

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25th OCTOBER 2023**

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

SUBJECT: **FULL APPLICATION- THE DEVELOPMENT OF 20
X ONE- BEDROOM COTTAGE FLATS, 3 X TWO-
BEDROOM HOUSES AND 7 X THREE-BEDROOM
HOUSES, WITH ASSOCIATED LANDSCAPING
AND VEHICULAR ACCESS**

**APPLICATION
NUMBER:** **FUL/000001/23**

APPLICANT: **KINGSCROWN LAND AND COMMERCIAL LTD**

SITE: **FORMER SPECTRUM GARDEN CENTRE,
WREXHAM ROAD, CEFN-Y-BEDD, LL12 9UR**

**APPLICATION
VALID DATE:** **4TH JANUARY 2023**

LOCAL MEMBERS: **COUNCILLOR D HUGHES**

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

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

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the development of 20 x one-bed cottage flats, 3 x two-bed houses and 7 x three-bed houses, with associated landscaping and vehicular access at the Former Spectrum Garden Centre, Wrexham Road, Cefn-y-bedd, LL12 9UR

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

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

- Education contributions of £36,938.00 to Castell Allun High School
- Public Open Space contributions £733.00 per apartment /affordable housing unit to Wyndham Drive Play Area
- A scheme to ensure affordable tenure retained in perpetuity

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 forms date received 6th January 2023
 - Proposed Site Plan - Dwg - C1101.003 Rev L date received 21st August 2023
 - Preliminary Ecological Assessment date received 6th January 2023
 - Transport Assessment date received 6th January 2023
 - Design & Access Statement date received 6th January 2023
 - Planning Statement date received 6th January 2023
 - Land Contamination Assessment date received 6th January 2023
 - Aboricultural Impact Assessment date received 6th January 2023
 - Flood Consequence Assessment date received 6th January 2023
 - Town House Elevations - C1101.109 date received 6th January 2023
 - Proposed Apartment Block Elevations - C1101 105 Rev A date received 6th January 2023
 - Location Plan - C1101.001 date received 6th January 2023
 - Proposed Floor Plans & Elevations of House 4P2B - C1031 107 date received 6th January 2023
 - Existing Site Plan - C1101.002 Rev A date received 6th January 2023
 - Town House Plans - C1101.108 date received 6th January 2023

- House Plans & Elevations - C1031.107 date received 6th January 2023
 - Narrow House Plans & Elevations - C1101.106 date received 6th January 2023
 - 1Bed Apartment Block Second Floor Plan - C1101.104 Rev A date received 6th January 2023
 - 1Bed Apartment Block First Floor Plan - C1101.103 Rev A date received 6th January 2023
 - 1Bed Apartment Block Ground Floor Plan - C1101.102 Rev A date received 6th January 2023
 - 1Bed Apartment Floor Plans & Elevations - C1101.101 Rev A date received 6th January 2023
 - 3D SW Aerial View - C1101.011 Rev C date received 6th January 2023
 - 3D NW Aerial View - C1101.010 Rev C date received 6th January 2023
 - 3D NE Aerial View - C1101.009 Rev C date received 6th January 2023
 - 3D SE Aerial View - C1101.008 Rev C date received 6th January 2023
 - Proposed Roof Plan - C1101.005 Rev F date received 6th January 2023
 - Proposed Landscaping Plan - 3236/01 Rev 03 date received 6th January 2023
3. Notwithstanding the details hereby approved Site levels will be a minimum AOD as per recommendations in FCA
 4. 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.
 5. 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.
 6. 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.

7. Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
 - a. Details of the siting and type of external lighting to be used
 - b. Details of internal light spillage
 - c. Drawings setting out light spillage along the Afon Cegidog
 - d. Details of lighting to be used both during construction and operation
 - e. Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during operation.

8. Construction work shall not begin until a scheme for protecting the proposed noise sensitive developments, based on a Good Acoustic Design Statement (ADS) has been submitted to and approved by the local planning authority; all works which form part of the ADS shall be completed before any part of the noise sensitive development is occupied.
9. No development shall commence 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 occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.
10. 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.
11. The forming and construction of the means of site access shall not commence unless and until the detailed design thereof has been submitted and approved.
12. The works associated with forming the means of site access shall be kerbed and completed prior to the commencement of any other site building operations.
13. The proposed access shall have visibility splays of 2.4m x 87m to the north and 2.4m x 78m to the south, measured along the nearside edge of the adjoining carriageway from the proposed

access over land within the control of the Applicant and/or Highway Authority. 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. No development shall take place until a scheme detailing 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 Local Planning Authority. The details as agreed shall thereafter be permanently retained.
15. The gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
16. A 1.8m (min) wide footway shall be provided along the site frontage.
17. No development shall take place until details of positive means to prevent the run-off of surface water onto the adoptable highway has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall thereafter be permanently retained.
18. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The development shall take place in accordance with approved details.
19. No development shall take place until a site investigation of the nature and extent of any potential contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development commences. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before any of the dwellings hereby approved are occupied.

