

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **13<sup>th</sup> MARCH 2024**

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

**SUBJECT:** **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**

**APPLICATION NUMBER:** **061994**

**APPLICANT:** **ANWYL CONSTRUCTION**

**SITE:** **LAND TO THE NORTH OF GWERNAFFIELD ROAD, MOLD**

**APPLICATION VALID DATE:** **22<sup>ND</sup> OCTOBER 2020**

**LOCAL MEMBERS:** **COUNCILLOR T CLAYDON**

**TOWN/COMMUNITY COUNCIL:** **MOLD TOWN COUNCIL**

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

**SITE VISIT:** **YES- TO ASSESS THE IMPACT OF THE PROPOSAL IN TERMS OF DENSITY, TRANSPORT AND LAND USE**

**1.00 SUMMARY**

- 1.01 This is a full application for residential development of 235 no. units together with associated public open space and infrastructure on a site allocated for housing in the Flintshire Local Development Plan (LDP) on land to the north of Gwernaffield Road, Mold
- 1.02 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 Planning Obligations**

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 £37,581.00 towards improvements to Mold Ysgol Bryn Gwalia
- 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 94 no. affordable homes to be of a housing mix and tenure to be agreed with the Local Planning Authority, and to remain so in perpetuity.
- The cost of advertising and making of a Traffic Restriction Order for Pool House Lane and amendments to the speed limit on the A541 Denbigh Road. The cost of each order will be £6004.87 inc VAT (£12,009.70 total).
- Provision of a controlled crossing facility. The cost of which is £60,000.

**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  
Location Plan AH99-LP01 rev C

Transport Assessment  
Coal Mining Risk Assessment  
PAC report  
Geo-Environmental Risk Assessment  
Remediation Strategy  
Design and Access Statement  
Heritage Statement  
Flood Consequence Assessment 05 October 2023  
Arboricultural Impact Assessment  
Preliminary Ecological Assessment  
Bat Tree Assessment  
Hedgerow Survey  
Noise Impact Assessment  
Written Scheme of Investigation for Geophysical Survey  
Archaeological Research Services 2021  
Archaeological Desk Based Assessment Heritage  
Archaeology January 2021  
Proposed Site Access Plan and Link Road 1901-F03 rev P  
Proposed Site Access Plan A541 Denbigh Road  
SW Sewer Connection to River Alyn 12-2B (1)  
SW Sewer Connection to River Alyn 12-3B (1)  
Design Settings  
Visibility Plan 1901-F16 rev B  
Street Scenes Key Plan AH099\_SS02  
Planning Layout PL01- rev U  
Planning Layout (with constraints) PL02 rev U  
Materials Layout ML01 rev P8  
Boundary Treatment Plan BT01 rev P10  
Hard Servicing Plan HS01 rev K  
Drainage and Levels Strategy 17136-14-1 rev O  
Drainage and Levels Strategy 17136-14-2 rev J  
Drainage and Levels Strategy 17136-14-3 rev K  
Drainage and Levels Strategy 17136-14-4 rev G  
Drainage and Levels Strategy 17136-14-5 rev B  
Arboricultural Impact Assessment rev D  
Soft Landscaping Proposals Sheet 1 12198-P12 rev H  
Soft Landscaping Proposals Sheet 2 12198-P12 rev H  
Soft Landscaping Proposals Sheet 3 12198-P12 rev H  
Soft Landscaping Proposals Sheet 4 12198-P12 rev H  
Soft Landscaping Proposals Sheet 5 12198-P12 rev H  
Soft Landscaping Proposals Sheet 6 12198-P12 rev H  
Soft Landscaping Proposals Sheet 7 12198-P12 rev H  
Surface Water Calculations October 23  
Compensatory Storage Cross Sections 17136/12/4  
Landscaping Strategy Plan 12198/P11g  
Street Scenes Key Plan AH099 SS02

