MT-420 Alnwick Elevations.
- Dwg. V23-80-3ET- 400 Berwick Elevations V1.
- Dwg. V23-80-3ET- 420 Berwick Elevations V2.
- Dwg. V23-80-3MT- 400 Berwick Elevations V1.
- Dwg. V23-80-3MT- 420 Berwick Elevations V2.
- Dwg. V23-80-3MT/ET/S-600 Berwick GF Layout.
- Dwg. V23-80-3MT/ET/S-601 Berwick FF Layout.
- Dwg. V23-90-3D-600 Castleford GF Layout.
- Dwg. V23-90-3D-601 Castleford FF Layout.
- Dwg. V23-90-3D-420 Castleford Elevations.
- Dwg. V23-90-3ET/S-600 Cairnhill GF Layout.
- Dwg. V23-90-3ET/S-601 Cairnhill FF Layout.

- Dwg. V23-90-3ET/S-400 Cairnhill Elevations V1.
- Dwg. V23-90-3ET/S-420 Cairnhill Elevations V2.
- Dwg. V23-95-3D-600 Corringham GF Layout.
- Dwg. V23-95-3D-601 Corringham FF Layout.
- Dwg. V23-95-3D- 424 Corringham Elevations V2.
- Dwg. V23-96-3S-600 Culross GF Layout.
- Dwg. V23-96-S-601 Culross FF Layout.
- Dwg. V23-96-3S- 424 Culross Elevations V2
- Dwg. V23-100-4D-600 Daresbury GF Layout.
- Dwg. V23-100-4D-601 Daresbury FF Layout.
- Dwg. V23-100-4D-400 Daresbury Elevations V1.
- Dwg. V23-106-4D-424 Dewsbury Elevations V2.
- Dwg. V23-106-4S/D-600 Dewsbury GF Layout.
- Dwg. V23-106-4S/D-601 Dewsbury FF Layout.
- Dwg. V23-106-4SD-424 Dewsbury Elevations V2.
- Dwg. V23-118-4D-600 Farnham GF Layout.
- Dwg. V23-118-4D-601 Farnham FF Layout.
- Dwg. V23-118-4D-400 Farnham Elevations V1.
- Dwg. V23-128-4D-600 Harris GF Layout.
- Dwg. V23-128-4D-601 Harris FF Layout.
- Dwg. V23-128-4D-421 Harris Elevations V2.
- Dwg. V23-128-4D-423 Harris Elevations V2
- Dwg. V23-139-5D-600 Kendal GF Layout.
- Dwg. V23-139-5D-601 Kendal FF Layout.
- Dwg. V23-139-5D-400 Kendal Elevations V1.
- Dwg. V23-152-5D-4D-600 Leven GF Layout.
- Dwg. V23-152-5D-601 Leven FF Layout.
- Dwg. V23-152-4D-602 Leven FF Layout.
- Dwg. V23-152-5D-4D-400 Leven Elevations V1.
- Dwg. V23-152-5D-4D-424 Leven Elevations V2.
- Dwg. AFF-71-2ET-420 Aberlady Elevations.
- Dwg. AFF-71-2MT-420 Aberlady Elevations.
- Dwg. AFF-71-2MT/ET-601 Aberlady FF Layout.
- Dwg. AFF-71-2MT/ET-600 Aberlady GF Layout.
- Dwg. AFF-84AV-3ET-420 Aviemore Elevations.
- Dwg. AFF-84AV-3MT-420 Aviemore Elevations.
- Dwg. AFF-84AV-3MT-420 Aviemore FF Layout.
- Dwg. AFF-84-3MT/ET-600 Aviemore GF Layout.
- Dwg. P.1094.18.04 Play Area Design.
- Dwg. P.1094.18.03 rev F Planting Plans (Sheets 1 – 4).
- Affordable Housing Statement by Pioneer.
- Dwg. SK296/NBM/PL50 E Planning Layout.
- Dwg. APT 15-501 Apartment Front & Side Elevations.
- Dwg. APT 15-502 Rear & Side Elevations.

- Dwg. APT 15-600 GF Layout.
 - Dwg. APT 15-610 FF Layout.
 - Dwg. APT 15-620 SF Layout.
 - Dwg. F24-80T-2B4P-ET-400 Keilder Elevations.
 - Dwg. F24-80T-2B4P-MT-400 A Keilder Elevations
 - Dwg. F24-SMG-KE-00-DR-A-403-600 A Keilder GF Layout.
 - Dwg. F24-SMG-KE-00-DR-A-403-602 A Keilder GF Layout.
 - Dwg. F24-SMG-KE-01-DR-A-403-601 Keilder FF Layout.
 - Dwg. F24-SMG-KE-01-DR-A-403-603 Keilder FF Layout.
 - Dwg. F24-80T-3B5P-E- 420-1 Kinver Elevations.
 - Dwg. F24-80T-3B5P-M-420-1 Kinver Elevations.
 - Dwg. F24-SMG-KI-00-DR-A-403-600 Kinver GF Layout.
 - Dwg. F24-SMG-KI-00-DR-A-403-602 Kinver GF Layout.
 - Dwg. F24-SMG-KI-00-DR-A-403-601 Kinver FF Layout.
 - Dwg. F24-SMG-KI-00-DR-A-403-603 Kinver FF Layout.
3. No development shall take place until full details of the existing ground levels and proposed finished floor levels and ground levels have been submitted to the Local Planning Authority for written approval. The development shall thereafter be carried out in accordance with the approved details.
 4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 5. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
 6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the substantial completion of the development, whichever is the sooner and any trees or plants which, within a period of 5 years of the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation.

7. No works associated with the proposed development of the site shall commence unless and until a detailed scheme for the provision of improved pedestrian facilities at the New Brighton/A5119 junction, the provision of improved bus stop facilities and proposals for the introduction of a Village Gateway traffic management scheme have been submitted to and approved by the County Council. Such works shall become the subject of a Section 278 Agreement under the 1980 Highways Act prior to their implementation.
8. No dwelling within the proposed development shall be occupied unless and until all the works specified in the aforementioned Agreement have been completed.
9. The siting, layout, and design of the means of site access shall be in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
10. The forming and construction of the means of site access shall not commence unless and until the detailed design thereof has been submitted to and approved by the County Council.
11. The works associated with forming the means of site access shall be kerbed and completed to carriageway base course layer up to the internal tangent point of the entrance radii prior to the commencement of any other site building operations.
12. The proposed access shall have a minimum visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and/or Highway Authority and within which there shall be no significant obstruction to visibility
13. The stated visibility splays at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
14. Facilities shall be provided and retained each plot for the parking of vehicles in accordance with a scheme to be submitted to and approved by the County Council prior to the commencement of any site works. Such facilities being completed prior to the proposed development being brought into use.
15. Facilities shall be provided and retained within the site for the parking / storage of bicycles in accordance with a scheme to be

submitted to and approved by the County Council prior to the commencement of any site works. Such facilities being completed prior to the proposed development being brought into use.

16. The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads shall be submitted to and approved by the County Council prior to the commencement of any site works.
17. A Full Travel Plan and Transport Implementation Strategy (TIS) shall be submitted and approved in writing by the County Council prior to the first use of the development.
18. Positive means to prevent the run-off of surface water from any part of the site onto the adoptable highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
19. No development shall take place, including site clearance work, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority (See Note 1).
20. Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at manhole reference number SJ25653408 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.
21. The occupation of the development authorised by this permission shall not begin until details of the phasing of occupation have been submitted and agreed in writing by the Local Planning Authority. Thereafter occupation shall be in accordance with these agreed details unless otherwise agreed in writing with the LPA. The occupation of the site is to align with the delivery of reinforcement work as identified in the Hydraulic Modelling Assessment, or as otherwise agreed with the Local Planning Authority.
22. No development shall take place prior to the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute

for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd- Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

23. The submission and implementation of a biosecurity risk assessment. Provisions of this assessment must include consideration of and inform proposed landscaping schemes.
24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.
25. No development shall commence until an amphibian / GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:
 - Build upon the principles outlined in the ecological report (Redgrave, L. C. (2021). Land off New Brighton Road, New Brighton: Precautionary Compensatory Scheme for Great Crested Newt. Ecology Services. (Unpublished Report No 19092).
 - Submission of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to fence design, specifications, and locations; monitoring and maintenance requirements; and supervised removal. Submission to include proposed timescales and reporting requirements.
 - Submission of an initial long-term site management plan (not less than 25 years) that includes defined aims and objectives; habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to the freehold tenure of the ecology area; tenure of the ecology area to be approved by the Local Planning Authority in consultation with NRW; persons or bodies responsible for undertaking

management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan.

Submission of detailed measures including plans designed to prevent the accidental capture/killing of GCN / amphibians during operational phases of the scheme (i.e. post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features).

- Submission of a contingency scheme that includes details concerning on-site and/or off-site conservation measures that are capable of being undertaken if greater than five (>5 no.) GCN are captured within the working area of the development. Submission to include timescales and reporting requirements.
 - Details of timing, phasing and duration of construction activities and conservation measures.
 - Timetable for implementation demonstrating that works are aligned with the proposed development. Ecological Compliance Audit, including key performance indicators (we accept the submitted draft ECA scheme).
 - Persons responsible for implementing the works.
 - The Conservation Plan shall be carried out in accordance with the approved details.
26. Prior to the commencement of development a scheme for biodiversity enhancement of the site shall be submitted for approval, and thereafter shall be implemented in accordance with the approved details.
27. Notwithstanding the details hereby approved a sensitively designed external lighting scheme shall be submitted to the Local Planning Authority for written approval prior to the first occupation of any of the dwellings. After written approval any external lighting shall accord with the approved details.

3.00 CONSULTATIONS

3.01 **(Local Member) Councillor Mared Eastwood:** Requests a site visit so that the feasibility of a safe route to school may be assessed and raises the following concerns:

1. The proposed development is car dependent without safe access to nearby footpaths and therefore goes against active travel.
2. Road safety concerns
3. Three storey elements out of character

4. Phosphates

(Local Member) Councillor H McGill: No response at time of writing

Argoed Community Council: Comments as follows:

1. No footpath from the development to the traffic lights in New Brighton
2. No footpath to the nearest school, which is Sychdyn
3. Concerns over local flooding
4. Traffic impact upon New Brighton lights
5. Three storey building out of character

Northop Community Council (adjacent Community Council):
Raise the following:

1. The proposed use of bus and taxi services to meet the needs for a safe route to school is unsustainable and does not meet active travel targets

Community and Business Protection: No adverse comments to make on proposal

Highways Development Control: There are no highway objections to the principle of the proposed development.