20. 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.

3.00 CONSULTATIONS

3.01 **Local Member: Councillor D Hughes:** No response at time of writing

Llanfynydd Community Council: No objection

Highways Development Control: No objections subject to conditions outlined above

Community and Business Protection: No Objection subject to a condition requiring the submission of a land contamination assessment

Education: Primary School Contributions: Abermorddu - It is the intention of Education & Youth not to seek a developer contribution as the trigger has not been hit.

Secondary School Contributions: Castell Alun School- It is the intention of Education and Youth to seek a developer contribution of £36,938.00.

Aura Leisure: The required sum would be £1,100 per house or £733.00 per apartment / affordable housing and the funds would be used to improve play provision at Wyndham Drive Play Area.

Housing Strategy: Flintshire ward is Llanfynydd. South Border HMA 30% affordable. Hope, Penyffordd Chester , Pontybodkin, Abermorddu/Caergwrle are areas close to Llanfynydd which is not listed as an area choice on the Social housing register. However, Llanfynydd/Frith is listed as an area on Tai Teg Affordable register). SARTH data as at 1.8.23 is for Hope, Penyffordd Chester, Pontybodkin, Abermorddu/Caergwrle.

According to the Social housing register as at 1.8.23 there is demand for all property types, in particular for 1 bed flats and 2 bed houses so there is no need that this proposed development fails to meet.

The tenure as per the document attached from North Wales housing association is acceptable.

Welsh Water/Dwr Cymru: Confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. DCWW advise that Gresford WwTW has a phosphate permit Requests conditions and advisory notes

Natural Resources Wales: Requests conditions relating to protected species, and to ensure that the Flood Consequence Assessment and most recent site plan are listed in the approved documents, to ensure mitigation.

Airbus: No aerodrome safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 7 Neighbour Notifications were sent to adjoining/nearby properties. A Site Notice was also posted and a Press Notice advertised in the local newspaper. 1 representation has been received which is summarised as follows:

1. Concerned with access point, requests some consideration is given to reduce speed of road.

5.00 SITE HISTORY

5.01 053724 - Outline Application for 15 no. 3 storey detached units – Withdrawn (07.10.15)

055430 – Outline Application with all matters reserved for residential development of 14 no. units with a mix of 2 storey semi-detached and 3 storey detached dwellings – Refused (13.7.18) and appeal dismissed

061248 - Outline Application with all matters reserved for residential development consisting of 14 no. Units with a mix of 2 storey semidetached and 3 storey detached dwellings – Approved (28.10.2020 subject to S106, which was signed on 21.10.22)

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
- STR6: Services, Facilities and Infrastructure
- STR11: Provision of Sustainable Housing Sites
- PC1: The Relationship of Development to Settlement Boundaries
- PC2: General Requirements for Development
- PC3: Design

- PC4: Sustainability and Resilience of New Development
- PC5: Transport and Accessibility
- HN2: Density and Mix of Development
- HN3: Affordable Housing
- HN4: Housing in the Countryside
- EN7: Development Affecting Trees, Woodland and Hedgerows
- EN14: Flood Risk
- EN15: Water Resources
- EN16: Development on or near Landfill Sites or Derelict and Contaminated Land
- EN18: Pollution and Nuisance

7.00 PLANNING APPRAISAL

7.01 Site

This application site is located on the western side of the Wrexham – Mold Road (A541) and comprises the site of the Former Spectrum Garden Centre, Mold Road, Cefn-y-Bedd. The Site is vacant and comprises a range of derelict buildings of cement block construction. The site is largely covered in hardstanding with limited areas of vegetation apart from those fringing the rear boundaries of the application site and abutting the adjacent watercourse, River Cegidog.

7.02 Proposal

The application seeks full planning permission for the development of 20 x one bedroom cottage flats, 3 x two- bedroom houses and 7 x four-bedroom houses, with associated landscaping and vehicular access. The application is for 100% affordable housing.

7.03 Principle of Development

This application site is located outside the settlement boundary of Hope, Caergwrle, Abermorddu and Cefn y Bedd (HCAC) in the Flintshire Local Development Plan where new residential development is strictly controlled. Although the site is located outside a settlement boundary it is within a semi urban corridor between a loose ribbon of predominantly residential development on the western side of the A541 stretching between the edge of Sydalit within Wrexham County Borough and Cefn y Bedd. The site is also located in close proximity to a number of employment centres as such it is located within a sustainable location as the proposed site would be adequately served by a choice of transport other than the car.