Electric Vehicle Charging Plan EV01 rev P2  
Waste Management Plan WM01 rev B  
Basic External Works Dwg 1 17135-25-1 rev D  
Basic External Works Dwg 2 17135-25-2 rev D  
Basic External Works Dwg 3 17135-25-3 rev D  
Basic External Works Dwg 4 17135-25-4 rev D  
Basic External Works Dwg 5 17135-25-5 rev D  
Basic External Works Dwg 6 17135-25-6 rev D  
Basic External Works Dwg 7 17135-25-7 rev D  
House Type Pack February 2023  
Topographical Survey 9781-2D (1)

3. 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.
4. 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.
5. No development or phase of development, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:
  - Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention
  - and best practice will be implemented, including details of emergency spill procedures and incident response plan.
  - Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
  - Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
  - Anticipated duration of the works
  - Typical working days and hours of the week
  - Proposed signage types and locations
  - Position of any temporary gates – preferably set-back 12m to allow a delivery vehicle to park/wait

- The access and egress route with appropriate traffic monitoring in order to control traffic movements
- Measures to avoid depositing mud, dust or other debris onto the highway by traffic movements
- The timing of deliveries and main construction traffic arrivals and departures to avoid periods such as school arrival/leaving times
- Site notices informing construction workers and other site operatives of agreed working hours
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Measures to control the emissions of dust and dirt during construction

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

6. Prior to the commencement of development a Biosecurity Risk Assessment shall be submitted to the Council for its written approval and subsequently implemented in accordance with the approved details. This assessment must include:
  - (i) appropriate measures to control any INNS on site; and
  - (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.
  
7. Prior to the occupation or operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. Where necessary, it shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.
  
8. 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.

9. 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.
10. For the avoidance of doubt the recommendations as contained within the Preliminary Ecological Assessment (United Environmental Service ref. UES02060/04) shall be implemented. This shall include a detailed scheme of hedge, tree protection, their enhancement and future management; and protected species reasonable avoidance measures
11. Prior to the first occupation of the development a Lighting plan shall be submitted for the written approval of the Local Planning Authority. The Lighting plan shall minimize light spill in line with the Preliminary Ecological Assessment (United Environmental Service ref. UES02060/04).
12. Prior to the commencement of development a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) that shall be submitted to and agreed in writing with the Council shall be undertaken. Such a programme of work should comprise:
  - Archaeological recording of the identified areas of archaeological interest as identified in the approved Geophysical survey of the site; and
  - Analysis and publication of the result of the archaeological recording.
13. The siting, layout and design of the means of all 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.
14. 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.
15. 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.

16. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the submitted scheme; such facilities being completed prior to the proposed development being brought into use.
17. The front of the garage shall be set back a minimum distance of 5.5m behind the back of footway line or 7.3m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
18. 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.
19. 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.
20. Positive means to prevent the run-off of surface water from any part of the site onto the 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.
21. 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.
22. No building shall be occupied until a point of connection on the public sewerage system as has been identified by the hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the sewerage system, as identified by the hydraulic modelling assessment
23. 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.
24. For the avoidance of doubt the mitigation measures recommended in the approved FCA and the compensatory storage scheme plans (drawings 17136/12/1 Rev C and 17136/12/4) shall be implemented in accordance with these approved details prior to the first occupation of the site.

### **3.00 CONSULTATIONS**

3.01 **Local Member (Councillor T Claydon)**: Accepts that the area is suitable for residential development, but questions the density.

**Mold Town Council**: Objects on the following grounds: -

1. over-development of the site with too many units;
2. development is not in accordance with the adopted Mold Town Plan, which indicates development should only take place on part of the site;
3. concern about the increased traffic flows –both on the Denbigh Road and Gwernaffield Road. Road traffic surveys should be considered;
4. concern about future maintenance of roads, paths, play area and flood alleviation measures
5. flooding is a concern and the extra water flows generated by such a development could lead to flooding in the town centre, run off is into the River Alyn, estimates of excess water should be provided;
6. the LDP has not yet been approved and the UDP did not identify this site for housing;
7. the Town Council respectfully asks the Planning Authority to hold a site visit to appreciate the likely issues and contours of the land.
8. concern is expressed about the proposed link road as it would bisect this large residential settlement and likely to become well used including HGV's and the like, thus would present a danger to residents and pedestrians; and
9. with the emerging guidance from Welsh Government and LDP's, some consideration should be given to renewable energy sources such as solar, hydro or anaerobic digestion systems