Para. 4.8 of the TA proposes a review of the extents of the 30mph (**now 20mph**) speed restriction on New Brighton Road; the cost of such a review and amendment to the traffic order is £6k and this should be covered by the S106 agreement.

The provision of a “Village Gateway” traffic management feature (para 4.8) and the provision of pedestrian control of the traffic signals and improved pedestrian facilities around the A5119/New Brighton Road junction can be covered by condition and will be subject to a S278 highway agreement.

Subject to a Section 106 agreement to provide funding for the review of speed restrictions on New Brighton Road (£6k).
Recommends Highways conditions (Conditions 7-19 in the recommendations).

Education and Youth:

Sychdyn, Ysgol Sychdyn

Potential yield for development 20
Numbers on Roll 151
Trigger for Contributions 168
Total number of contributions 3
Contributions per pupil- £12,257.00

The contribution sought will be for a total of **£36,771.00**

Mynydd Isa, Argoed High School

Triggers are not met for the Secondary School

It is the intention of Education & Youth not to seek a developer contribution.

Housing Strategy: Policy HN3 of the LDP sets out the percentage of affordable dwellings required on sites with ten dwellings or more based upon the housing market area they fall into. The application site sits within the Mold and Buckley submarket area where 40% affordable housing is required on site.

In Flintshire, as at the 28/7/22, there were a total of 748 households registered and ready to apply for “Affordable” rental properties and a total 571 households registered and ready to apply for “Affordable” ownership properties (as per Local Authority prospectus December 2022).

Demand for “Social” housing has increased. As at the 26th October 2022 there were 2519 Applicants on the ‘Social’ housing waiting list, an increase from circa 2088 in July 2021 (as per Local Authority prospectus December 2022). In summary there is high demand for Social housing across Flintshire including New Brighton, Sychdyn and Mold & Mynydd Isa and this need is evidently increasing.

In relation to “Affordable” homes for rent or purchase there is generic demand across Flintshire. The greatest demand is for 2 and 3 bed houses circa 79% for rent and 90% for purchase.

As this is a development for the New Brighton area, the housing need information is also provided for the nearby communities where new residents are likely to come from.

There is particularly high demand in Mold and Mynydd Isa which is within close proximity to New Brighton.

Public Rights of Way: Public Footpaths No. 121 crosses the site. The applicant must contact the Rights of Way Section before proceeding with any works. The legally defined public right of way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before design implementation. The surface of the rights of way must not be

disturbed without lawful permission and development over the line of the public right of way must not commence until any necessary diversion or extinguishment has been lawfully authorized under the appropriate legislation

Ecology: Supports the use of native species and the planting of new hedgerows, trees shrubs and wildflower grasslands as proposed which if managed appropriately can provide habitat enhancement.

The layout of roads/paths rather than garden fences next to existing hedges which helps to retain them in good condition in the long term.

The proposed SUDs wetland would need to mitigate for the wetland that currently exists and provide for biodiversity enhancement in the long term. The wetland will also need to demonstrate that it is compatible for both drainage and biodiversity requirements.

Details regarding the long term management of the open space and SuDS needs to be conditioned. This management plan will need to distinguish between the management requirements for biodiversity, open space and drainage.

With regards to NRW comments, the north west corner and its management as a dedicated compensation area versus open space needs to be clarified.

Natural Resources Wales: The site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC) The LPA will need to take the NRW advice into account in their determination of whether the development .

NRW advise that based on the information submitted to date, conditions regarding protected species (Great Crested Newt), biosecurity and land contamination should be attached to any planning permission granted and the document identified should be included in the approved plans and documents condition on the decision notice.

Airbus: Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria.

Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information given.

CPAT: While there are currently no recorded archaeological sites on the Historic Environment Record the first edition OS mapping does indicate the presence of a former farm building known as Mynydd Bychan at the west end of the development area. The building is clearly older than the 1870's mapping, but we do not know how old or its original function. The building earthworks and associated enclosures and outbuilding lie within the area marked blue on the attached plan. According to the layout plan these remains would be destroyed by the development. Previous advice to seek a layout change to protect these remains have been ignored and archaeological excavation will now be required as a condition of consent.

CPAT would therefore recommend a condition for archaeological excavation covering the area marked on the attached plan in accordance with Welsh Government guidance set out in Tan 24 (May 2017) and Planning Policy Wales

The Coal Authority: The site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach for a Coal Mining Risk Assessment to be submitted.

If this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice

Dwr Cymru Welsh Water: Having regard to the proposed planning layout (SK296/NBM/PL50 Rev. E), it appears the proposed development would be situated outside the protection zone of the public sewers measured 3 metres either side of the centreline and therefore acceptable in principle.

A Hydraulic Modelling Assessment has been undertaken. A number of options for sewer network reinforcement have been provided, the implementation of one of these options would enable the development to connect into the public sewer network without causing any detriment to the local community or environment.

Requests that suggested Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

DCWW have confirmed that subject to the suggested conditions there is capacity to connect to the relevant WWTW. The WWTW has a valid phosphate license.

Ramblers Association: Are of the opinion that although some amendments have been made, this proposal does not provide

adequate Active Travel provision and therefore does not overcome the Ramblers Association objections in principle.

4.00 PUBLICITY

4.01 202 Neighbour Notifications were sent to adjoining/nearby properties. A Site Notice was also displayed and the application was advertised by way of a Press Notice in a local newspaper.

47 objections have been received which can be summarised as follows:

1. Lack of local infrastructure
2. Flooding issues on site historically/Surface water drainage issues
3. Inadequacy of foulwater drainage
4. Road safety issues
5. Lack of consideration of Active Travel/Car dependent site
6. Loss of privacy for neighbouring dwellings
7. Loss of habitat
8. Scale and character of proposed dwellings out of character with locality
9. Density of site in comparison with neighbouring development
10. Overdevelopment of New Brighton
11. Noise and Disruption

5.00 SITE HISTORY

5.01 060220 - Residential Development for the Erection Of 92 Dwellings Including the Provision Of Affordable Units, Areas Of Public Open Space, Landscaping And Associated Works- Refused 30th October 2020 Appeal dismissed 02nd February 2021

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

- Policy STR1: Strategic Growth
- Policy STR2: The Location of Development
- Policy STR13: Natural and Built Environment, Green Networks, and Infrastructure
- Policy STR4: Principles of Sustainable Development, Design and Placemaking
- Policy STR5: Transport and Accessibility

- Policy STR6: Services Facilities & Infrastructure
- 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 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 EN1: Sports, Recreation and Cultural Facilities
- Policy EN2: Green Infrastructure
- Policy EN6: Sites of Biodiversity Importance
- Policy EN7: Development Affecting Trees Woodlands and Hedgerows
- Policy EN15: Water Resources

Future Wales- The National Plan 2040
 Planning Policy Wales 12

7.00 PLANNING APPRAISAL

7.01 Proposal

This is a full application for 90 dwellings at land south of New Brighton Road, New Brighton.

7.02 Site

The site represents 3.6ha of greenfield land on the edge of the settlement of New Brighton, within the settlement boundary in the adopted LDP. The site is designated as Housing allocation HN1-10.

7.03

The site is located on the north side of the A5119. It is bounded to the west by Argoed View and existing housing, by existing housing and commercial development on its southern boundary. To the east of the site is housing at Cae Isa beyond which is the Beaufort Park Hotel. The northern boundary is for the most part bounded by New Brighton Road with the north western corner opening up onto farmland. The site itself is mainly open grassland with hedge boundaries and a number of trees, located within the hedge lines of the site.

7.04 Main Issues

As discussed above it is considered that the principle of development in this location has been accepted as well as a range of detailed matters that have already been dealt with by committee and the PEDW appeal Inspector. Notwithstanding this the main issues are considered to be:

- The Principle of Development
- Safe routes to schools
- Ecology and the impact of the development upon protected species, as well as the contribution of the application to Green Infrastructure
- Safe highway access to the site
- Impact of the development upon local character
- Drainage and Phosphates

7.05 Principle of Development

New Brighton is defined by policy STR2 as a Tier 3 Sustainable Settlement which will be the locations for housing development related to the scale, character and role of the settlement. The site is identified in policy HN1-10 as a housing allocation and is within the settlement boundary which establishes the principle of residential development. The site is well defined by built development to the west, south and east and by New Brighton Road to the north and represents a well-defined and logical rounding off of the settlement form. In addition to having services and facilities within the settlement, it also sits between and in close proximity to the settlements of Mold, Buckley and Mynydd Isa with easy access to the facilities that these higher order settlements provide.

7.06 It is considered that the principle of this development is acceptable, and in accordance with the relevant policies in the Flintshire Local Development Plan.

7.07 Safe Route to Schools

This application was deferred by Members at the Planning Committee of November 2023 to seek further information regarding the safe route to school options from the site. Further information, in terms existing pupil numbers given in para 7.11, as well as further consideration of the issue as a whole, is given below.

7.08 Concern has been raised by third parties with relation to the issue of a safe route to school and in particular given the close proximity of the crossroad junction, as well as existing traffic on the road networks. The New Brighton Road to Sychdyn, which the access to the development opens onto, has previously been considered hazardous by a Streetscene assessment of potential Safe Routes to School. Ysgol Sychdyn has been identified by

Education as an affected school for the purposes of planning obligations for Developer contributions to Education, in accordance with the criteria found within Supplementary Planning Guidance Notes 23.

