

# Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Bernie Attridge, Marion Bateman,  
Chris Bithell, Derek Butler, David Cox,  
Adele Davies-Cooke, Ian Dunbar, David Evans,  
Veronica Gay, Patrick Heesom, Dave Hughes,  
Kevin Hughes, Christine Jones, Richard Jones,  
Richard Lloyd, Billy Mullin, Mike Peers,  
Neville Phillips and Owen Thomas

26 September 2019

Sharon Thomas 01352 702324  
sharon.b.thomas@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 2ND OCTOBER, 2019** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins  
Democratic Services Manager

## **WEBCASTING NOTICE**

This meeting will be filmed for live broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items.

Generally the public seating areas are not filmed. However, by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and / or training purposes.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

## **AGENDA**

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

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

To confirm as a correct record the minutes of the meeting held on 4 September 2019.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

**REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO  
PLANNING COMMITTEE ON 2 OCTOBER 2019**

<b>Item No</b>	<b>File Reference</b>	<b>DESCRIPTION</b>
<b><u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u></b>		
<b>6.1</b>	060160 - R	Outline Application for the Demolition of 81 Drury Lane and Erection of 66 No. Dwellings at 81 Drury Lane, Buckley. (Pages 9 - 30)
<b>6.2</b>	058968 - A	Full Application - Residential Development of 20 No. Apartments at Park House, Broncoed Business Park, Mold (Pages 31 - 42)
<b>6.3</b>	060131 - A	Amendment to Plot 36 - Provision of Sun Room at 2 Ffordd Yr Hydref, Mold. (Pages 43 - 50)
<b>6.4</b>	059663 - A	Full Application - Repair and Refurbishment of Vacant Historic (Listed) Former Hospital Buildings, with Associated New Build House/Apartments to Create a Total of 89 Dwellings at Lluestry Hospital, Old Chester Road, Holywell. (Pages 51 - 72)
<b>6.5</b>	060270 - A	Full Application - Construction of Extension to an Existing Industrial Building (USe Class B2), Together with Associated Landscaping, Service YArD and Drainage Infrastructure at Smurfit Kappa, Maes Gwern, Mold Business Park, Mold (Pages 73 - 84)
<b>6.6</b>	060319 - R	Outline Application for Residential Development at Land East of Vounog Hill, Penyffordd. (Pages 85 - 108)
<b>6.7</b>	059862 - A	Full Application - Installation and Operation of a 2 MW Ground Mounted Solar Farm and the Associated Infrastructure, Including: Battery Storage, Substation, Inverter/Transformer Units, Security Measures and Access Track at Flint Landfill Site, Castle Park, Flint. (Pages 109 - 122)
<b><u>Appeal Decision</u></b>		
<b>6.8</b>	058874	Appeal by Ms N. Young Against the Decision of Flintshire County Council to Refuse Planning Permission for the Approval of Details Reserved by Condition Nos 17 (Method Statement for the Repair of the Roof) and 20 (Proposed Insulation) Attached to Planning Permission Ref: 057421 at Pen y Cefn Farm, Rhydymwyn - DISMISSED. (Pages 123 - 128)
<b>6.9</b>	059124	Appeal by Mr. S. Lloyd Against the Decision of Flintshire County Council to Refuse Planning Permission for Demolition of Existing Dwelling and Erection of 3 No. Town Houses and Garage and Construction of New Vehicular Access at Parkfield, Llanasa Road, Gronant – ALLOWED. (Pages 129 - 136)
<b>6.10</b>	059047	Appeal by Mr. I. Thomas Against the Decision of Flintshire County Council to REfuse Planning Permission for the Outline Application for the Erection of a Detached Bungalow at 19 Higher Common Road, Buckley - DISMISSED. (Pages 137 - 142)

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## **PLANNING COMMITTEE** **4 SEPTEMBER 2019**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 4 September 2019

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

Councillors: Bernie Attridge, Chris Bithell, Derek Butler, David Cox, Adele Davies-Cooke, Ian Dunbar, David Evans, Veronica Gay, Patrick Heesom, Dave Hughes, Kevin Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips and Owen Thomas

**APOLOGY:** Councillor Marion Bateman

**ALSO PRESENT:** The following attended as local Member:  
Councillor Cindy Hinds - for Agenda Item 6.1 (060076)

### **IN ATTENDANCE:**

Chief Officer (Planning, Environment & Economy); Development Manager; Service Manager - Strategy; Senior Planner; Senior Engineer - Highways Development Control; Senior Solicitor; Democratic Services Officer; and Democratic Services Support Officer

## **20. DECLARATIONS OF INTEREST**

None.

## **21. LATE OBSERVATIONS**

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting and were appended to the agenda on the Flintshire County Council website:

<http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MIId=4499&LLL=0>

## **22. MINUTES**

The draft minutes of the meeting on 24 July 2019 were submitted and confirmed as a correct record.

### **RESOLVED:**

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

## **23. ITEMS TO BE DEFERRED**

No items were recommended for deferral.

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

**RESOLVED:**

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

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

There was one member of the public in attendance.

(The meeting started at 1.00pm and ended at 1.30pm)

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**Chairman**

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

**PLANNING COMMITTEE ON 4 SEPTEMBER 2019**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
060076	Penyffordd Community Council	Outline Planning Permission for 'Over-55 Retirement Housing' with Detailed Site Access and All Other Matters Reserved at Rhos Road, Penyffordd	Councillor Cindy Hinds (as local Member) spoke against the application.  Councillor Patrick Heesom read out a statement against the application on behalf of Councillor David Williams (local Member).	That planning permission be refused in line with the officer recommendation.
<b>APPEAL</b>			<b>NOTED</b>	
058229		Appeal by Quatrefoil Homes Ltd., Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 14 No. Dwellings and Associated Works at Withen Cottage & Cheshire Lane, Alltami - ALLOWED		
059380		Appeal by Dr. N. Shamas Against the Decision by Flintshire County Council to Refuse Planning Permission for Change of Use to Residential From Commercial at The Nook, 1 Chapel Terrace, High Street, Bagillt - DISMISSED		