**Gwernaffield and Pantymwyn Community Council**: Objects as follows:

The proposal is to provide an alternative link road through the new development. The application states: The key benefit of the development in highway terms is the new link road through the site, which will provide a safer and more convenient link between Gwernaffield Road and the A541 Denbigh Road. The existing route via Pool House Lane is narrow, with sharp bends, high banked verges/hedgerows and limited passing places, as well as being subject to habitual fly-tipping.

The new link road will have a positive effect on many journey times and to some extent has potential to reduce the amount of through-traffic within the town centre itself. It will provide a shorter, safer, more direct route across from Gwernaffield Road to Denbigh.

The Community Council are concerned that currently, Gypsy Lane is used as a section of a 'rat run' between Denbigh Road, Mold, and the A494, Mold to Ruthin Road and that the new road through the proposed development would inevitably enhance this 'rat run' and make it much easier and attractive for drivers currently reluctant to use the narrow and winding Gypsy Lane. For this reason, the Community Council opposes this planning application.

**Highways Development Control:** This proposal has been the subject of previous pre-application consultations which have enabled the developer to table proposals in-line with highway expectations.

Proposals include a traffic restriction order Pool House Lane and amendments to the speed limit on the A541 Denbigh Road; the cost of advertising and making these orders should be covered by a S106 agreement. The cost of **each** order will be £6004.87 inc VAT (£12,009.70 total).

In order to encourage pedestrian movements along Gwernaffield Road. The cost of a controlled crossing facility should be included in the S106 agreement; the value of which is £60,000.

**Dwr Cymru Welsh Water:** Note that the proposed development would be situated outside the protection zone of the public water mains measured 4.5 metres either side of the centreline.

Advise that Mold WwTW has a phosphate permit.

Advise that the applicant has instructed DCWW to undertake a Hydraulic Modelling Assessment (HMA) and potential solutions have been identified to ensure that the site can be accommodated within the system, DCWW therefore request drainage Conditions (Requested conditions included as condition 22 in para 2.01)

**Public Rights of Way:** Public Footpath 93 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

**Education:** Ysgol Bryn Gwalia- Triggers hit. Intention is to seek a developer contribution. Contribution required would be £37,581.00 towards school improvements

Ysgol Maes Garmon- Triggers are not hit. No contribution sought.

**Housing Strategy:** Mold is a popular area and has significant levels of housing need particularly for social rented housing. From a housing need perspective, affordable housing in this area would be supported. Tenure to be agreed.

**Ecology:** Requests conditions regarding measures identified in Preliminary Ecological Assessment report, biodiversity enhancements and a lighting plan to minimise light spill (Conditions requested are included as conditions 13,14 and 15 in para 2.01)

**Community and Business Protection:** The remediation that's been proposed in more detail now is reasonable and is acceptable to be discharged up to Phase 3 (Remediation) of the land contamination assessment. There's still Phase 3 and then Phase 4 (verification) to be completed in due course as the development progresses and the works can be completed.

**Natural Resources Wales:** Request conditions regarding Construction Environmental Management Plan (CEMP), biosecurity and land contamination. (The requested conditions are included as conditions 9,10,11 and 12 in para 2.01)

Matters relating to The Environmental Permitting (England and Wales) Regulations 2016 and The Control of Major Accident Hazards Regulations 2015- All the proposed dwellings will be outside the consultation distance / public information zone. The proposed 12 - 13% increase in traffic would travel inside the consultation distance on the A541 (and the proposed development access overlaps with it to the north) so would therefore be subject to existing provisions.

**SUSTRANS:** Recommends extension of speed limit on A541

**Ramblers:** Objects due to inadequate Active Travel. Notes the proposals include a pavement along Gwernaffield Road and the use of Pool Lane as walking and cycling route. However there are no cycling/scooter facilities within the site itself. Considers that the path/cycle link to Alwyn Close should be provided at a very early stage of the development to provide a link to town and services.