- 7.09 It should be noted that Ysgol Mynydd Isa, soon to be replaced by the combined 3-16 school in Bryn Y Baal, can be considered to be more conveniently located to the site than Sychdyn as there is a continuous footway to each of these schools, and the new school, and this footway is alongside a 20mph road with street lighting. A pedestrian crossing is proposed at the New Brighton Road junction with the A5119 as part of the development proposals, which will further improve the route to Mynydd Isa. There is an existing pedestrian crossing on Bryn Road adjacent to the new school site.
- 7.10 The assessment of distance from the site entrance to the relevant schools shows a negligible increase in distance from the development site to the Mynydd Isa schools compared to Ysgol Sychdyn. The new Bryn Y Baal 3-16 school is approximately the same distance (around 30 metres in difference) from the site as Ysgol Sychdyn. The new Bryn y Baal School is due to open in September 2024.
- 7.11 Information provided by the Education Authority shows that currently, of 51 primary school pupils who reside at post codes within New Brighton, 3 pupils attend Ysgol Sychdyn rather than the schools in Mynydd Isa/Bryn Y Baal, with a total of 48 pupils going to these schools. This demonstrates that whilst parental choice means that some children in the vicinity of the application site attend Ysgol Sychdyn the vast majority attend school in Mynydd Isa or Bryn Y Baal.
- 7.12 Notwithstanding the above, and as a result of parental choice when it comes to enrolling their children to local schools, it is acknowledged that there is a possibility that children living on the site may enrol at Ysgol Sychdyn. It should be noted that the existing school transport policy requires that the Local Authority determine whether the provision of transport for pupils of statutory school age is necessary to facilitate the attendance at a designated school of the pupil concerned. If such transport is deemed necessary, then the transport must be provided free of charge. This policy further states, as one of its provisions, that where the route to school is considered to be hazardous by the LEA in consultation with the Environment Directorate then that child, if of compulsory school age, will be eligible for free school transport. As such there is existing provision, and a legal duty for the Local Authority to cater for this in accordance with the Learner Travel (Wales) Measure 2008. In contrast it should be

noted that there is no statutory duty to provide a safe walking route to any school.

- 7.13 Notwithstanding the above the applicant has explored various options to see if a safe route could be reasonably identified and provided. These investigations have included:
- The provision of a footway alongside New Brighton Road over the 700m distance from the western edge of the development site to the nearest existing footway in Sychdyn.
 - The provision of an improved linkage to the existing public footpath route which passes from New Brighton Road to Wat's Dyke Way in Sychdyn.
 - The provision of the funding for a school bus to link the development site to Sychdyn School.
- 7.14 In assessing the proposal it has been demonstrated that none of the above options are feasible or implementable, and this is a conclusion that has been agreed by Highways Development Control. The footway route amendments are either not possible due to highway widths and third party ownership issues and School Transport are not able to manage a dedicated school bus link as the existing school transport policy, as mentioned above, exists and already places a duty on the Council to make suitable provision. Obtaining planning contributions to cover this would not be a lawful request under the CIL regulations as it is not necessary due to the existing policy as well as a result of the Learner Travel (Wales) Measure..
- 7.15 The key point to bear in mind when considering this matter is that whilst it is the case that the walking route to Ysgol Sychdyn is hazardous, a safe route exists to an alternative school that is an equal distance away from the site and that currently the vast majority of local children attend in preference to Ysgol Sychdyn. As such, and notwithstanding the objections received on this point, it is not considered that this is an issue that should be given a great deal of weight in the planning balance. The selection of Ysgol Sychdyn for Developer contributions in accordance with SPGN23 is not determinative from the point of view of ensuring that the development links to suitable local schools, as the schools in Mynydd Isa and Bryn Y Baal .
- 7.16 Ecology
With regards to statutory wildlife sites in the vicinity of the application site, Maes y Grug SSSI, part of Buckley and Deeside SAC, is over 1km to the north east of the site and is not considered to be affected, directly or indirectly. Similarly no (non-statutory) Wildlife Sites are affected since the nearest, Cobbler's and Stonybeach Woods, is over 1km. There

have, however, been recorded sightings of protected species including Great Crested Newts and species of bats. As such the ecological implications of the proposal are considered to carry significant weight.

- 7.17 Natural Resources Wales (NRW) considered in their initial comments that the proposal has the potential to cause disturbance to GCN and/or loss or damage to their resting places. In addition to the legal protection afforded to GCN, their presence is a material planning consideration under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5). The provisions of TAN5 advise that surveys and assessments are submitted to enable the local planning authority to undertake an informed assessment on the predicted impacts of a proposed development scheme on a European Protected Species (EPS).
- 7.18 Great Crested Newt surveys to inform the previous planning application included undertaking eDNA samples of Pond 1, approximately 249m north west of the site, in 2018 and 2019 (both were negative results), undertaking a precautionary Habitat Suitability Index (HSI) assessment of Pond 2, approximately 70m north of the site where there was no access and reviewing existing data records. Reptile surveys using artificial refugia (which are also used for terrestrial amphibian surveys) were also undertaken during September 2018 and during May and June 2021. 1.5 eDNA samples from Pond 1 returned negative results on two occasions, however, access to sample this pond in 2021 was refused. Pond 1 has, however, been sampled twice in recent years and is on the outer limit of the 250m buffer zone around the site, therefore refusal of access in 2021 is not considered a significant constraint to the assessment. Access to a second pond (Pond 2), approximately 70m north of the site boundary was refused throughout. No further ponds were identified within 250m of the site.
- 7.19 Although access to the second pond has not been possible the remote study carried out to assess its suitability for use by GCNs is considered, as it was by the Planning Inspector in the appeal on the previous refusal, to be acceptable. That study concluded that the second pond was unlikely to provide a suitable habitat. A study has also been carried out on the site itself and found no evidence of GCNs on the site. This study is considered to be reasonable and adequate and I have no reason to come to a different view than the appeal Inspector on this issue.
- 7.20 NRW have confirmed that they consider that the proposal is satisfactory for the purpose of demonstrating no likely detriment

to the maintenance of the favourable conservation status of a component of a small population of GCN.

- 7.21 NRW have requested that a Conservation Plan which details reasonable avoidance measures, long term management, contingency if more than 5 GCN are captured within the site, timings of works and an associated compliance audit is conditioned. They have also requested a section 106 agreement in respect of the ownership and management of the defined Ecology Area/dedicated compensation area in the north west corner. I have included both of these requests as part of the recommendation.
- 7.22 The trees on site were assessed for Bat Roost Features (BRF) and those with low moderate or high potential were further assessed by aerial and endoscope surveys. Dawn and dusk surveys were undertaken of those trees with moderate -high potential during June and July 2021.
- 7.23 No bat roosts were recorded within trees but 40+ commuting Common Pipistrelles were recorded along the central tree line, indicative of a roost within the locality. Soprano pipistrelles, Myotis sp and Noctules were also recorded foraging in this tree line.
- 7.24 The planning layout shows the loss of two trees with bat roost potential within the site, namely Trees 6 and 7 which have been assessed as having high and low bat roost potential respectively. No bat roosts were observed during the emergence/re-entry surveys, but precautionary measures will be adopted during felling or pruning works with further surveys as required.
- 7.25 The submitted report also recommends that the central tree line is retained due to the large number of bats commuting along this feature. However, since the northern end of this tree line will be removed, the recommendation is instead for large specimens to be planted at the earliest opportunity to maintain connectivity between the north and south boundaries. This will need to be highlighted on the landscape plans upon submission of this detail to discharge the relevant landscape conditions.
- 7.26 As this area is used for commuting bats a sensitive lighting scheme which takes account of this will be required in order to safeguard this protected species and their commuting across the site, and this can be conditioned.
- 7.27 The use of native species and the planting of new hedgerows, trees shrubs and wildflower grasslands as proposed is welcomed, and if managed appropriately can provide habitat

enhancement. A scheme of Biodiversity enhancement will be required through condition to ensure compliance with LDP policy STR13.

- 7.28 Highways
The proposed internal highways layout of the scheme has been subject to consultation with Highways Development Control and there is no concerns raised with the estate layout as proposed, or the parking provision provided by the development, which accords with relevant maximum standards across the site. A number of highways specific conditions have been suggested.
- 7.29 The submitted Transport Assessment shows through empirical evidence that the impact of the traffic arising from the scheme has been tested in detail at the site access and the A5119 / New Brighton Road / Bryn Lane Signalised Junction. The assessments show that there is sufficient spare capacity to accommodate the proposed development.
- 7.30 The Transport Assessment proposes a review of the extents of the current 20MPH speed restriction on New Brighton Road; the cost of such a review and amendment to the traffic order will be covered by the S106 agreement. The provision of a “Village Gateway” traffic management feature, which will make it clear to drivers that they are approaching a more built up area, and the provision of pedestrian control of the traffic signals and improved pedestrian facilities around the A5119/New Brighton Road junction can be covered by condition and will be subject to a S278 highway agreement.
- 7.31 The Transport Assessment promotes the use of public transport but current facilities at local bus stops are generally considered inadequate with the absence of bus bay road markings, boarding kerbs and shelters. The enhancement of these facilities can be covered by the highway Section 278 agreement and represent a planning gain to the local community as a result of this development.
- 7.32 It is considered that the internal highways arrangement, as well as the proposed accesses and any resultant traffic impact onto the existing highways network, is acceptable and accord with policies STR5 and PC5 of the Flintshire LDP. The proposed enhancement of the current A5119/New Brighton Road junction, and bus stop also represents a wider benefit and complies with the objectives of the LDP policies.
- 7.33 Impact upon local character
There is a mixture of house types in the immediate vicinity of the site, of different periods and styles. The development proposes largely 2 storey detached and semidetached dwellings faced in

brick with grey tile roofs. Brick is the predominant finish in the vicinity and I consider this to be acceptable for this location. Roof heights are consistent throughout the development, although there is some slight variety, which helps to break up the visual impact of the Streetscene.