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **2 OCTOBER 2019**

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

**SUBJECT:** **OUTLINE APPLICATION FOR THE DEMOLITION OF 81 DRURY LANE AND ERECTION OF 66 NO. DWELLINGS AT 81 DRURY LANE, BUCKLEY.**

**APPLICATION NUMBER:** **060160**

**APPLICANT:** **MULLER PROPERTY GROUP**

**SITE:** **LAND TO THE REAR OF 81 DRURY LANE, DRURY.**

**APPLICATION VALID DATE:** **17<sup>TH</sup> JUNE 2019**

**LOCAL MEMBERS:** **COUNCILLOR D. HUTCHINSON**  
**COUNCILLOR M.J. PEERS**

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**

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

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

### **1.00 SUMMARY**

- 1.01 This outline planning application has been submitted with all matters reserved apart from access. The application proposes the demolition of an existing property at No. 81 Drury Lane, Drury to facilitate the formation of an access into approximately 1.95 hectares of land at the rear, to enable the construction of up to 66 No. dwellings.
- 1.02 For Members information, the application has been resubmitted following the consideration of planning application 058489 at the Planning Committee on 6<sup>th</sup> March 2019, where it was resolved by members to refuse the application.

1.03 Following this decision the applicant subsequently lodged an appeal to The Planning Inspectorate. The appeal however was not accepted by the Planning Inspectorate on the basis that the scale parameters for the proposed dwellings in their view, were not explicit within the submission.

1.04 The submission of this current application has sought to address this issue to allow any possible subsequent appeal to be progressed. In these circumstances the current application will require reconsideration of the proposed development by the Planning Committee.

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

2.01 1) The site is located partly within the settlement boundary and partly within the Green Barrier/ open countryside. The construction of new dwellings in the latter would be inappropriate development for which no very special circumstances exist and would therefore be contrary to Planning Policy Wales (PPW) Edition 10, and Policies STR1, STR7, GEN1, & GEN4 of the Flintshire Unitary Development Plan.

2) Conversely the construction of up to 66 new dwellings within the part of the site located within the settlement boundary would result in an unacceptably high density of development and would not represent good design or place making, having regard in particular to the character of the settlement and its existing built form as well as the site's location on the edge of the rural area, and would therefore be contrary to Planning Policy Wales Edition 10, Technical Advice Note 12 – Design and Policies STR1, STR7, GEN1, D1, D2 and HSG8 of the Flintshire Unitary Development Plan.

3) The site includes an area of Grade 3a (Best and Most Versatile) agricultural land which should be protected from development unless there is an overriding need for it and there is no other lower grade land available (or such land as is available has an environmental value that outweighs agricultural considerations).The applicant has failed to address and demonstrate compliance with these tests. Accordingly, the proposals are contrary to Planning Policy Wales Edition 10 and Policies GEN1 and RE1 of the Flintshire Unitary Development Plan.

## **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor D. Hutchinson/Councillor M.J. Peers

Preliminary views on the application are:

- To grant permission would predetermine decisions about the scale/location/phasing of development within the community which should be taken through the Local Development Plan (LDP) process.
- Specific reference is made in supporting documentation to outdated/superseded Central Government Policy.
- The weight to be attached to the lack of a 5 year housing land supply has been recently reduced by the Welsh Office in line with Technical Advice Note 1.
- The proposal would result in the loss of a dwelling which contributes to the historic character of the street scene.
- Inadequate infrastructure to facilitate further residential development in Drury.
- Inadequacy of highway network to serve further residential development.
- Proposal represents overdevelopment at this location.
- Unjustified incursion of Public Open Space Area within Green Barrier.

#### Buckley Town Council

Support the observations of the Local Members in respect of this application. In addition the Town Council wishes to make the following comments:-

- Detrimental impact on the local street scene and highways infrastructure.
- The high density of dwellings is not acceptable in visual terms.
- By moving the open space requirement to the green barrier, the developers would affectively the development area.

#### Capital Projects & Planning

Advises that the schools affected by the proposed development are as follows:-

##### School: Drury C.P. School

Currently NOR (@ September 2018) 141 (excluding Nursery)

Capacity (@ September 2018) 124 (excluding Nursery)

No. Surplus Places:- 17

Percentage of Surplus Places:- 13.71%

##### Schools Affected Secondary

##### School: Elfed High School

Current NOR (@ September 2018) is 809

Capacity (@ September 2018) is 983.

No. Surplus Places is 174

Percentage of Surplus Places is: 17.70%

### Primary School Pupils

School Capacity  $124 \times 5\% = 6.20$  (6)

$124 - 6 = 118$ . Trigger point for contributions is 118 pupils.

(No. of units)  $66 \times 0.24$  (primary formula multiplier) = 15.84 (16) No. of pupils.

Actual pupils  $141 + 16$  (from the multiplier) = 157 does meet the trigger.

Contribution Requirement would be £196,112.

### Secondary School Pupils

School capacity of  $983 \times 5\% = 49.15$  (rounded up or down) 49

Capacity  $983 - 49 = 934$  Trigger point for contributions is 934 pupils

(No. of Units  $66 \times 0.174$  (secondary formula multiplier) = 11.48 (11

No. of pupils/generated  $\times$  £18,469 per pupil (Building Cost Multiplier) = £202,159.00.

Actual pupils  $809 + 11 = 820$  does not meet trigger of 934

Contribution requirement would be £0.

### Housing Strategy Manager

Awaiting response at time of preparing report. Previous response in respect of 058489 is as follows:-

“The application is to develop 66 No. dwellings in Buckley which is a semi-urban settlement and the policy requires a 30% provision of affordable housing on site for development of over 1.0 ha or 25 dwellings. The applicant is proposing 30% (32 No.) affordable units, mix and tenure to be agreed.

In terms of evidence of housing need in Buckley:

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units;

The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between social rented (56.2%) and intermediate (43.8%) tenures;

However, the NEW Homes register is to be integrated with Tai Teg, therefore it can be assumed that this is an under estimate of demand for affordable products in Buckley.

The provision of 30% on site affordable housing provision is supported, tenure mix and unit sizes needs to be agreed”.