**Airbus:** No aerodrome safeguarding objection to the proposal

**Clwyd Powys Archaeological Trust:** confirms that there are no new archaeological implications for the application other than those considered by submission.

**Welsh Government - Landscapes, Nature and Forestry Division:** The Flintshire LDP (2015-2030) was adopted by your authority on the 24th January 2023, which includes the current application site as a housing allocation (Ref: HN1.6). Therefore confirm that the Department has no objection to this application as BMV policy would have been considered as part of the plan process and examination.

**Regional Emergency Planning Service:** With regard to industrial risk mitigation measures in place at Synthite Ltd. Have nothing to add in addition to NRW's observations and are happy with the comments

they have made in their capacity as environmental and COMAH regulatory body.

#### **4.00 PUBLICITY**

4.01 83 Neighbour Notifications were sent to adjoining/nearby properties, a Press Notice was published and a Site Notice was displayed at the site.

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

1. Traffic Issues/Road safety concerns
2. Lack of schools and Doctors locally
3. No need for houses/wrong side of Mold
4. Loss of Green space
5. Visual impact
6. Noise
7. Pollution
8. Impact upon residential amenity of neighbours
9. Flooding
10. Development too big/Density
11. Road will become 'rat run'
12. Loss of Agricultural land
13. Air Quality
14. Impact on site of Synthite
15. Lack of Bus Services

#### **5.00 SITE HISTORY**

5.01 052180- Construction a strategic flood alleviation scheme for the town of Mold consisting of two separate aspects: an overland flow cut-off drain to the west of Mold and underground attenuation tanks within the town near Cae Bracty and Maes Bodlonfa with associated works. Approved 20-10-15

#### **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

National Policy

Future Wales- The National Plan 2040

Planning Policy Wales 12 (February 2024)

Supplementary Planning Guidance Notes

SPGN2- Space Around Dwellings

SPGN11- Parking Standards

LPGN13- Public Open Space

SPGN23- Developer Contributions to Education

**7.00 PLANNING APPRAISAL**

7.01 Proposal

The proposed development comprises of a residential development of 235 new homes, including 94 affordable units, along with associated public open space and key infrastructure and a new road between Denbigh Rd and Gwernaffield Road, enabling Factory Pool Lane to become a walking / cycling route. This application site is allocated for housing within the LDP.

7.02 The Members are advised that The Welsh Ministers have received a request to call in this application, which dates back to the time of the

LDP Examination, and as such it is subject to a holding direction. Should the Committees resolution be to approve the planning permission then it is requested that the Chief Planning Officer is authorised to approve subject to the resolution of the Committee once this holding direction has been removed, following further consideration by the Welsh Ministers.

7.03 Site

The site measures 11.088 hectares (ha) and is located on the north western edge of Mold. This site is irregular in shape, with Gwernaffield Road abutting the site to south, and Denbigh Road (A541) forming its northern boundary. The bulk of the site is bounded by Factory Pool Lane on its western edge. The built-up area of Mold comprises of the eastern and southeastern boundary of the Site, and open fields to the west and south-west.

7.04 The site is currently in agricultural use and is split over two fields, both are used as pasture land for livestock.

7.05 Principle of Development

This development is for 235 no. dwellings on a site allocated for residential development (238 units) in policy HN1-6 of the adopted Flintshire Local Development Plan. As a result of the housing allocation the site has been located within the settlement boundary for Mold in the LDP.

7.06 Policy STR1 identifies that the Plan will seek to provide sufficient homes to meet a housing requirement of 6,950 homes, through the allocation of sustainable housing sites. Policy STR11 sets out the strategic approach to providing sustainable housing sites.

7.07 Mold is a sustainable location to accommodate development during the LDP Plan period. Policy STR2 identifies that it is a Tier 1 Main Service Centre which is defined as 'the main locations for new housing development which reinforces and contributes to settlements'. Mold is the administrative town for the County and has a wide range of facilities and services and sporting and cultural opportunities as well as employment.