- 7.34 The development provides a mix of house types and sizes within the scheme, with mews type, 3, 4 and 5 bed dwellings mixed within the proposal. The layout ensures that adequate interface distances and amenity space, according with the Councils SPGN2: Space Around Dwellings, are provided between the proposed dwellings.
- 7.35 There is a 15 unit 3-storey apartment block centrally located on the site, to the west of the SUDs feature/incidental POS. This block has been located to ensure that there is no overlooking from either its front or rear elevations, which are the elevations upon which windows are situated, with the gable ends left blank. By utilising a hipped roof design the block is not unduly large in comparison to the houses it sits alongside, nor will it negatively impinge on neighbouring dwellings through either overshadowing or overlooking.
- 7.36 Some objections have mentioned this three storey building and opined that there are no buildings of a comparable scale in the vicinity. As mentioned above it is not considered that the building is unacceptably tall or bulky and on that basis adds positively to the layout of the site making a positive placemaking contribution. Given its central location on the site it has been designed to sit alongside neighbouring two storey dwellings and will be viewed within the context of the wider site. The fact that there are no other three storey buildings in the vicinity should not preclude the consideration of such a building. The reduction in height of the building would result in the loss of up to five affordable units being delivered on the site.
- 7.37 The site is relatively flat and has been laid out to minimise any direct impacts upon the living conditions of residents of existing dwellings located on the site periphery. The trees and hedge located on the western site boundary, alongside Argoed View, is to be retained, and dwellings in this area are either facing away from the Argoed View dwellings, retaining an adequate interface to ensure that there would be no concerns over a loss of privacy, or gable on to the road. The existing screening protects the existing dwellings from any detrimental impact arising from the development.
- 7.38 The existing development at Cae Issa either backs onto the existing SUDs area, with only the gable of one dwelling close to

the existing houses, and I do not consider that the proposed development would adversely impact upon these dwellings.

- 7.39 The area of development site that adjoins the rear boundaries of dwellings on the A5119 Mold road has a footpath and area of informal Public Open Space as a buffer between this area and proposed dwellings. Again I have no concerns regarding the location of the new development and existing residential amenity.
- 7.40 The proposal is for 90 dwellings upon a site with a developable area of 2.56 hectare. This equates to a density of approximately 35 dwellings per hectare. This is considered to be appropriate to the location.
- 7.41 Drainage and Phosphates
It is intended to connect the development to the public sewerage system. Dwr Cymru Welsh Water have confirmed that sufficient capacity exists at Mold Wastewater Treatment Works (WWTW) to cater for the development. A Hydraulic modelling assessment was undertaken on this site and subject to the findings of this assessment and agreements between the developer and the statutory undertaker it is considered that there exists capacity in the system to cater for this development.
- 7.42 The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. NRW have also issued Planning Advice (August 2023) which gives specific advice in respect of foul drainage arrangements for new developments
- 7.43 There are no designated sites but the application site is close to the River Alyn a tributary of the River Dee designated as an SSSI and SAC primarily for migratory fish but also otter. While it is not directly affected, all developments now need to consider phosphate pathways and a potential increase in levels within the River Dee Special Areas of Conservation (SAC) to ensure there are no impacts.
- 7.44 Welsh Water have confirmed that there are no capacity issues and that Mold WWTW has a valid up to date phosphate permit. The foulwater flows deriving from this development would be

capable of being treated within the phosphate permit limits as sufficient headroom exists at the waste water treatment works. In accordance with the NRW advice a Test of Likely Significance has been undertaken on this site.

7.45 It is considered that No Likely Significant Effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of additional phosphorus or pathway for impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice, where points 1 and 3 apply:

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or
- the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional wastewater generated in consequence of the proposed development will remain within the revised permit limits and
- that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

7.46 As such, it is considered that the proposal is considered to be in accordance with policy EN15 in the Flintshire Local Development Plan.

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

7.48 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.

7.49 Should the development be granted planning permission then it would be necessary to enter into a Section 106 Legal agreement to secure planning contributions with regard to Education provision, Public Open Space and Affordable housing.

7.50 Education

In consideration of the proposed development, and with regard to the advice within SPGN 23: Developer Contributions to Education the following obligations would be sought.

Primary School: Sychdyn, Ysgol Sychdyn

- The required Section 106 contribution would be £36,771.00
- The contribution would be spent on Accommodation Improvements.

7.51 As discussed in the report in the section regarding the safe route to schools both Ysgol Sychdyn and the schools in Mynydd isa/Bryn Y Baal are considered to be directly affected by the development. As such when considering schools for the purpose of possible developer contributions in accordance with SPGN23 it is considered that Ysgol Sychdyn adheres to the relevant criteria set out in that guidance. Contributions will not be sought for Ysgol Mynydd Isa as this school is soon to be replaced by the new Bryn Y Baal school, for which capacity exists.

7.52 It is considered that the education contributions would meet the regulation 122 tests. Ysgol Sychdyn does not appear to have received more than 5 contributions and therefore the limitations of regulation 123 does not apply.

7.53 Public Open Space

In accordance with policy EN1 of the Flintshire Local Development Plan All new residential developments will be required to include provision for public open space or sports and recreational facilities in accordance with the Council's adopted standard of 2.4 Hectares per 1,000 population and be well related to the development it is intended to serve. In accordance with the advice within the Local Planning Guidance Note 13: Open Space Requirements, it would be expected that a development of the size of the proposal would provide onsite provision.

7.54 The proposal provides approximately 6044 m² of onsite public open space provision in the form of a children's play area to the west and a landscaped area on the northern portion of the site and along the southern boundary. The areas to the west and

north of the site, which also contains the LEAP (Local Equipped Area for Play) play area in the western portion meets the required 56m² per dwelling open area as required in the planning guidance. The additional 1294m² of space around the SUDs pond to the south of the site is, in effect, additional landscaped amenity space. This will compensate for any area taken up by the GCN compensation area (approximately 1550 square metres).

7.55 The LEAP (Local Equipped Area for Play) play area will be required to provide a range of age specific play items which conform to the latest BS/EN 1176 AND BS/EN 1177 standards for play equipment and safer surfacing. Details of its ongoing management and maintenance, can be secured and controlled through a legal agreement.

7.56 It is considered that subject to this condition and planning obligation the proposal is in accordance with policy EN1 of the Flintshire Local Development Plan.

7.57 Affordable dwellings

Policy HN3 of the LDP sets out the percentage of affordable dwellings required on sites with ten dwellings or more based upon the housing market area they fall into. The application site sits within Mold and Buckley sub market area where 40% (34) affordable housing is required on site. The application is for 90 dwellings, and proposes 36 affordable dwelling units across the site.

7.58 Although there is demonstrable demand for most property types 2 and 3 bed houses are most in demand for those registered on the Affordable housing register.

7.59 Whereas for those registered on the social housing register the greatest demand is for 1 and 2 bed roomed properties. There is also demand for larger 4 bed general needs homes.

7.60 In Flintshire, as at the 28/7/22, there were a total of 748 households registered and ready to apply for "Affordable" rental properties and a total 571 households registered and ready to apply for "Affordable" ownership properties (as per Local Authority prospectus December 2022).

7.61 Demand for "Social" housing has increased. As at the 26th of October 2022 there were 2519 Applicants on the 'Social' housing waiting list, an increase from circa 2088 in July 2021 (as per Local Authority prospectus December 2022). In summary there is high demand for Social housing across Flintshire including in New

Brighton and Mold & Mynydd Isa and this need is evidently increasing.

7.62 In addition as per the Local Authority Housing Prospectus dated December 2022 the generic demand for 1 bedroom (57%) and 2 bedroom (27%) properties comprises 84% of households on the Social housing register.

7.63 This compares with the Affordable register where 2 & 3 bedroom properties, particularly houses are most in demand for both intermediate rent circa 79% and low cost home ownership circa 90% (as at 21.3.23).

7.64 It is clear, therefore, that there is a housing need which this development will help to address. The tenure mix will be agreed as part of the Section 106 legal agreement This agreement will also ensure that the affordable units will be retained as being affordable dwellings in perpetuity. As such it can be concluded that the proposal is in accordance with policy HN3 of the Flintshire Local Development Plan.

7.65 Green Infrastructure

The Minister for Climate Change, in their letter to Chief Planning Officers dated 11th October 2023 highlighted the essential role that the planning system must play in meeting the challenges laid down by the Global Biodiversity Framework agreed at COP15, the Biodiversity Deep Dive recommendations developed in response to this and in continuing to fulfil the Section 6 duty to maintain and enhance biodiversity and the resilience of ecosystems in Wales. The Ministers position has been carried forward into the recently published Planning Policy Wales 12.

7.66 The master planning exercises carried out on the site considered its place within the green infrastructure network and informed its final design, including the layout and location of public open space, the size and placement of private amenity garden areas, landscaping, ecological concerns and other such matters.

7.67 It is considered that the proposal proportionally meets the identified requirements in its consideration of ecological and biodiversity issues, as well as landscaping and planting proposals and net biodiversity gain, as identified in the report above and will be secured by the conditions recommended. The proposal is considered to be in accordance with LDP policies STR13 and EN2.

7.68 Other Matters

The site lies within 3 KM of a number of designated heritage assets, including scheduled monuments and registered parks

and gardens. CADW have confirmed that intervening topography, buildings and vegetation ensure that the proposed development will not impact any of these assets. A Heritage assessment was commissioned by the developer to consider the impact of the development upon Wats Dyke, which is the closest Scheduled Ancient Monument to the site. On the basis of this submitted information CADW have confirmed that it is not considered that the development would impact upon the SAM itself or its setting, and as such they have no objection to the proposal.

7.69 Clwyd Powys Archaeological Trust have noted that whilst there are no recorded archaeological sites on the development site, first edition OS mapping does indicate the presence of a former farm building known as 'Mynydd Bychan' at the western end of the site. As the likely location of any remains are overlaid by the proposed development CPAT t have requested that a condition is imposed to require a scheme of archaeological investigation and excavation to be carried out prior to development, as a condition of any permission granted. I do not consider that it would be reasonable to require the land to be excluded from being developed, but I consider that should planning permission be granted, it would be reasonable and necessary to impose the archaeological condition.

7.70 Some concerns have been raised over the possible loss of ancient and important hedgerows, which currently exist on the site perimeters, given the proximity of some of the proposed elements of the development to the hedges. It should be noted that no substantial hedgerow removal is proposed by the development. The protection of these existing hedgerows can be secured by condition.

7.71 In accordance with the principles of Active Travel, and with policy PC6 the proposal introduces enhanced pedestrian access across the site, which improves the route of access from Mold road and New Brighton road. It utilises the existing public right of way as an integral part of the design and layout of the development. As such, and notwithstanding objections received which questions the development from the standpoint of active travel, it is considered that the proposal would accord with policy PC6.