### Highways Development Control

In assessing the initially submitted Transport Assessment (TA) and additional trip rate data (TRICS) there is no objection to the development as it is in effect a resubmission of that previously made



in respect of application 058489. Although the site layout submitted would need to be amended to satisfy highway requirements, recommend that any permission be subject to the imposition of conditions in respect of access, visibility, highway construction, and submission of a Construction Traffic Management Plan.

Community and Business Protection

Phase 1 Land Contamination has been submitted which must be reviewed with appropriate remediation where necessary when formal details of the development are submitted. Requires imposition of a condition to address this issue.

Welsh Water/Dwr Cymru

Confirm request that if planning permission is granted that a condition be imposed to secure the implementation of a satisfactory scheme for the disposal of foul water.

Natural Resources Wales

Following the submission of a Habitat Regulation Assessment do not object to the general principle of development subject to adequate mitigation given the proximity of the site to the Buckley Newt Sites Special Area of Conservation (SAC).

Council Ecologist

Following the submission of a Habitat Regulation Assessment and the proposal to provide the submission of an off-site recreational scheme, raise no objection. Recommend that if permission is granted that this be subject of a condition.

The Coal Authority

The application site falls within the defined Development High Risk Area. A Mining & Mineshaft Risk Assessment has been undertaken as part of the application and The Coal Authority agree with its conclusions recommending the imposition of a planning condition for site investigation works/remedial works where necessary prior to commencement of development.

Clwyd-Powys Archaeological Trust

No recorded archaeology will be impacted by the proposed development.

AURA (Plan Design Officer)

Object as the illustrate layout would not be acceptable from a \*\*\* safety perspective as

- a) The open space areas are divorced; and
- b) The fixed equipped area shown to be sited on a water attenuator basis.

Welsh Government ( Agricultural Land Use Planning Unit)

Awaiting response at time of preparing report. Previous response in respect of 058489. Recommended that the Agricultural Land Use Survey submitted as part of the application is accepted as an accurate reflection of the land quality of the site which is classified as subgrade 3a. Assessment will need to be undertaken as to whether the site can be farmed to its full potential in future.

Conservation Officer

The building is not statutorily listed or classified as a Building of Local Interest. Do not consider that its demolition when linked to wider development proposals would be detrimental to the character of the street scene and refusal is not warranted in this respect.

Rights of Way

Public Footpath 14 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

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

- Demolition of existing property would have a detrimental impact on the character of the site/surroundings.
- Increased traffic generation would be detrimental to amenity/highway safety.
- Overdevelopment in the locality.
- Demolition of existing dwelling would have detrimental impact on character of the street scene at this location.
- Limited services to serve the scale of development.

**5.00 SITE HISTORY**

5.01 056023

Demolition of existing dwelling and provision of access junction and access road – Refused 19<sup>th</sup> January 2017.

058489

Outline application for the demolition of 81 Drury Lane and construction of 66 No. dwellings – Refused 7<sup>th</sup> March 2019. Appeal lodged but not accepted by Planning Inspectorate – due to limitations in scale parameters of proposed development.

## **6.00 PLANNING POLICIES**

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

Policy STR1 – New Development.  
Policy STR4 – Housing.  
Policy STR7 – Natural Environment.  
Policy GEN1 – General Requirements for Development.  
Policy GEN2 – Development Inside Settlement Boundaries.  
Policy GEN3 – Development in the Open Countryside.  
Policy GEN4 – Green Barriers.  
Policy D1 – Design Quality, Location & Layout.  
Policy D2 – Design.  
Policy D3 – Landscaping.  
Policy TWH1 – Development Affecting Trees & Woodlands.  
Policy TWH2 – Protection of Hedgerows.  
Policy WB1 – Species Protection.  
Policy WB4 – Local Sites of Wildlife & Geological Importance.  
Policy AC13 – Access & Traffic Impact.  
Policy AC18 – Policy Provision & New Development.  
Policy HSG1 – New Housing Development Proposals.  
Policy HSG3 – Housing on Unallocated Site Within Settlement Boundaries.  
Policy HSG8 – Density of Development.  
Policy HSG9 – Housing Mix & Type.  
Policy HSG10 – Affordable Housing within Settlement Boundaries  
Policy RE1 – Protection of Agricultural Land.  
Policy SR1 – Sports Recreation or Cultural Facilities.  
Policy SR5 – Outdoor Playing Spaces & New Residential Development.  
Policy EWP15 – Development of Unstable Land.  
Policy IMP1 – Planning Conditions & Planning Obligations.

#### **Additional Guidance**

Planning Policy Wales (PPW) Edition 10 (December 2018).  
Technical Advice Note 1 – Joint Housing Land Availability Studies.  
Technical Advice Note 2 – Planning & Affordable Housing.  
Technical Advice Note 5 – Nature Conservation & Planning.  
Technical Advice Note 6 – Planning for Sustainable Rural Communities.  
Technical Advice Note 12 – Design.  
Technical Advice Note 18 – Transport.  
Technical Advice Note 24 – The Historic Environment.  
Local Planning Guidance Note 13 – Open Space Requirements  
Supplementary Planning Guidance Note 2 – Space Around Dwellings.  
Supplementary Planning Guidance Note 3 – Landscaping.  
Supplementary Planning Guidance Note 8 – Nature Conservation & Development.  
Supplementary Planning Guidance note 9 – Affordable Housing.  
Supplementary Planning Guidance Note 11 – Parking Standards.

Supplementary Planning Guidance Note 13 – Outdoor Playing Space & New \*\*\*\* \*\* (under Review).  
Supplementary Planning Guidance Note 23 – Developer Contributions to Education.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This outline planning application proposes the demolition of an existing property at 81 Drury Lane, Drury to facilitate the formation of an access into the land at the rear for the construction of up to 66 No. dwellings. All matters apart from access are reserved for subsequent approval.

### **7.03 Background**

As members will be aware there is a recent background of planning history at this location which is material to determination of this application and is referred to in paragraph 5.00 of this report. In summary an application for the demolition of 81 Drury Lane and subsequent development of 66 No. dwellings on land to the rear was refused at the Planning Committee on 6<sup>th</sup> March 2019. A subsequent appeal was lodged but not accepted by The Planning Inspectorate given concerns that the scale parameters were not explicit within the accompanying documentation.