7.04 The proposal is for an 100% affordable scheme, promoted by the North Wales Housing Association RSL. Policy HN4-D in the Flintshire Local Development Plan supports affordable housing schemes outside of settlement boundaries. This is subject to sites being located

immediately adjacent to the edge of the settlement and represent a logical extension to the settlement. Proposals must respect the character and appearance of the site and its surroundings. It is not envisaged that the scale of provision on these sites will be large or out of balance with the character, form and function of the settlement. Proposals must demonstrate that there is an evidenced need for affordable housing and that this need cannot be met elsewhere in the locality either through the development of buildings or sites within settlement boundaries. The social housing register demonstrates that there is a particular demand for one and two bedroomed properties, which this proposal would help to address.

- 7.05 It is also a material consideration that the site falls within the definition of Previously Developed Land (PDL) also known as 'brownfield land' in Planning Policy Wales 11 PPW11). Paragraph 3.55 of PPW11 states its preference for the development of brownfield land in PPW which advocates that 'Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development.' PPW11 also recognises that there are such instances where the development of brownfield land may not always be suitable, such as in the case of sites outside settlement boundaries. This may be, for example, because of its unsustainable location or because it is highly contaminated. For sites like these it is reasonable to look at the feasibility of the site in terms of its sustainability and if appropriate remediation with respect to contamination can be achieved.
- 7.06 The site is located on a key transport corridor between Flintshire and Wrexham, which is served by the A541, the Wrexham-Bidston railway line including proximity to the station at Cefn y Bedd. It is in close proximity to facilities in HCAC and Gwersyllt. Although the site is located outside a settlement boundary, it is within a semi urban corridor which offers a range of sustainable transport options other than the sole dependence on the private car. As such it is considered that the site is located within a sustainable location.
- 7.07 PPW11 refers to the agent of change principle being a relevant consideration to such proposals. The 'agent of change principle' encapsulates the position that a person or business introducing a new land use is responsible for managing the impact of that change. As such, with respect to contamination and the consultation response from pollution control, I impose a condition that requires the carrying out and submission for approval site investigation surveys, remediation reports and verification where necessary. The condition will be worded, prior to commencement, and in line with the agent of change principle, the local planning authority takes responsibility in recognising that due to the site's previous use, contamination is likely and therefore control is maintained by condition, compliance is however the responsibility of the

applicant. This is an approach that is consistent with the previously granted planning permission 061248.

7.08 The agent of change principle also applies to the responsibility of the Local Planning Authority in demonstrating the sustainability of the site given it's out of settlement location. The site has operated as a garden centre and DIY store for many years as well as accommodating a range of other uses in the associated peripheral buildings. Following its closure, the site has remained vacant and is now in a poor almost derelict condition. The immediate view of the site from Wrexham Road is unsightly and has been referred to as an eyesore. The proposed development would bring an immediate betterment to the site and the wider surroundings, providing a scheme that delivers housing to the area, affordable housing opportunities, removes sources of contamination, and provides for ecological enhancements.

7.09 In accordance with LDP policy PC1, development will generally be located within settlement boundaries, with a more restricted set of appropriate development being located outside of these designated areas. Criteria a) references policy HN4-D which permits affordable housing exception schemes, which this scheme seeks to promote.. The location of the proposed affordable housing development in an area of unsightly previously developed land, in close proximity to settlements and with a range of transport options, means that, in accordance with the advice on PPW11 and policies in the LDP, the development can be considered to represent sustainable development.

7.10 It is also a material consideration that planning permission has been permitted for a development of 14, 2 and 3 storey houses on 21st November 2022 Ref 061248. The principle of development was accepted at the time of this application and there has been no material change to the circumstances that would alter this stance

7.11 Given the above, it is considered that the principle of development is acceptable and in accordance with the relevant LDP policies.

7.12 Affordable housing

National planning policy recognises that a community's need for affordable housing is a material planning consideration. The proposal represents 100% affordable housing as a windfall housing site.

7.13 The site is located within the Llanfynydd ward. This is located within the South Border Housing Sub-Market Area, as defined in the Local Development Plan, which requires 30% affordable dwellings for new developments, in accordance with policy HN3 of the Flintshire LDP. Hope, Penyffordd Chester, Pontybodkin, Abermorddu/Caergwrle are areas close to Llanfynydd which is not listed as an area choice on the Social housing register. However, Llanfynydd/Frith is listed as an area

on Tai Teg Affordable register. SARTH data as at 1.8.23 is for Hope, Penyffordd Chester, Pontybodkin, Abermorddu/Caergwrle.