8.00 CONCLUSION

The site is an allocated housing site in the LDP. The sustainable nature of the development and its location, that would also provide the full complement of affordable housing in accordance with the relevant policy requirement, suggest that the development is acceptable in principle. The layout, public open space provision, biodiversity enhancements and other detailed technical

considerations are considered to be acceptable and in accordance with policy.

As such it is recommended that the application is approved subject to the commuted sums and conditions outlined in paragraph 2.01.

8.01 Other Considerations

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

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

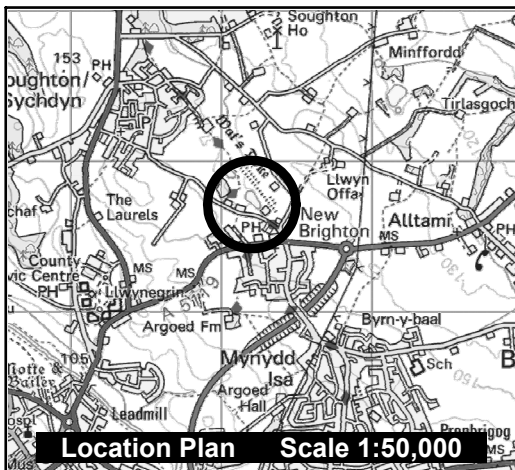
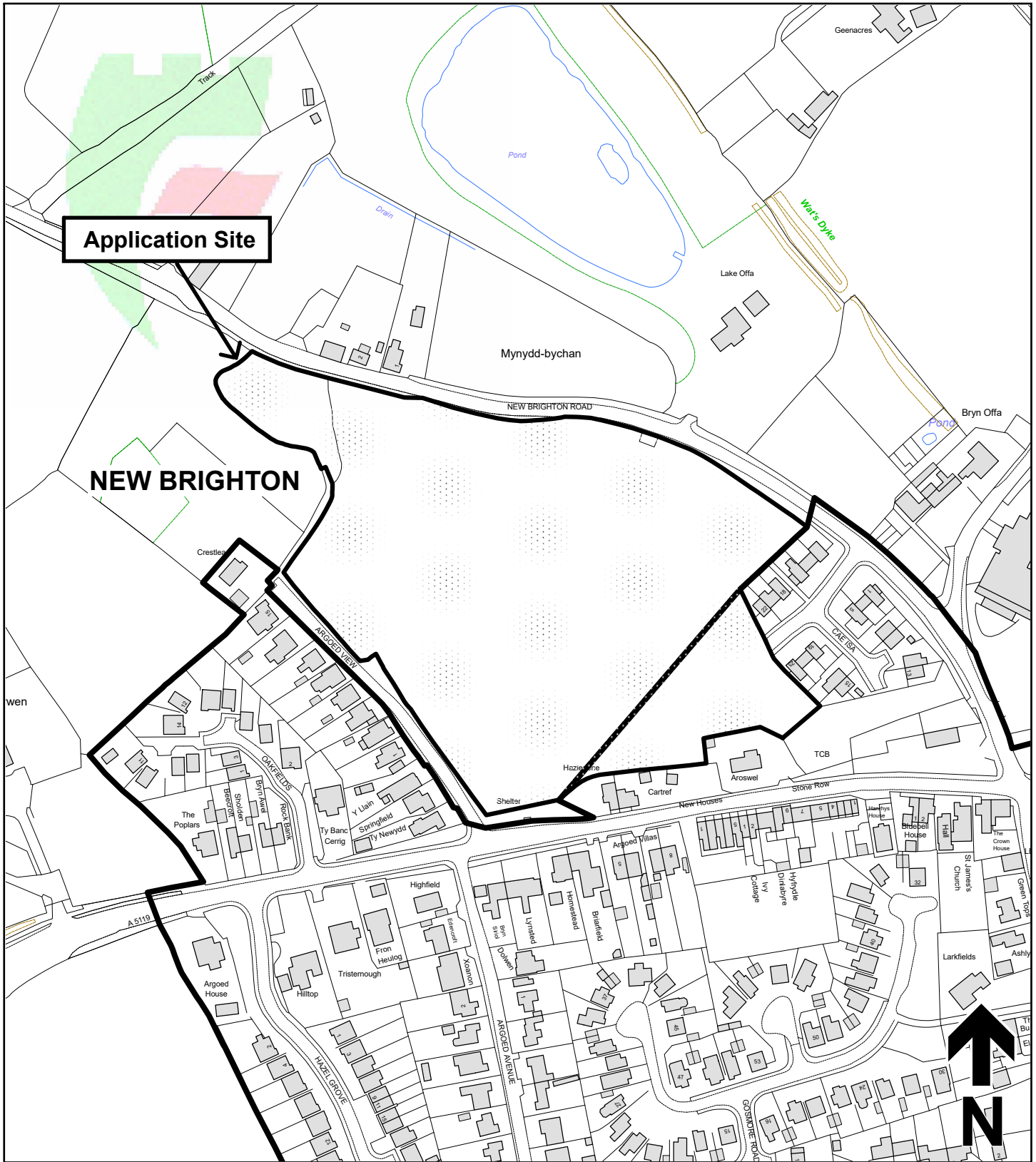
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS

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

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



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2023.

Map Scale: 1:2500

OS Map: SJ 2565

Application: 063507

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **10TH APRIL 2024.**

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

SUBJECT: **CHANGE OF USE FROM CLASS C3 (SINGLE DWELLING) TO CLASS C4 (HOUSE OF MULTIPLE OCCUPATION (HMO))**

APPLICATION NUMBER: **COU/000312/23**

APPLICANT: **J & J MERRITT**

SITE: **4 SALISBURY STREET SHOTTON**

APPLICATION VALID DATE: **31/3/23**

LOCAL MEMBERS: **COUNCILLOR S BIBBY**

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

REASON FOR COMMITTEE: **MEMBER REQUEST TO ENABLE THE IMPACT OF DEVELOPMENT ON THE LIVING CONDIIONS OF OCCUPIERS OF NEARBY PROPERTIES TO BE ASSESSED**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the change of use of 4 Salisbury Street, Shotton from a single dwelling to a House of Multiple Occupation (HMO). Amended plans have been received in the progression of the application on which further consultation has been undertaken.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION
SUBJECT TO THE FOLLOWING CONDITIONS**

- 2.01
- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
 - 2 The development shall be carried out in accordance with the following approved plans and documents.
 - Application Form
 - AMENDED Planning Statement
 - Location Plan 2023/15/SLP
 - Block Plan 2023/15/BP
 - AMENDED Proposed Plans and Elevations 2023/15/PA.
 - 3 The HMO hereby permitted shall be occupied by no more than 5 persons.
 - 4 The building shall not be brought into use until a bin storage area and cycle storage have been provided in accordance with details to be submitted and approved in writing by the Local Planning Authority.

3.00 CONSULTATIONS

- 3.01 **Local Member Councillor S Bibby:** Objects for the following reasons:

1. Salisbury Street has significant issues with parking, most properties have no off-road parking facilities, this is further exacerbated by displacement from pay and display car parks, takeaway delivery vehicles and its town centre location, further subdivision of properties will likely increase the number of vehicles and increase pressure on the already strained parking situation in the street. This is contrary to criterion c of Policy HN7 of the Flintshire Local Development Plan.
2. There are currently eight properties which have either been subdivided into flats or are HMOs, I believe more properties of this nature would constitute gross overdevelopment of Salisbury Street. Many family properties are now sandwiched between HMOs or multiple flat conversions.
3. Shotton is seeing increasing numbers of these developments, terraced streets are being overdeveloped and more and more people are being accommodated. I believe the Town Centre can no longer take more development without strain and pressure on services, waste collection and parking.
4. There is great concern that such developments are rapidly changing the character of the community, family homes and houses suitable for local young families and those looking for

affordable housing are being lost to property developers many of whom are living outside the County.

5. The plans do not meet the minimum standards for a 6-person HMO, and it is very doubtful one bedroom in the plans is at least 6.5m². For 6 occupiers there needs to be 2 bathrooms plus a separate, WC which are not in the plans.
6. 6 Salisbury Street would be sandwiched between a HMO and a property containing self-contained flats. This is contrary to criterion f of Policy HN7 of the Flintshire Local Development Plan.

Shotton Town Council: Unanimously object to the proposed development and request application be refused for the following reasons:

1. Salisbury Street has significant issues with parking, most properties have no off-road parking facilities, this is further exacerbated by displacement from pay and display car parks, takeaway delivery vehicles and its town centre location, further subdivision of properties will likely increase the number of vehicles and increase pressure on the already strained parking situation in the street. This is contrary to criterion c of Policy HN7 of the Flintshire Local Development Plan.
2. There are currently eight properties which have either been subdivided into flats or are HMOs, I believe more properties of this nature would constitute gross overdevelopment of Salisbury Street. Many family properties are now sandwiched between HMOs or multiple flat conversions.
3. Shotton is seeing increasing numbers of these developments, terraced streets are being overdeveloped and more and more people are being accommodated. I believe the Town Centre can no longer take more development without strain and pressure on services, waste collection and parking.
4. There is great concern that such developments are rapidly changing the character of the community, family homes and houses suitable for local young families and those looking for affordable housing are being lost to property developers many of whom are living outside the County.
5. The plans do not meet the minimum standards for a 6-person HMO, and it is very doubtful one bedroom in the plans is at least 6.5m². For 6 occupiers there needs to be 2 bathrooms plus a completely separate, WC which are not in the plans
6. 6 Salisbury Street would be sandwiched between a HMO and a property containing self-contained flats. This is contrary to criterion f of Policy HN7 of the Flintshire Local Development Plan.

Highway Development Control: Do not raise an objection on highway grounds.

Community and Business Protection

Pollution Control: No adverse comments

Community and Business Protection

Housing Standards: No objection following the submission of amended plans reducing the number of proposed occupants to a maximum of 5

Natural Resources Wales: No objection

Airbus: No aerodrome safeguarding objection.

4.00 PUBLICITY

4.01 Neighbour Notifications were sent to 23 No neighbouring and nearby properties. The application was also publicised by way of a site notice, displayed near the site.