### **7.04 Proposed Development**

The application has been resubmitted in outline with all matters apart from access being reserved for subsequent approval. The application site (edged red) comprises 2 No. areas of land namely:-

a) 1.75 hectares of land to the rear of 81 Drury Lane, east of properties on Meadow View and west of Bank Lane. This part of the application site is within the settlement boundary of Drury as defined in the Flintshire Unitary Development Plan; and

b) Approximately 0.2 hectares of land to the east of Bank Lane. For Members information this element of the development is located outside the settlement boundary of Drury and is within a Green Barrier as defined in the Flintshire Unitary Development Plan.

7.05 A site plan has been submitted for the erection of 66 No. dwellings but this is for illustrative purposes only, as matters of appearance, landscaping, layout and scale of development are reserved for subsequent approval. The site plan and the layout appended to the application documents however, shows a different layout to that previously submitted as part of application 058489. For Members information the changes primarily relate to the relocation of the open space with the main body of the site and changes to the configuration

of the house types proposed, the proposed open space within the larger parcel of 1.75 hectares.

7.06 In response to the concerns expressed by The Planning Inspectorate, the scale parameters contained within the current submission include:-

House Type A – 8 No. 3 bed 2 storey units.

Minimum

7.5 m x 6.5 m x 6.5 m (high).

Maximum

8.5 m x 7.5 m x 7.5 m (high).

House Type B – 37 No. 3 bed 2 storey units.

Minimum

5.5 m x 8.5 m x 6.5 m (high).

Maximum

6.5 m x 9.5 m x 7.5 m (high).

House Type C – 17 No. 3 bed 2 storey units.

Minimum

5.5 m x 7.5 m x 6.5 m (high).

Maximum

6.5 m x 7.5 m x 7.5 m (high).

House Type D – 4 No. 2 storey Cottage Flats

Minimum

6.5 m x 9.5 m x 6.5 m (high).

Maximum

7.5 m x 10.5 m x 7.5 m (high).

7.07 For Members information in addition to the standard forms/plans the application comprises:-

- A Visual Appraisal.
- Phase 1 Contaminated Land Desk Study.
- A Coal Mining Report.
- A Mining and Mineshaft Risk Assessment Report.
- A Protected Species Building Survey Statement.
- An Extended Phase 1 Habitats Survey.
- An Agricultural Land Classification Report.
- An Arboriculture Impact Assessment.
- A Transport Assessment.
- A Planning Supporting Statement.

- Flood Consequences Assessment (Technical Review).
- A Design & Access Statement.

#### 7.08 Main Planning Considerations

It is considered that the main planning considerations to be taken into account in relation to this application area:-

- a) The principle of development
- b) Place making and Design
- c) Provision of housing and the disapplication of paragraph 6.2 of TAN 1
- d) Agricultural Land Classification
- e) Adequacy of Access.
- f) Visual impact and loss of trees and hedgerows
- g) Impact on ecological habitats.
- h) Provision of affordable housing
- i) Open space provision.
- j) Provision of Education Contributions.
- k) Loss of existing dwelling on the character of the street scene.

#### 7.09 Principle of Development

It is acknowledged that in progression of the Unitary Development Plan, the Inspector at that time recommended retention of the allocation at Clydesdale Road (now developed) for residential development. It was also concluded that the land on the western side of Bank Lane also be retained within the settlement boundary and if it was in accordance with Policy HSG3 treated as any other windfall site.

7.10 The general principle of housing development is considered acceptable within a settlement boundary (subject to acceptability of detailed matters). However, in this application it is also proposed that an area of additional land adjacent to but outside of the settlement boundary is also included within the application site, with this land being within the open countryside and a Green Barrier. The impact of this aspect of the development is considered in detail both in terms of acceptability from a co-ordinated development management perspective, and its impact on the landscape particularly the Green Barrier on the eastern edge of Drury.

7.11 As the application has been submitted in outline with all matters save access being reserved for subsequent approval, the illustrative plan can only be attributed very limited weight in the overall planning balance as only access is a detailed matter for consideration as part of this application. The grant of permission for this outline planning application would in effect give permission for the principle of dwellings to be constructed within the application site as a whole (outlined red) although this is subject to approval of the Reserved Matters including layout. As a result, it would be possible at Reserved

Matters Stage to restrict inappropriate development which would harm the Green Barrier having regard to:-

a) Planning Policy Wales (Para. 3.70) which states that “inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Barrier and

b) Policy GEN4 of the Unitary Development Plan which is generally in conformity with this advice.

7.12 The supporting planning statement/Design & Access Statement makes no reference to the impact of development on the Green Barrier and does not explain why it is necessary to extend the site outside the settlement boundary into the Green Barrier. Whilst a lack of a 5 year housing land supply has been advanced by the applicants as a reason to support the development, and with the principle of residential development being acceptable within the settlement, the need for incursion within the Green Barrier is unexplained in terms of its contribution to land supply. In accordance with paragraph 3.71 of PPW the proposal would need to represent one of the very exceptional forms of development in a Green Barrier as set out below:-

- Justified rural exception needs.
- Essential facilities for outdoor sport/recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier.
- Limited extension alteration or replacement of existing dwellings. Small scale diversification within farm complexes.

7.13 In accordance with paragraph 3.70 of PPW, inappropriate development should not be granted except in “very exceptional circumstances” where other considerations clearly outweigh the harm which such development would do the Green Barrier. The recent appeal decision at Bryn y Baal assessed the role of a small site within a Green Barrier. In paragraph 7 of that appeal decision (3175048 ) the Inspector comments “PPW further advises that “inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to a Green Barrier or Green Wedge. This is a stringent and demanding test and housing development is clearly “inappropriate” development within a Green Barrier that is contrary to both local and national planning policies.