7.14

In relation to Affordable rent there is demand for 2 and 3 bed houses however there is less demand for 1 bed flats. However, Housing Strategy note that Applicants for affordable housing generally register their needs where they can see new schemes being developed or where existing affordable homes are available, if there have been no recent developments or the existing stock doesn't exist then we often see a low number of applicants for that area. In addition, if Tai Teg have not carried out a marketing campaign or significant advertisement of the Tai Teg register within an area we can also see low numbers of applicants. It does not necessarily mean that no need exists.

7.15

According to the Social housing register as at 1.8.23 there is demand for all property types, in particular for 1 bed flats and 2 bed houses so it is considered that this proposal meets the identified need. Housing Strategy have noted that the tenure proposed by North Wales housing association is acceptable.

7.16

It is considered that the proposal is in accordance with policy HN3 of the Flintshire Local Development Plan.

7.17

Flood Risk

The application proposes Highly Vulnerable Development (residential). But this site has been the subject of a Flood Map challenge that was accepted by NRW in 2019 and that the Development Advice Map (DAM) was updated to reflect the new Flood Map.

7.18

Previously the majority of the site was in Zone C2 of the DAM. The site is now located within Zone B of the Development Advice Map (DAM) as referred to in Technical Advice Note (TAN) 15: Development and Flood Risk. The Flood Map for Planning (FMfP) indicates that the site is in Flood Zone 1 (Rivers).

7.19

NRW have reviewed the Flood Consequences Assessment (FCA) submitted in support of this application. The FCA shows that the site is expected to be flood-free in the 1% (1 in 100 year) Annual Exceedance Probability (AEP) flood event with an (proxy) allowance for climate change (central and upper estimates) over the lifetime of the development. The site is also expected to remain flood-free with a 25% blockage of the nearby Wrexham Road bridge, with maximum flood depths of 0.56m possible in the event of an 80% blockage with upper-end (40%) climate change allowance applied.

7.20

In terms of flood risk mitigation, the FCA proposes that finished floor levels (FFL) should be set to 65.92m AOD. This would provide 600mm of freeboard over the 1% AEP + climate change (central estimate) with

80% blockage scenario, and 280mm over the 1% AEP + climate change (upper estimate) with 80% blockage scenario. NRW recommend that this most recent FCA (dated 22nd December 2022) should be listed as an approved document within the condition that identifies approved plans and documents on the decision notice, so that this mitigation is secured. Provided this is the case, they are satisfied that the risks and consequences of flooding are manageable to an acceptable level. Therefore, they have no objection to the application on flood risk grounds, as submitted.

7.21 Finished Floor levels (FFL) are now shown on the most recent proposed site plan reference: C1101 003 Revision J which also incorporates the designated access to the River Cegidog near the Wrexham Road bridge as per our previous advice. NRW recommend that this most recent site plan (C1101 003 Revision J) should be listed as an approved document within the condition that identifies approved plans and documents on the decision notice, so that this mitigation is secured. Drainage and Phosphates

7.22 As such it is considered that the proposal is in accordance with policy EN14 of the Flintshire LDP.

7.23 Design, Character and Appearance

The principle of development on this site has been accepted in the past but this new scheme seeks to make the most efficient use of the site by proposing of 30 housing units, 20 no. 1 bed cottage flats, 3 no. 2 bed houses and 7 no. 4 bed houses. Careful consideration will need to be given as to whether this is a suitable density for the site, considering the character of the surroundings.

7.24 Policy HN2 advises that new housing development should aim to provide a density of at least 30 dwellings per hectare and incorporate a mix of dwellings by type and size in order to make the most efficient use of available land and to meet the needs of residents for a range of house types thereby creating mixed and socially inclusive communities.

7.25 The policy also requires that in all cases, housing developments should use high quality design principles to maximise the density of development without compromising the quality of the living conditions provided and make adequate provision for privacy and space about dwellings.