20 letters of objection received, the main points of which can be summarised as follows:

1. Inadequacy of parking to serve the proposed development.
2. There is already a proliferation of flats and HMO's, within Salisbury Street
3. Proposal would have a detrimental impact on the character of the locality.
4. Proposals do not meet space standards.

5.00 SITE HISTORY

5.01 No planning history

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan
STR2 – The Location of Development
STR4 – The Principles of Sustainable Development, Design and Placemaking
STR5 – Transport and Accessibility
STR13 – Natural and Built Environment, Green Networks, and Infrastructure
PC2 – General Requirements for Development
PC3 – Design

PC5 – Transport and Accessibility
HN7 – Houses in Multiple Occupation.

Supplementary Planning Guidance Notes (SPGN)
SPGN2 - Space Around Dwellings
SPGN11 – Parking Standards

National Planning Policy
Planning Policy Wales (PPW) – Edition 12
Future Wales: The National Plan 2020-2040
Technical Advice Note (TAN)12: Design
Technical Advice Note (TAN) 18: Transport

7.00 PLANNING APPRAISAL

7.01 This is a full application for the change of 4 Salisbury Street, Shotton an existing 2 storey 3 bedroom terraced dwelling located on the eastern side of Salisbury Street, approximately 35m from its junction with Chester Road West..

Proposed Development

7.02 The application proposes the change of use of the existing 3 No bedroom property (Class C3) into a 4-bedroom Class C4 HMO (House in Multiple Occupation).

7.03 Although no physical alterations to the building are proposed in the formation of the HMO, it is proposed that the internal layout be adapted to accommodate the following:
Ground Floor: Living room, dining room, kitchen and utility/wc.
First Floor: 4 No bedrooms (1 double)

7.04 Amended plans received in progression of the application propose that the number of occupants be reduced to 5 from 6 that were initially proposed. Consultation has taken place on the amended plans.

Main Issues

7.05 The main issues to be addressed in determination of this application include:
i) the principle of development
ii) impact upon the character and appearance of the area
iii) impact on the living conditions of occupiers of existing / proposed residential units
iv) adequacy of access and parking.

These issues are addressed in further detail below.

Principle of Development

7.06 The site is located within the settlement boundary of Shotton, which is a Tier 1 Main Service Centre in the adopted Local Development

Plan (LDP). It is located almost adjacent to the District Centre boundary, where there is a broad range of services and facilities as well as public transport and local employment opportunities and is therefore in a highly sustainable location. The application proposes to continue the use of a dwelling that is located within a highly sustainable settlement for residential purposes which is acceptable in principle, in accordance with Policies STR2 and PC1, subject to meeting the criteria-based approach set out in Policies PC2 and HN7, in terms of the safeguarding of relevant development management considerations and establishing whether planning harm would arise.

Character and Appearance

- 7.07 There are no external changes proposed to the building, its physical appearance remaining unchanged within the street scene and comparable with that which currently exists This is considered acceptable having regard to LDP Policy PC3, and criterion a) of HN7..

Impact on Living Conditions

- 7.08 It is important in consideration of this application to ensure that the living conditions of future occupiers of the HMO, and occupiers of existing properties located in proximity to the site, are safeguarded.
- 7.09 It is important to note that there is currently no formal adopted Supplementary Planning Guidance in Flintshire on the size or layout of HMOs regarding the provision of acceptable living conditions for occupiers, other than an informal advice note.
- 7.10 The Council's Community and Business Protection (Housing Standards Team) however apply Welsh Government minimum standards during the assessment of applications for HMO's. As a result, it is concluded that this proposal is acceptable having regard to these standards, following a reduction in the number of proposed occupants to 5 persons which make it acceptable having regard to this guidance.
- 7.11 The objections raised regarding the proliferation of flats and HMOs within Salisbury Street and the cumulative impact of this on the character /overdevelopment within the street scene and living conditions are noted. Community and Business Protection (Housing Strategy) have interrogated data base records and advise, that whilst these indicate that there are 3 No HMOs within Salisbury Street, the proposal would not lead to 2 No HMO's being located side by side or an existing residential property being sandwiched between HMO's. As Salisbury Street comprises a total of 54 properties, it is not considered that its inherent character will be unduly impacted, the proposal is therefore considered compatible with the continued use of the dwelling as a single-family dwelling,

and acceptable having regard to criteria b, e and f of LDP Policy HN7.

- 7.12 The existing property has an L-shaped outside area located at the rear, amounting to approximately 50m². This area can be accessed by occupants not only from within the dwelling, but also by pedestrians from an access to the rear. It is considered that this area is acceptable in terms of amenity / outside space having regard to serve the scale of development proposed whilst also affording bin storage, drying space, and cycle storage to be provided. This is considered acceptable having regard to criterion d of Policy HN7, the details being secured by the imposition of a condition.

Adequacy of Highways and Parking.

- 7.13 The current proposal seeks to convert a three-bed property into a 4 bed HMO with no off-road parking facilities being provided.
- 7.14 Consultation on the application has been undertaken with Highways Development Control who note that there is no specific requirement in SPGN 11 – Parking Standards, which prescribes parking provision for HMOs. However, in an Appeal Decision notice for a similar application in Flintshire, the Inspector stated an estimation of 0.4 cars per flat/bed to be considered reasonable, and this is referenced in the explanatory text accompanying Policy HN7.
- 7.15 On this basis, the parking demand in connection with an existing 3 bedroom house (2 spaces) and 4 bedroom HMO (1.6 spaces) is comparable with that should the property remain as a single dwelling occupied by a family who all have access to a car, with there being no additional demand being placed on the adjoining highway.
- 7.16 Notwithstanding the above, the site is in a highly sustainable location and the applicant has confirmed all occupants will be vetted to ensure they do not own a private vehicle. This further promotes alternative modes of travel i.e., cycling, walking, use of public transport etc. in accordance with local and national guidance. Based on the above, there is no objection to the proposal on highway grounds.

8.00 CONCLUSION

The change of use of the premises from a single dwelling to a 4 bedroom / 5 No person HMO is considered acceptable in this sustainable location within Shotton, which is defined as a main service centre within the Flintshire Local Development Plan.

There are no external changes to the building proposed and the level of occupancy would it is considered be commensurate were it to remain as a single-family dwelling unit. Whilst acknowledging

concerns over the proliferation of this type of accommodation within Salisbury Street, the proposed development is considered acceptable having regard to LDP Policy HN7.

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.

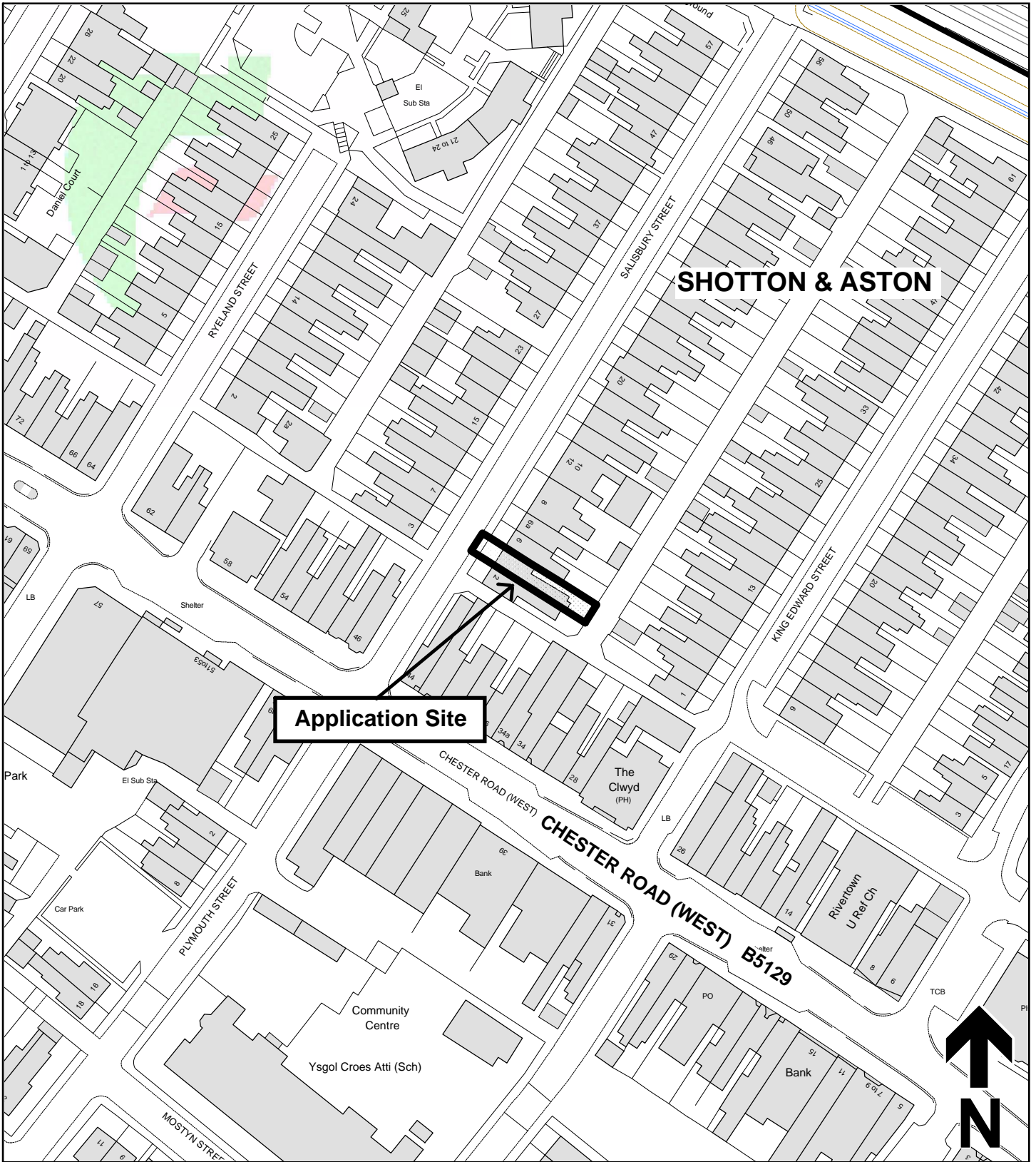
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

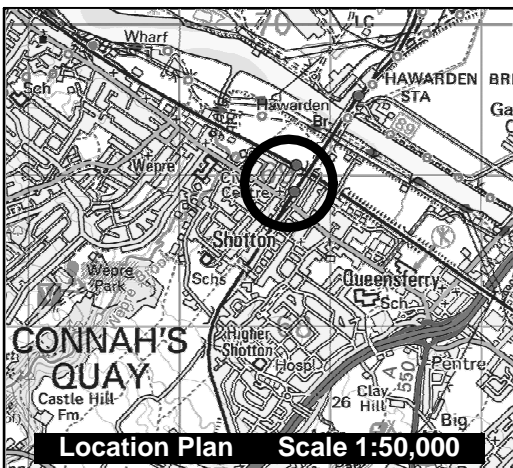
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Robert Mark Harris
Telephone: 01352 703269
Email: Robert.M.Harris@flintshire.gov.uk



SHOTTON & ASTON

Application Site



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

This plan is based on Ordnance Survey Material with the permission of the Controller of His Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2024.