7.14 Place making and Design

Planning Policy Wales states that good design is fundamental to creating sustainable places and is not simply about the architecture of a building or development, but the relationship between all

elements of the natural and built environment and between people and places. It is important therefore that this proposal, even at the outline stage, makes a positive and sensitive response to the character, context, accessibility, and environmental sustainability of the site and its surroundings. These are some of the main objectives of good design referred to in PPW, yet the proposal because of its unexplained encroachment into open countryside and Green Barrier, and (at the maximum scale applied for) represents an unacceptably high density of development in this location is in conflict with these objectives from the outset, as it fails to create a positive and legible relationship between the site and its surroundings.

7.15 The design and access statement fails to make reference to relevant context and guidance found in Planning Policy Wales (Edition 10) and Technical Advice Note 12 Design. There are other omissions from the supporting statements that have a direct relationship to the principle of place making and good design even at this outline stage, which include for example the lack of an explanation as to how a development of the form its potential scale and density indicatively suggested within these proposals, would be appropriate in relation both to the prevailing vernacular in this area, as well as on a site that sits on the transition from an urban to a rural context. As the application specifically asks the Local Planning Authority to approve up to 66 dwellings, if approved a development of as many as 66 on that part of the site within the settlement boundary ( 1.75 hectares ) would result in a density of development of approximately 38 dwellings per hectare (dph). This is clearly in excess of the existing built form and context of approximately 29 dph that exists, and it has not been shown that such a density could be acceptably accommodated or achieved on this land particularly when despite the Local Planning Authority cannot be sure at this stage how matters including the provision of integrated public open space or Sustainable Urban Drainage can be accommodated.

7.16 It is not sufficient to simply leave the detail to the reserved matters stage as key considerations at an early stage should include thinking about how a site will be laid out and developed, how it integrates with an existing community, and how it does not encroach on areas that should be protected. This is particularly relevant to this application as whilst the application is submitted in outline, the applicant has nevertheless made a deliberate and unexplained decision to extend the site into open countryside and green barrier.

7.17 Housing Land Supply

It is accepted that the Council, within the terms of Technical Advice Note 1, cannot demonstrate a 5 year housing land supply. This does not necessarily mean that the Council has a zero supply given that it has a supply of commitments (permissions). This is demonstrated by the first three years of the Local Development Plan period where



completions have averaged 548 units per annum compared to the plans requirement of 509 per annum.

- 7.18 Welsh Government Technical Advice Note 1 states that “The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study....The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.”
- 7.19 The disapplication of Paragraph 6.2 of TAN1 in July 2018 however specifically refers to the notion of affording “considerable” weight to the lack of a 5 year housing land supply as a material consideration in determining planning applications for housing. The disapplication took effect on the 18th July 2018.
- 7.20 Whilst this does not mean that a lack of land supply is no longer a material planning consideration to be weighed in the planning balance, it does redress the previous bias emphasised by the use of the term “considerable weight”, and also leaves the weight to be applied to this issue, for the Local Planning Authority (LPA) to determine. Therefore, the weight that should now be attributed to the need to increase supply is dependent on the planning balance providing that the development would otherwise comply with the development plan and national planning policies.
- 7.21 Agricultural Land Classification  
An Agricultural Land Classification Survey has been re-submitted as part of the application which refers to the whole site being classified as Subgrade 3a (Best and Most Versatile Agricultural Land – BMV). Welsh Government’s Land Use Planning Unit have accepted that the submitted Agricultural Land Classification Study has been completed to a high standard and is considered to provide an accurate indication of the agricultural land quality on the site.
- 7.22 In accordance with Planning Policy Wales (paragraphs 3.54 & 3.55) and Technical Advice Note 6 Annex B, BMV “should be conserved as a finite resource for the future”. Therefore “considerable weight should be given to protecting such land from development, because of its special importance” and it should “only be developed if there is an overriding need for the development, and either previously development 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. If land in grades 1, 2 or 3a does need to be developed and there is a choice between sites of different grades, development should be directed to land of the lowest

grade". Essentially the same tests are reflected in Policy RE1 of the UDP.

7.23 The applicant's agent has sought to justify the loss of BMV in this case as follows;

"The overall application site included in the red line area extends to 1.94 hectares but only 1.75 hectares is included in the parcel of land to the west of Bank Lane where physical development will take place. It is noted that the site falls under the Agricultural Land Specification 3A. It should be noted that such classifications are of a general nature and tend to extend over large plots of land. We have spoken to the landowner regarding the status of this land and he describes it as 'poor grade agricultural land'; it was used a part of a small holding and was used by the landowner and his family to run a few steers, then for pony grazing and grazing sheep. He explains that it took a lot of 'hard work' to get a hay crop from the land and involved use of much fertilizer to produce enough grass for the sheep. In this context it is noted that the land in questions is divorced from a main farm unit and is not part of a large agricultural holding. It is physically divorced by the virtue of Bank Lane and is subject to overlooking by residential properties on three sides. Clearly in this context it is not suitable for intensive forms of agriculture associated with the high grades of agricultural land classification".

7.24 The agent has also drawn attention to an appeal decision on a site in Penyffordd (APP/A6835/A/17/3182034) where the Inspector at the time concluded that the loss of BMV would not affect the structure or viability of the farm unit and that similar circumstances exist here.

7.25 Whilst the conclusion of the above appeal in Penyffordd is noted, the land in question is contained by existing highway network in that location and segregated from and not adjacent to existing parcels of agricultural land. A further appeal however in Northop (APP/A6835/A/17/3171383) which considered the same issue, concluded differently as the land there could be absorbed into the wider agricultural landscape at this location.

7.26 An even more fundamental issue, however it that the applicants submission on these matters do not adequately address the key policy tests/considerations in PPW and the UDP. In particular :-

(1) They do not explain why there is an "overriding need" for the development. Although it could be argued that there is a need for new housing in Flintshire given the 5 year supply position described above, it is difficult to see how that could be regarded as "overriding" bearing in mind that : firstly, whereas PPW requires "considerable weight" to be given to the protection of BMV whereas – explained above – there is no longer a requirement to give the same weight to the benefits of new housing (even where a 5-year supply cannot be

demonstrated); secondly, the need for the new housing relates to the Council's area as a whole and does not necessarily have to be met in this location: thirdly, in the absence of any other explanation from the applicant, it appears likely that the reason for including the area of BMV/Green Barrier on the eastern side of Bank Lane is to maximise residential development on the western side of Bank Lane by allowing for necessary ancillary elements such as open space to be provided on the former, whereas a more modest scale of development would have allowed it to remain protected.