7.08 The site is physically well-defined and related to the settlement of Mold and represents a logical and sustainable urban extension and is allocated for housing. The principle of developing this site is in accordance with the policies STR1, STR2, STR4 and HN1 in the adopted Flintshire Local Development Plan.

7.09 Design & Layout

The site layout can be broken into two parts. The northern element of the site, north of Factory Pool Lane, has been retained as an open green space and will also accommodate the surface water drainage attenuation basin, as well as the play area and multi-use games area. Pool House lane is retained and will become a pedestrian and cycle way which links the two parts of the site as well as Denbigh Road and Gwernaffield Road. The southern section of the site is bisected by a central spine road with estate roads off, The density of the development is higher towards the eastern side of the site where the site lays alongside the existing urban fringe, with a noticeably lower density in the south western portion of the site to assist in the integration of the site into the wider rural landscape.

7.10

The proposal comprises of 22 no. 1-bed properties, 44 no. 2-bed properties, 92 no. 3-bed properties and 77 4-bed properties. House types proposed are a variety of detached, semi-detached and townhouse type dwellings with hipped roofs with brick or rendered walls, and a variety of rendered and cladding details across the development. The development provides a visually pleasing variety within its streetscenes.

7.11

Interface distances, with regard to distances between dwellings, both proposed and existing dwellings that abut the site, and garden depths are in accordance with the minimum distances as set out in SPGN2: Space About dwellings. It is considered that the scheme provides an appropriate amount of private garden space for the dwellings and will not give rise to adverse impacts upon residential amenity. It is considered that the proposal will accord with policy PC3 in the Flintshire Local Development Plan.

7.12

Policy HN2: Density and Mix of Development requires that 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. The development has a net density of 33 units to a hectare which is considered to be appropriate for this location and in accordance with this policy.

7.13

#### Impact upon local character

The development scheme itself has been designed to respond to the site context, minimising tree and hedgerow loss, creating a planting palette for visual and sensory stimulation, providing adequate off-sets to the retained boundary features and Factory Pool Lane.

7.14

The proposed development provides a community benefit in the form of a new road which both accesses the site and provides a link between Denbigh Rd and Gwernaffield Rd. This will divert traffic away from known problems at Dreflan, but it will also retain Factory

Pool Lane as a rural lane to be used as a walking and cycling route. The retention of this minor road, with its hedgerows and mature trees forms a distinctive landscape feature and firm edge to the development. The road forms a strong physical and landscape feature which provides the opportunity for a logical urban extension to the settlement. Enhanced planting along this western edge of the site and the open space and SuDS features between Denbigh Road and Factory Pool Lane will soften the appearance of the proposed development within the landscape.

7.15 As the visual effects are localised, there will be 'negligible' change in the wider geographical context, particularly those travelling through Mold itself, where the development will be seen with the backdrop of the townscape and built up development of the existing town fringe. Whilst it is noted that a development of this size will invariably affect the landscape these effects will be mitigated, as the proposed development will be set back from existing properties whilst characteristic planting will break up the density and scale of development.

7.16 Proposed landscaping retains much of the existing hedgerows and trees on site, particularly on the site boundaries, and includes the planting of a belt of native trees on the western elevation of the northern section of the site.

#### Ecology

7.17 The site has been identified as predominantly agriculturally improved grassland and semi improved agricultural grassland used for hay or silage and part of a species-poor semi-improved grassland field used for the grazing of livestock. Other habitats on site include dense scrub, scattered trees, tall ruderal vegetation, species-rich hedgerows, species-poor hedgerows, earth banks, dry ditch and hardstanding. The hedgerows and mature trees are considered to be the key ecological features on site. The Hedgerow Survey identifies those hedgerows as ecologically and/or historically important under the Hedgerow Regulations.

7.18 Technically hedgerows that border properties are exempt from the Hedgerow Regs but that does not mean they do not have ecological or historical value. Also, from the report photos the majority of hedges appear to be well maintained with good nesting bird potential, including those next to properties. All Hedgerows are a "Priority Habitat under Section 7 Environment (Wales) Act 2016.