7.26 The site is approximately half a hectare in area and as such the development represents a much higher density site than the previously approved development although the use of apartments for the majority of units rather than houses accounts for this higher density

7.27 The site has neighbouring development both to the west and east along the A541. In general residential development is sporadic between

- Sydallt in Wrexham and Cefn y Bedd in Flintshire that bookend this stretch of highway. The development is located to the north of the road, which the application site follows. Dwellings close to the site are of a variety of designs and periods but are predominantly brick, with some variation in external appearance provided by painted render finishes.
- 7.28 On the site itself the new dwellings are sited on the northern periphery of the site, occupying the parts of the site that previously held the commercial buildings for the garden centre. Development wraps around a central access and parking courts. The buildings are a mixture of two and three storey buildings and the developer has pepper potted the smaller 2 storey houses, and 2 storey cottage apartment blocks amongst the larger apartment building and 3 storey narrow townhouse row. This helps to create a more interesting aesthetic and variety on the site and also breaks up the bulk of the larger structures.
- 7.29 External materials are appropriate for the location with brick predominating, broken up with rendered elements creating visual interest to the streetscene.
- 7.30 The closest residential neighbour, Bryn Derw, is located more than 22 metres back to back with a pair of two storey dwellings on the site. This accords with the interface distance guidance within SPGN2: Space Around Dwellings and these dwellings will be further screened by landscaping on the site boundary. It is considered that the interface distance, relationship between the development and existing neighbouring dwelling and available screening adequately protects neighbouring residential amenity.
- 7.31 In conclusion it is considered that the development represents good placemaking and will make a positive contribution to the location and character of the area and accords with policies PC2 and PC3 of the
- 7.32 Flintshire Local Development Plan.

Ecology

- 7.33 The ecological report confirms that no European protected species were found to be present at the application site.
- However in Section 7.5.5 of the Preliminary Ecological Appraisal states that whilst no evidence of specially protected terrestrial mammals was identified within the site boundary, Otters could commute along the river. Therefore, NRW advise that the a condition should be attached to any planning permission for this scheme to ensure appropriate mitigation measures are secured, with particular regard to lighting which may have impacts upon protected species and their foraging habitat if not appropriate for the site. Provided those measures are implemented, they do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the

species concerned at a favourable conservation status in its natural range.

7.34

Local Development Plan Policy STR13 requires new development to not only conserve and protect Flintshire's natural environment but also to promote opportunities to enhance biodiversity and ensure resilience. A condition is suggested to require a scheme of biodiversity enhancement as part of the scheme.

7.35

It is considered that subject to these controls being in place the scheme would not be detrimental to the biodiversity, the quality and diversity of Flintshire's natural environment, and would enhance the existing natural environment of the site, in accordance with policy STR13 of the Flintshire Local Development Plan.

7.36

Planning Obligations

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

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

7.37

While the Authority does not yet have a charging schedule in place, CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

7.38

Leisure have requested an off-site commuted sum of £1100.00 per unit in lieu of on-site provision to enhance existing children's play area located at Wyndham Avenue. As these units are for affordable housing this figure is £733.00 per unit. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date. It is

considered that the contribution required meets the Regulation 122 tests.

7.39

With regard to Castell Alun High School more than 5 contributions have already been made to specifically increase capacity. These contributions are largely associated with the new teaching block. I am satisfied that education services have identified a new and distinct infrastructure project, an additional new toilet block which when applying the tests set out above It is considered that this contribution request does not breach the CIL regulations and the Council can require the payment of £36,938.00 towards the creation of new toilet facilities at Castell Alun High School.

7.40

Phosphates

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 phosphorus 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 (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC.

7.41

Each development should be considered on a case by case basis. Developments should first be screened to determine whether they are likely to have a significant effect. With no pathway for impacts, the development can be screened out as not likely to have a significant effect on the SAC in relation to phosphate inputs.

7.42

The site will drain to Gresford Wastewater Treatment plant. This WWTW has recently undergone a process of re-permitting and has been shown to have sufficient headroom to accommodate this development as a result of phosphate stripping capabilities and performance, without harm to the SAC. . Dwr Cymru have confirmed that they have no objection to this connection. In accordance with NRW's phosphate advice the development can therefore be screened out as not likely to have a significant effect on the SAC in relation to phosphate inputs, and the proposal would therefore comply with policy EN15 of the Flintshire Local Development Plan.

7.43

Other matters

A concern has been raised over the prevailing speed of the highway, and the resultant safety of users of the road due to vehicles accessing and leaving the site. It is noted that the Highways Authority have raised no objection to this proposal, and it also a material consideration that the lawful use of this site was as a commercial garden centre with resultant traffic movements when the site was in use. Any consideration

to be given to the speed limit on the highway would be a matter for the Highways Authority to consider separate to this planning application.

8.00 CONCLUSION

This proposal represents an appropriate reuse of derelict and unsightly brownfield land on the edge of a sustainable settlement. The proposal would provide affordable dwellings that are needed in the local vicinity and appropriately mitigates all other material planning constraints on the site. The proposal is considered to accord with the relevant development plan policies in the Flintshire LDP and it is recommended that the proposal is approved subject to the conditions and planning obligations listed 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