(2) The applicant has also failed to provide any evidence regarding the availability of lower grade land. Accordingly, even if there were an "overriding need" for the development it would still not be policy compliant because it has not been shown that there are no sequentially preferable sites available in this particular area or elsewhere in Flintshire (if the need is not specific to this area).

7.27 Adequacy of Access

Consultation on the application has been undertaken with the Highway Development Control Manager who has assessed the proposal having regard to the submitted Transport Assessment and additional trip rate data (TRICS). The views of the Highway Strategy Department have also been sought in this respect given concerns raised as part of the consultation exercise undertaken that there are capacity issues along Drury Lane. In the absence of any objection from Highway Strategy to this particular aspect of the highway network and having regard to the submitted data forming part of this application there is no objection to the principle of proposed development from a highway perspective subject to the imposition of conditions.

7.28 Visual Impact & Loss of Trees / Hedgerows

The application site comprises 3 parcels of agricultural land bisected by Bank Lane. The boundaries of the site are defined by existing residential development /hedgerows. As part of the application a Visual Appraisal has been submitted which proposes additional tree /hedgerow planting along the south-west and south east boundaries of the site in order to mitigate the impact of development whilst integrating new development into the wider surroundings.

7.29 As the illustrative site layout does not form part of this application and as previously indicated carries limited weight in the assessment process, it is not possible to conclude at this stage the precise impact that development would have on existing landscape features or wider landscape at this location.

7.30 Impact of Ecological Habitats

For Members information the application site is located within approximately 0.5 km of the Deeside and Buckley Newt Sites Special Area of Conservation (SAC). This supports a nationally important population of Great Crested Newt.

- 7.31 Consultation on the application has been undertaken with both Natural Resources Wales (NRW) and the Council's Ecologist in order to address the potential direct/indirect impact on the SAC including those associated with potential in combination increases in recreational pressures and disturbance/predation of wildlife.
- 7.32 Following the submission of a Habitat Regulation Assessment, (which has been revised since consideration of 058489) NRW have advised that in order to minimise the impact of development on the GCN habitat that the options include:-
- a) Submission and implementation of an on/off site recreation scheme and/or
  - b) Submission of a commuted sum per household.
- 7.33 In consideration of the above the applicant has proposed that an area of land within the Green Barrier be set aside in accord with point a (above). The general principle of the use of this land for ecological mitigation is considered to be acceptable to the Council's Ecologist subject to the imposition of a prior to commencement condition to appropriate mitigation.
- 7.34 Impact of Ex-Mining Works  
Given the previous mining history at this location a Mining & Mineshaft Risk Assessment has been submitted as part of the application on which consultation has been undertaken with the Coal Authority. In progression of this application however the basis for the assessment/data used has been questioned and as a result further clarification has been sought in the respect from The Coal Authority in order to ensure that they have access to the relevant mining records.
- 7.35 For Members information it has been confirmed that whilst acknowledging this additional source data, none of the recorded mine entries are in the site boundary and their respective zones of influence do not encroach into the site. Whilst it is however appreciated that the mine entries are on land within the control of the application it is considered unreasonable for further investigation be undertaken, given that the mine entries do not implicate on the development proposed.
- 7.36 Provision of Affordable Housing  
Consultation on the application has previously been undertaken with the Housing Strategy Manager who acknowledges the proposed provision of 30% affordable housing within the development, although further agreement on the tenure, mix and unit sizes would need to be agreed.
- 7.37 As this is an outline application however with all matters save access

being reserved for subsequent approval it is not possible at this stage in the absence of a detailed site layout/accompanying legal obligation (terms of agreement) to control the particular aspect of the development. This is a fundamental requirement in considering the acceptability of residential development on sites where the thresholds for affordable housing provision are exceeded.

7.38 Provision of Open Space

Consultation on the application has been undertaken with the Council's Play Design Officer (AURA). Although the submitted site layout plan is only illustrative, it has been considered and shows 2 No. separate areas of open space to serve the development namely:-

- a) An equipped area of land on the part of the site within the settlement boundary. This has been re-positioned from that previously shown in respect of 058489.
- b) An area of informal open space within the Green Barrier on the eastern side of Bank Lane.

7.39 This approach is considered unacceptable to AURA as the Public Open Space Provision should from a functionality and safety perspective be (a) located in one area within the layout proposed and not divorced/separated in this case by Bank Lane and (b) the public open space area on the western side of Bank Lane is still shown to be provided on a water attenuation basin given the topography and as such would not be suitable for the installation of fixed play equipment.

7.40 Whilst it is acknowledged that the site layout is not fixed and is reserved for subsequent approval, the provision of an acceptable level/appropriate siting of open space is of fundamental importance to the Local Planning Authority. It is therefore of concern that it appears likely that the only way the sufficient open space can be provided whilst at the same time allowing up to 66 dwellings to be constructed outside the Green Barrier, is for a significant part of it to be provided on the western side of Bank Lane, where there is a potential for conflict between its usage and ecological mitigation.

7.41 Provision of Education Contributions

Primary and Secondary formula multipliers have been applied to assess the potential impact of the proposal on the capacity of both Drury CP School and Elfed High School. Due to capacity having been reached at Drury CP School a section 106 contribution would be sought for £196,112. This is based on a calculation of 66 units. The trigger points for Elfed High School have not been met and a contribution will not be sought.

7.42 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'.