7.19 From the submitted Hedgerow survey, the most species rich hedgerows, and which also include woodland flora, are the lane hedges. On the planning layout, these are to be retained as part of the cycleway and not included as garden boundaries which is appropriate and supported.

- 7.20 The preliminary ecological appraisal has highlighted potential issues with the following ecological receptors on or adjacent to site: amphibians, reptiles, badgers, bats, breeding birds, hedgehogs, otters, trees and hedgerows. This report provides recommendations to ensure that the development may proceed without adversely impacting the aforementioned ecological receptors. Ecology have commented that providing the habitats and species are addressed in accordance with the report recommendations then ecological impacts will be minimized, and a number of ecological conditions will be imposed to ensure that these recommendations are implemented.
- 7.21 Natural Resources Wales have queried the impact on protected species, particularly otters, as a result of recreational pressures resulting from the development and advised the Local Planning Authority to consider the likely significance of the development.
- 7.22 As discussed below, the proposal will positively contribute to the green infrastructure of the area in a number of ways, not least by the provision of green spaces and enhanced habitats, through new planting and the enhancement of existing habitats such as the native hedgerows. The provision of open space and new and enhanced walking and cycling routes provides mitigation to the recreational pressures as residents of the site will not have to go to the sensitive areas for recreational activities such as dog walking, which may otherwise be a potential source of impact. With reference to Otters particularly, it is noted that the River Alyn is separated from the site by the highway to the north of the site, and it is important to note that the Preliminary Ecological Assessment did not find any evidence of Otters on site. It is therefore considered that with the above mitigation in place there is unlikely to be a significant impact upon the conservation objectives of the designated areas or protected species.
- 7.23 Green Infrastructure
- The Minister for Climate Change, in their letter to Chief Planning Officers dated 11<sup>th</sup> 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. This is confirmed in the recently published Planning Policy Wales 12.
- 7.24 It is considered that the development presents an opportunity to enhance the habitats available to wildlife on site. The provisioning of bat and bird nest boxes on site will provide improved roosting and nesting opportunities into the long-term future of the site.
- 7.25

Landscaping can also be used to promote biodiversity through the appropriate design of habitats and creating habitat mosaics, which promote natural linkages and hence the dispersal of target species. Principles and landscaping ideas beneficial to wildlife and relevant to this site include the planting and management of hedgerows; Planting of berry and nut bearing shrub species to encourage winter birds; Planting and management of shrubs which develop a mosaic of structures to support breeding birds; and the use of nectar bearing flowers to encourage invertebrates (such as bees, flies, beetles and butterflies)

7.26

Species to be used in the planting scheme are to be native, of local provenance or to have a proven benefit to biodiversity.

7.27

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 benefit, 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, EN2, EN6 and PPW12.

7.28

#### Highways

This proposal has been the subject of previous pre-application consultations which have enabled the developer to table proposals in-line with highway requirements.

7.29

Proposals include a traffic restriction order Factory Pool Lane and amendments to the speed limit on the A541 Denbigh Road. As identified in the submitted Travel Plan Framework, the development has the potential to increase pedestrian flows towards town centre and the local school; in order to encourage pedestrian movements along Gwernaffield Road a controlled crossing facility on this road will be provided. These elements, including the cost of advertising any Traffic Regulation order, will be contained within the Section 106 Legal Agreement.

7.30

Overall, and subject to suggested Highways conditions and the aforementioned Section 106 agreement, the proposal is acceptable. There are no Highways objections to the proposal and it is considered that the application accords with policies STR5 and PC5 of the Flintshire Local Development Plan.

7.31

Concerns have been raised about the new road through the site becoming a way for traffic to access Gwernaffield road from Denbigh road and vice versa. This currently already happens through a road with a lower standard of visibility and width than the proposed link road. Proposed speed limits suitable for the fact the road will traverse a built up area will control vehicle speeds, and may also have the advantage of allowing drivers to avoid the Dreflan mini roundabout

when approaching Mold. As stated Highways Development Control have raised no objection to the proposal which it should be noted is well supported with empirical evidence in the Transport Assessment. The principle of a road through the site was also specifically considered at the LDP Examination where the Inspector supported the allocation of this land.