Map Scale:	1:1250
OS Map:	SJ 3068
Application:	COU/000312/23

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **10TH APRIL 2024**

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

SUBJECT: **FULL APPLICATION – RETENTION OF BUILDING AND ASSOCIATED USE OF SITE FOR OPERATION OF A BREWERY (PARTLY RETROSPECTIVE)**

APPLICATION NUMBER: **FUL/000254/22**

APPLICANT: **MR J DALES (TREBOOM BREWERY)**

SITE: **LAND AT TOP WORKS, BAGILLT, CH6 6HZ,**

APPLICATION VALID DATE: **14/7/22**

LOCAL MEMBERS: **COUNCILLOR R DAVIES**
COUNCILLOR K RUSH

TOWN/COMMUNITY COUNCIL: **BAGILLT COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS THE PRINCIPLE OF DEVELOPMENT AND ITS IMPACT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application which is partly retrospective seeks permission for the retention of a building and associated site works to allow it to be used as a brewery, on land at Top Works, Bagillt. The application has been submitted following enforcement investigations.
- 1.02 Amended plans /forms /details have been received in progression of the application on which further consultation has been undertaken.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION
SUBJECT TO THE FOLLOWING CONDITIONS

- 2.01 1 The development shall be carried out in accordance with the following approved plans and documents:
- AMENDED Application Forms
 - Location Plan 21-DES-026-L1
 - Proposed Block Plan 21-des-026-B1
 - Proposed Elevations / Floor Plan 21-DES-026-1
 - Proposed Floor Plans 21-DES-026-1
 - Preliminary Quality Risk Assessment 406.064838.000001 V1
- 2 The premises shall operate between the hours of 0900 – 1700 hours only Monday – Sunday. Outside these hours there shall be no deliveries to and from the site.
- 3 Adequate facilities shall be provided and retained within the site for the loading, unloading, parking, and turning of vehicles. Such facilities being completed prior to the proposed development being brought into use.
- 4 No further development shall take place, until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul and surface water. Thereafter the scheme shall be implemented in accordance with the approved details, prior to the bringing into use of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.
- 5 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 6 Public Footpath 3 which abuts the site shall always remain open and available, and free from interference during the development
- 7 No further development shall commence until a scheme of biodiversity net benefit has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with a timetable to be approved, in accordance with the approved detail or any agreed variation therefrom.
- 8 There shall be no further change /alteration to existing site levels to be undertaken, without the further approval of the Local Planning Authority

3.00 CONSULTATIONS

3.01 **Local Members Councillor R Davies:** No response received at time of preparing report.

Councillor K Rush: Request Planning Committee determination if the recommendation is to approve, to assess whether the principle of development is acceptable, and its impact.

Bagillt Community Council: Objection from the Council for the following reasons:

1. development has already taken place without any permission being previously applied for
2. It is contaminated land and there is no environmental report or any remedial proposals to deal with the leadworks that were on this site
3. there is wildlife in the area
4. no proposals for protection of the remaining industrial archaeology
5. the fact that the building is substantially built on the site before applying for permission should not influence these planning considerations.

Highways Development Control: Recommend that any permission includes a condition in respect of parking, turning, loading, and unloading of vehicles.

Ramblers Cymru: Object unless all the public footpaths in the vicinity of the site are safeguarded and open for use.

Community and Business Protection (Pollution Control): No adverse observations or comments from a noise and odour perspective.

Community and Business Protection (Health and Safety): No objection following the applicant's intention in progression of the application to obtain a water supply to serve the development from the main system.

Contaminated Land Officer: Following the submission of a Preliminary Land Quality Risk Assessment, raise no objection to the proposed development.

Welsh Water/Dwr Cymru: As there are no sewers within the immediate vicinity of the site, recommend the imposition of conditions to i) secure the undertaking of a sewer location survey

identifying a point of connection and ii) prevention of surface water entering the public sewerage system.

Natural Resources Wales: No objection

Clwyd Powys Archaeological Trust (CPAT): No objection, although it is recommended that CPAT are notified should there be any further ground alterations/levelling within the site.

Public Rights of Way: Public Footpath 3 in the community follows the line of the proposed access and abuts the site but appears unaffected by the development. The footpath shall remain open, and available at all times, and free from interference during the development.

The Coal Authority: Following the submission of a Preliminary Land Quality Risk Assessment which confirms that no coal or shallow mine workings were encountered, raise no objections to the development.

4.00 PUBLICITY

4.01 Neighbour Notifications were sent to 5 No neighbouring and nearby properties. The application was also publicised by way of a Site Notice displayed near the site and Press Notice.

No response(s) received at time of preparing report.

5.00 SITE HISTORY

5.01 None - relevant

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan
STR2 – The Location of Development
STR4 – Principles of Sustainable Development, Design and Placemaking.
STR5 – Transport and Accessibility
STR7 – Economic Development, Enterprise, and Employment
STR8 – Employment Land Provision.
STR13 – Natural and Built Environment, Green Networks, and Infrastructure.
PC2 – General Requirements for Development
PC3 – Design
PC5 – Transport and Accessibility
PE3 – Employment Development Outside Allocated Sites and Principal Employment Areas.
EN6 – Sites of Biodiversity Importance

EN16 – Development on or near Landfill Sites or Derelict and Contaminated Land
EN18 – Pollution and Nuisance

Supplementary Planning Guidance Notes (SPGN)

SPGN3 – Landscaping
SPGN4 – Trees and Development
SPGN8 – Nature Conservation and Development
SPGN No 11. Parking Standards

National Planning Policy

Planning Policy Wales (PPW) Edition 12
Future Wales Plan 2020-2040
Technical Advice Note (TAN) 12: Design
Technical Advice Note (TAN) 18: Transport
Technical Advice Note (TAN) 23: Economic Development

7.00 PLANNING APPRAISAL

7.01 Introduction

This partly retrospective application proposes the retention, completion and bringing into use of a building and its associated curtilage on land at Top Works, Bagillt, for use as a brewery. The applicant is proposing the relocation of a brewery that previously operated in York, into Flintshire.

7.02 The site the subject of this application which amounts to approximately 0.4 hectares in area, is located within the open countryside on the southern side of the Coast Road (A548) being outside of a defined employment area in the Flintshire Local Development Plan (LDP).

7.03 The site was previously part of an Old Lead Works which following the cessation of this use reverted to scrubland. It is located to the north/north-west of existing residential properties Belmont and Cheshire View. There is also a HGV yard being undertaken to the south east of the residential properties, this being within approximately 110m of the site.

7.04 Proposed Development

The mono-pitch building that has been erected on site is linear in form measuring approximately 40m x 12m x 8m (high) and is constructed having profiled sheeting / brick external walls and a profiled sheeting roof. Although built the proposed brewery use is not operational. Vehicular access to serve the development is proposed from an unadopted section of road from its junction with the A548.

7.05 Main Planning Considerations

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

- i. Principle of Development
- ii. Scale / Design
- iii. Impact on Living Conditions
- iv. Adequacy of Access
- v. Land Contamination
- vi. Impact on Ecology
- vii. Water Supply
- viii. Impact on Public Footpaths
- ix. Drainage
- x. Industrial Archaeology

These issues are addressed in further detail below.

Principle of Development

- 7.06 Although located outside of a defined employment area or settlement boundary, the site does fall within the definition of brownfield or Previously Developed Land (PDL) recognising its historic usage.
- 7.07 The settlement of Bagillt is split into two distinct parts, each recognised by a defined settlement boundary, and the site sits between the two. There is a gap of approximately 400m between the two parts, and on the northern side of the A548, there is a range of commercial and industrial development, and on the south side is a mix of scattered residential as well as commercial and industrial development. The gap is not therefore undeveloped open countryside, and the fact that the site is part of a larger area of brownfield land provides a context for appropriate employment development.
- 7.08 As the site falls within the definition of PDL, Policy STR8 – Employment Land Provision, in criterion v) recognises that land and sites outside settlement boundaries, allocated sites and Principal Employment Areas, can deliver sustainable employment development through the re-use of suitable land and buildings.
- 7.09 In this context, given the specific circumstances in this particular case, it is a brownfield site in a sustainable location close to Bagillt, employment areas along the A548 and public transport routes. The principle of development is therefore supported by Policy STR8, subject to the safeguarding of relevant development management considerations in order, to demonstrate that this does represent suitable land and whether planning harm would arise.

Scale / Design

- 7.10 The scale, form and design of the linear building and its position /orientation help to assimilate it within both the site and wider surroundings. This is considered acceptable having regard to Policies STR8, PC2 and PC3 of the Flintshire Local Development Plan.

Impact on Living Conditions

- 7.11 It is necessary in consideration of this application to ensure that the living conditions of the occupiers of existing residential properties located in proximity to the site are safeguarded.
- 7.12 The nearest dwelling Belmont, which is located to the south-east of the site, is within 5m of the site boundary and 22m of the building that has been erected on site, although there is no direct visual inter-relationship between them, given their orientation.
- 7.13 It is proposed that the site operates between the hours of 0900-1700 hours Monday – Sunday, with the brewing process taking place 2/3 times a week for a period of approximately 6/7 hours.
- 7.13 No objections to the proposed development have been received in respect of noise disturbance or odour emission from the brewing process or operation of the site, following consultation with Community and Business Protection (Pollution Control). There are also no objections from the nearest neighbours following the consultation exercise. It is however considered, that given the proximity of the site to existing residential properties at this location, that to avoid noise disturbance from any associated vehicular movements during unsocial hours, that there are no deliveries to or from the premises outside the hours of operation specified. This can be secured by condition.