- 7.43 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.
- 7.44 It is considered that the education contributions would meet the regulation 122 tests. Drury CP School is oversubscribed and due to the added pressure on the school the development would require contributions to mitigate against this impact.
- 7.45 Impact of Loss of Existing Dwelling  
As previously indicated, the proposed development would involve the demolition of an existing dwelling at 81 Drury Lane in order to facilitate the formation of an access to serve the erection of up to 66 No. dwellings at this location.
- 7.46 The property is physically attached to an adjacent dwelling (No. 79 Drury Lane) and although it is not statutorily listed or classified a Building of Local Interest (BLI) it has formed part of the inherent character of the street scene at this location for a considerable period of time.
- 7.47 In determination of application 056023 in January 2017 particular concern/objection was raised to the demolition of the building for the sole purpose of forming a new access which if it remained in situ for some time would have a detrimental appearance on the street scene at this location.
- 7.48 The concerns of residents and Local Members to the loss of this building is respectfully noted and acknowledged. The fundamental difference in my opinion however between that previous application for the sole demolition of 81 Drury Lane and that currently submitted is that this proposal is now linked to a wider application site that it is intended to serve. As it is not considered to be worthy of listing and whilst its demolition would change the street scene at this location this would not be detrimental within this urban environment to warrant a reason for refusal on this basis.

## **8.00 CONCLUSION**

8.01 It is of significance that this application has been resubmitted in outline with all matters save access reserved for subsequent approval. The application boundary (edged red) incorporates land outside the settlement boundary of Drury within the open countryside and the Green Barrier as defined in the Flintshire Unitary Development Plan. To grant permission would give permission for residential development in this sensitive edge of settlement location which impacts on the Green Barrier. Whilst new build residential development outside the settlement boundary and within the Green Barrier would clearly be contrary to national /local planning policy, it would be possible to restrict built development on that part of the site within the Green Barrier, at Reserved Matters Stage. The consequence of this however, is that the density of development proposed ie. 66 dwellings on that part of the site within the settlement boundary would represent overdevelopment have regard to the character form of existing development at this location. Notwithstanding the case regarding the Council's lack of a 5 year housing land supply, the proposed development would be unacceptable on the scale proposed and does not meet the objectives of good design / place making as required in accordance with Planning Policy Wales Edition 10. Development would also lead to the loss of an area of Grade 3a, Best and Most Versatile Agricultural Land which should be resisted.

### 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

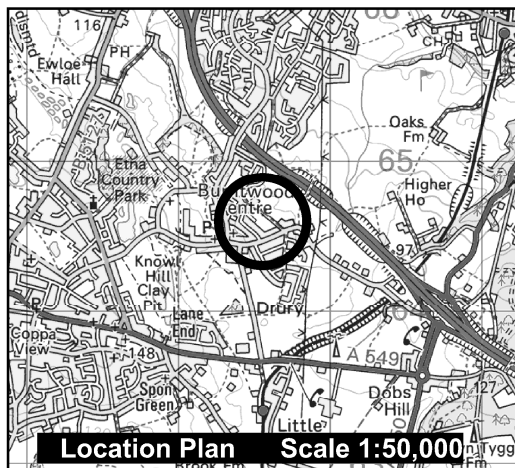
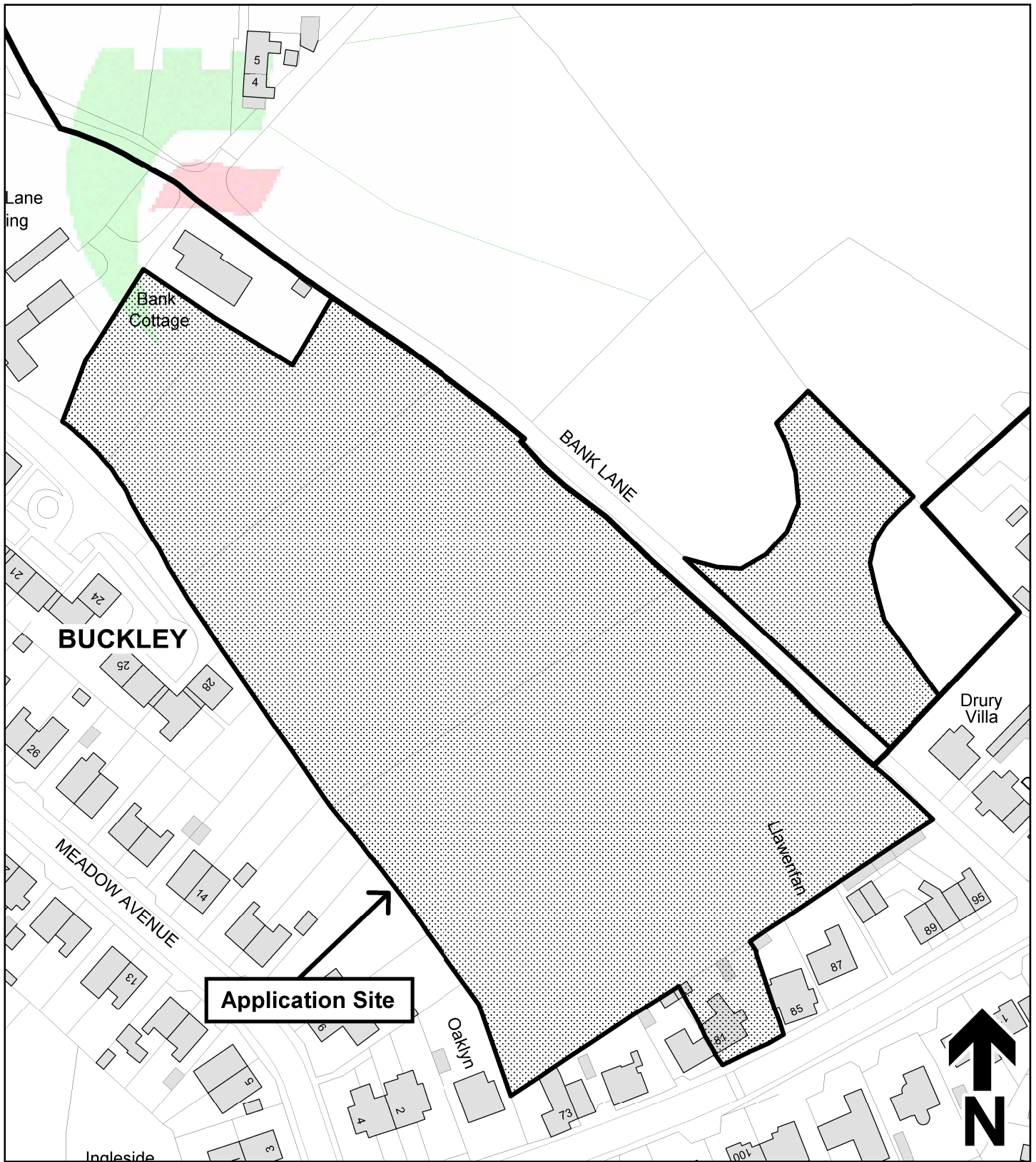
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