7.32 Drainage

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 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.

7.33 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

7.34 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.

7.35 Welsh Water have confirmed that there are no capacity issues and that the waste water treatment works 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. In accordance with the NRW advice a Test of Likely Significance has been undertaken on this site.

7.36 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.

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

#### Best and Most Versatile Land

7.38 The site occupies approximately 12 ha of agricultural grassland to the north-west of Mold to the north of Gwernaffield Road and south of the A541, as such it is important to consider the loss of agricultural land. Land in grades 1, 2 and 3a, known as best and most versatile land which is recognised as a finite resource that should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

7.39 The issue of BMV agricultural land was considered as part of the Examination of the LDP. The Council produced a Background Paper 'Agricultural Land' which explained that throughout the preparation of the Plan, efforts had been made to minimise the loss of BMV agricultural land. Welsh Government made representations on the Deposit Plan but did not object to any allocation on the basis of BMV agricultural land and in fact stated a 'support in principle' to the approach taken by the Council who worked closely with the Welsh Government Officers in respect of agricultural land'. The Inspectors' Report found the approach to be soundly based and in line with PPW.

7.40 Given the allocation of the site for housing the potential loss of this land has already been considered and accepted by the Welsh

Government Land Unit in recognition of the overriding need for development as a housing allocation that contributes towards the Plans requirement to delivery housing over the Plan period and as such meets one of the exceptions for acceptable development on such land as set out in Planning Policy Wales . The Welsh Government Land Division did not object to the allocation of this site at the LDP Examination and the Inspector found the allocation to be sound, taking account of all factors including this matter.

#### Archaeology

7.41

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of potentially high archaeological sensitivity. The Alyn Tinplate factory pond (PRN 98373), formerly the mill pond for Mold cotton mill, is recorded within the northern part of the site, and within the southern part of the site, the Portable Antiquity Scheme records the findspot of a possible a lead stylus of Roman or early medieval date.

Technical Advice Note 24 (Paragraph 4.7) states that *'Where archaeological remains are known to exist, or considered likely to exist, and a study has not already been undertaken by the applicant, the local planning authority should ask an applicant to undertake a desk-based archaeological assessment and, where appropriate, an archaeological evaluation.*

7.42

A geophysical survey has been undertaken and its findings submitted in support of the application. It is suggested that a condition will require the testing of the anomalies identified by this survey by field evaluation prior to the commencement of development. This suggested approach is corroborated by the findings of the desk based assessment undertaken by Heritage Archaeology and also submitted in support of the application.

#### Land Contamination

7.43

The application site has been subject to phase I and II ground investigations that have identified ground contamination which could affect the proposed development. Namely elevated lead concentrations have been identified in the near surface soils. This may be as a result of natural processes in an area where natural lead deposits are known to exist..

7.44

The land contamination officer has agreed with the proposed remediation as show in the submitted land contamination assessment. The remediation of the site and verification of these measures shall be secured by condition and will be carried out as the development progresses in accordance with the submitted details. Subject to the satisfactory carrying out of the agreed details it is

considered that the proposal is in accordance with policy EN16 of the Flintshire Local Development Plan.

### Flooding

7.45

NRWs Flood Risk Map confirms a small area of the site adjacent to the A541 to be partially within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

7.46

A Flood Consequence Assessment (FCA) has been submitted in support of the application. This assessment identifies the potential for fluvial flooding from the River Alyn as the primary source of flood risk to part of the site. The FCA outlines that there is no detailed modelled data available for this location and provides a qualitative assessment of flood risk. The FCA shows that the flood outline extends to a level of approximately 110 m AOD in the northern section of the site, which will remain undeveloped and contains the public open space areas. This is based on a comparison of the DAM flood outline and site levels. Ground levels in this northern section rise to around 112 m AOD, before falling to 109 m AOD adjacent to the northernmost section of the development platform. The FCA confirms that the development platform is not considered to be at flood risk from the Alyn, as there is high ground between this section of the site and the flood outline. Given that there is an area of continuous natural raised ground (which is elevated approximately 2 metres above the calculated flood level) between the development platform and the flood outline, the conclusion that the site is considered to be at low risk of fluvial flooding is considered reasonable. The FCA does not comment on the potential impact a blockage of the A541 Bridge could have on flood risk at the site, although it is acknowledged that it is unlikely this would result in floodwaters rising sufficiently to reach the development platform.