Adequacy of Access

- 7.14 Consultation of the application has been undertaken with Highways Development Control Following the submission of additional information in progression of the application in relation to traffic generation, there is no objection to the development from a highway perspective having regard to LDP Policies STR5, PC2 & PC5. It is however recommended that any permission be subject to the imposition of a condition to secure the provision adequate loading, unloading parking and turning of vehicles.

Land Contamination

- 7.15 In progression of the application and in recognition of the site's historic usage as a Lead Works, a Preliminary Land Contaminated Report has been submitted, on which consultation has been undertaken with the Council's Contaminated Land Officer (CLO). The CLO is as a result supportive of the development, as the site is not

considered to present an unacceptable risk to human health or the wider environment.

Impact on Ecology

- 7.16 Consultation on the application has been undertaken with both Natural Resources Wales (NRW) and the Council Ecologist as the site the subject of this application is located approximately 160m from the Dee Estuary (Wales) Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site.
- 7.17 In recognising that a Preliminary Risk Assessment of the site has been undertaken to address both Contaminated Land and Mining Risk concerns, it is not considered that this would result in detriment to these ecological designations from pollution through any pathways.
- 7.18 In addition, it is noted and acknowledged that to facilitate the development that has currently been undertaken, that this has resulted in the removal of scrubland and trees from within the site.
- 7.19 To compensate for this loss, it is considered necessary in accordance with the requirements of PPW 12 for the development to deliver Biodiversity Net Benefit. It is considered in consultation with the Council Ecologist that this can be achieved with the introduction of appropriate native tree and shrub planting which will provide enhancement of the site in both ecological and visual terms. This can be secured by the imposition of a planning condition.

Water Supply

- 7.20 It was initially proposed as part of the application that a private on - site water supply be used to facilitate the brewing process. Following consultation with Community and Business Protection (Health and Safety) however, concerns were raised in respect of this approach from possible contamination from elevated concentrations of metals in the groundwater beneath the site, recognising its historical use.
- 7.21 As a result of the above, the applicant now proposes that the water supply to serve the development in the quantities required be obtained from the mains system. Welsh Water Dwr Cymru have subsequently raised no objection to this request recognising, the applicants have made a new connection to the existing mains supply on the site boundary.

Impact on Public Footpaths

- 7.22 Consultation on the application has been undertaken with Public Rights of Way (PROW), who confirm that Public Footpath 3 in the community of Bagillt. Follows the line of the proposed access road and abuts the application site, but appears unaffected by the development. Subject to the applicant being made aware of the

need, for this footpath to remain open and available, there is no objection to the development from PROW. This can be secured by condition.

Drainage

- 7.23 It was initially proposed by the applicant that foul drainage from the site be dealt with by connection into the main sewerage system. Whilst Dwr Cymru Welsh Water raised no objection to the principle of this approach, it was advised that there is no system near the site and therefore a suitable connection point into the system would need to be established by the undertaking of a sewer survey.
- 7.24 The result of the survey subsequently undertaken, is that the site is a significant distance away from the main system. As a result, the practicalities of this option no longer remain feasible to the applicant. As an alternative, it is now proposed that the development is served by a Package Treatment Plant (PTP) within the site curtilage.
- 7.25 Consultation on the revised foul drainage proposal has as a result been undertaken with Natural Resources Wales (NRW) who now become the drainage body responsible for installation of the PTP. It has been confirmed by NRW that there is no objection to the principle of the revised foul drainage proposal, but this will require an environmental permit or exemption certificate under their separate legislation. The drainage details associated with the development can therefore be secured by condition to ensure they are installed to the satisfaction of NRW prior to the bringing into use of the brewery.

Industrial Archaeology

- 7.26 Consultation on the application has been undertaken with Clwyd Archaeological Trust (CPAT), who confirm that the new building may have been erected on the site of a former smelting works building that was demolished prior to 1998 but was not statutorily designated from an industrial heritage perspective.
- 7.27 It is noted however, that there is an existing stone wall to the south-west of the site, which was possibly erected at the same time as the former industrial works. It is considered that this wall should be retained as a link to the sites previous history and should any future alteration inclusive of changes to site levels be undertaken which could impact on its structural integrity, this would need to be safeguarded through the undertaking of a watching brief. This can be secured by the imposition of a condition.

8.00 CONCLUSION

Although the site is located outside a defined settlement boundary and Principal Employment Area, it falls within the definition of Previously Developed (PDL) or Brownfield Land. The principle of its

alternative use as a brewery is considered acceptable having regard to LDP Policy STR8, subject to the safeguarding of relevant development management considerations.

It is important to note that the proposal has been considered having regard to highway, ecological, drainage, land contamination, and water supply issues with specific regard also being given to the impact on the living conditions of occupiers of nearby residential properties. In addressing these issues in the context of the range of additional information / changes proposed in progression of the application, the recommendation is to approve the application subject to the imposition of 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.

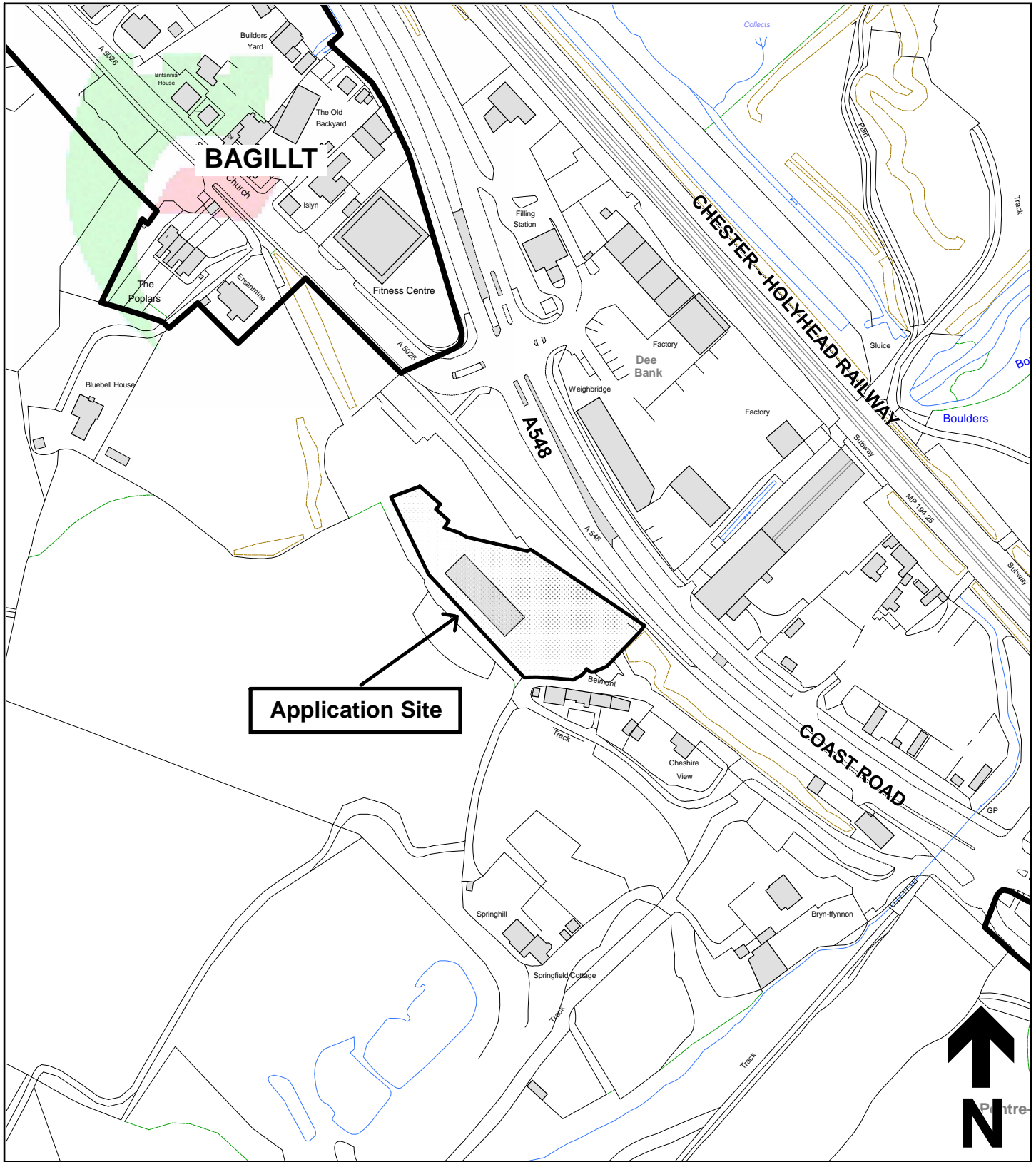
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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.

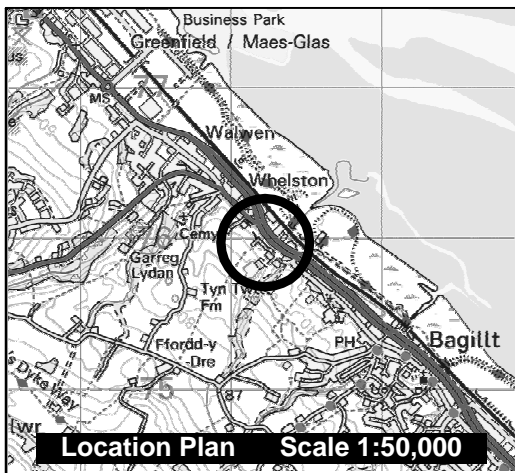
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Robert Mark Harris
Telephone: 01352 703269
Email: Robert.M.Harris@flintshire.gov.uk



Application Site





Location Plan Scale 1:50,000



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

Legend

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

This plan is based on Ordnance Survey Material with the permission of the Controller of His Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 Licence number: 100023386.
 Flintshire County Council, 2024.

Map Scale:	1:2500
OS Map:	SJ 2175
Application:	FUL/000254/22

This page is intentionally left blank