7.47

As part of the proposed surface water drainage strategy, a new sewer pipe is proposed in the northern parcel of the site, which would run through the flood outline. The FCA states that in order to provide sufficient cover for the pipe, ground raising is required over the pipe. Approximately 1 m of ground raising would be required along the length of the pipe, which would result in the loss of approximately 802 m<sup>3</sup> of flood storage. The fill for the ground raising will be taken from land bordering the flood zone, thereby compensating for the loss of floodplain storage.

7.48

Detailed drawings have been submitted with the application showing existing and proposed cross sections for this area, demonstrating the proposed flood compensation scheme. The drawings show that regrading works would be undertaken, providing approximately 802 m<sup>3</sup> compensatory storage on the edge of the existing floodplain.

7.49 Based on the above, NRW raise no objection to the application, subject to securing the mitigation measures recommended in the FCA and the compensatory storage scheme plans (drawings 17136/12/1 Rev C and 17136/12/4) through the inclusion of suitably worded planning conditions. These documents will be listed in condition 2 as approved documents and for the avoidance of doubt condition 28 has been suggested to ensure these measures are installed prior to the occupation of the site.

#### Planning Obligations

7.50 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'.

7.51 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.

#### Affordable housing

7.52 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 sub market area where 40% affordable housing is required on site. The application is for 235 dwellings.

7.53 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.

7.54 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.

7.55 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).

7.56 Demand for “Social” housing has increased. As at the 26<sup>th</sup> 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 Mold and this need is evidently increasing.

7.57 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.

7.58 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).

7.59 The proposal provides 94 no. units, which equates with a 40% provision which is policy compliant. The exact tenure of the units will be established through the Section 106 Legal agreement in consultation with Housing Strategy which have already been the subject of discussions in advance of the granting of planning permission.

#### Education

7.60 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: Mold, Ysgol Bryn Gwalia**

- The required Section 106 contribution would be £37,581

7.61 There is sufficient capacity in the relevant High School to accommodate the potential pupil yield arising from this development and as such no contributions are being sought.

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

#### Public Open Space

7.63 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 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.

7.64 The proposal provides approximately 2.63 hectares of onsite public open space provision in the form of public open space, predominantly located in the northern portion of the site but with green areas within the development itself, as well as more formal play space within the northern area including a 1000m<sup>2</sup> LEAP (Local Equipped Area for Play) and a 30m x 16m Multi Use Games Area (MUGA) . This provision meets the requirements in EN1 and SPGN13.

7.65 The LEAP 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 the ongoing management and maintenance of the LEAP and MUGA, can be secured and controlled through a legal agreement.

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.

7.66 Other Matters

7.67 An objection has been received from the Ramblers Association regarding the issue of Active travel. Sustrans had also made a number of suggestions on earlier layouts around these issues and these were taken on board as the scheme evolved.

7.68 LDP Policy PC6- Active Travel requires that all new development should ensure that people have access to employment, education, healthcare and other essential services and facilities, and suggests a number of ways that this can be achieved, including the provision of appropriate walking and cycling routes and integrating the existing public footpath network into the scheme. It is noted that the scheme improves existing walking and cycling routes both within and from the site and it is considered that this promotes the principle of active travel within the terms of the policy.

## 8.00 CONCLUSION

The proposal is allocated for housing in the Flintshire Local Development Plan and accords with the stipulations in the plan, namely providing a new access onto Denbigh Road, the retention and enhancement of strong site boundaries particularly along western

edge of site, and with no residential development on land between Denbigh Rd and Pool House Lane.

There are no technical impediments to the development of this site and the layout, access and landscaping proposed are considered to be acceptable. The proposal accords with the relevant development plan policies and as such the proposal is recommended for approval subject to the planning obligations and conditions specified 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

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