**Contact Officer:** Mark Harris  
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Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2964

Planning Application **60160**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **2<sup>ND</sup> OCTOBER 2019**

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

**SUBJECT:** **FULL APPLICATION - RESIDENTIAL DEVELOPMENT OF 20 NO. APARTMENTS AT PARK HOUSE, BRONCOED BUSINESS PARK, MOLD**

**APPLICATION NUMBER:** **058968**

**SITE:** **LAND TO THE REAR OF PARK HOUSE, BRONCOED PARK, MOLD.**

**APPLICATION VALID DATE:** **13<sup>TH</sup> SEPTEMBER 2018**

**LOCAL MEMBERS:** **COUNCILLOR G.H. BATEMAN**

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

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

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

### **1.00 SUMMARY**

- 1.01 This full application proposes the erection of 20 No. residential apartments, within 2 separate apartment blocks, on land to the rear of Park House, Broncoed Business Park, Mold.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION FOR THE FOLLOWING REASONS**

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or advance payment in respect of:-

- a) A sum of £733 per apartment in lieu of on-site recreational provision. The commuted sum payment would be used to enhance toddler play provision at Is y Coed, Play Area, Mold.
- b) A sum of £61,285 towards education provision at Bryn Coch C. P. School, Mold.

2.02 If the Obligation pursuant to Section 106 of the Town & Country Planning Act (as outlined above) if not completed within six months of the Committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to **REFUSE** the application.

Conditions

- 1. Time limit on commencement of development.
- 2. In accordance with approved plans.
- 3. Materials to be submitted and approved.
- 4. Scheme of foul drainage to be submitted and approved.
- 5. Landscaping scheme to be submitted and approved.
- 6. Implementation of landscaping scheme. Proposals for southern boundary to be implemented in full before occupation of any apartment.
- 7. Windows in southern gable elevation of block 2 to be obscure glazed/non-opening.
- 8. Ecological management to be undertaken in accordance with submitted/approved ecological report.
- 9. Siting, layout & design of access to be submitted/approved.
- 10. Forming of access not to commence until detailed design approved.
- 11. Detailed construction of internal estate road to be submitted/approved.
- 12. Gradient of access from carriageway for a distance of 10 m to be 1:24 and 1:15 thereafter.
- 13. Positive means to prevent surface water run-off to be submitted/approved.
- 14. No development until proposed finished floor and site levels submitted and agreed

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor G.H. Bateman

No response received at time of preparing report.

Mold Town Council

No objection but express concern of the impact of development on the highway junction.

Highways Development Control

No objection in principle, subject to conditions in respect of access, construction detail, gradients and surface water drainage

Community and Business Protection

No objection in principle.

Welsh Water/Dwr Cymru

Request that any permission includes conditions in respect of foul, drainage.

AURA – (Play Design Manager)

Request the payment of £733.00 per apartment in lieu of on-site Public Open Space, the monies being used to enhance toddler play provision at Is y Coed, Play Area, Mold.

Capital Projects & Planning

Schools Affected Primary School: Bryn Coch CP School

Current Number on Register 580 (excluding Nursery).

Capacity 599 (Excluding Nursery).

No. Surplus Places: 19.

Percentage of Surplus Places: 3.17%.

Schools Affected Secondary School: Alun High School

Current Number on Register is 1,572.

Capacity is 1,768.

No. of Surplus Places is 196.

Percentage of Surplus Places is 11.09%.

Primary School Pupils

School Capacity  $599 \times 5\% = 29.95$  (30).

$599 - 30 = 569$ . Trigger point for contributions is 569 pupils.

(No. of Units)  $20 \times 0.24$  (primary formula multiplier = 4.80 (5)).

No. of pupils created  $\times$  £12,257 per pupil (Building Let Multiple) = £61,285.

Actual pupils  $580 \times 5$  from multiplier = 585 does meet trigger.

Contribution requirement would be £61,285.

Secondary School Pupils

School capacity of  $1,768 \times 5\% = 88.40$  (88).

Capacity  $1,768 - 88 = 1,680$  Trigger point for contributions is 1,680 pupils.

1 No. of units  $20 \times 0.174$  (Secondary Formula Multiple) = 3.48 (3)

pupils generated  $\times$  £18,469 per pupil (Building Cost Multiple) = £18,469.

Actual pupils 1,572 x 3 = 1,575 does not meet trigger of 1,680 contribution requirement would be £0.

#### Council Ecologist

Consider that the site is primarily poor amenity grassland with boundary hedges and sporadic trees. The submitted ecological appraisal outlines good practice to ensure that the impact of construction works is managed on any species which may be present. Recommend the imposition of condition to address this issue.

### **4.00 PUBLICITY**

#### 4.01 Press Notice, Site Notice, Neighbour Notification

1 letter received which whilst not objecting to the principle of either commercial/residential development at this location, wishes to ensure that the development safeguards the privacy/amenity of occupiers of an existing dwelling 'Stonecroft' adjacent to the site.

### **5.00 SITE HISTORY**

#### 5.01 042134

Erection of light industrial/business units – Permitted 29<sup>th</sup> November 2006.

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR3 – Employment

Policy STR4 – Housing

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG3 – Housing of Unallocated Sites Within Settlement Boundaries

Policy HSG8 – Density of Development

Policy EM1 (17) – General Employment Land Allocations

Policy EM3 – Development Zones and Principal Employment Areas

Policy EM4 – Location of Other Employment Development

Policy EM6 – Protection of Employment Land

#### Additional Guidance

Planning Policy Wales (PPW) – Edition 10

Technical Advice Note 1 – Joint Housing Land Availability Studies.

Supplementary Planning Guidance Note 2 – Space Around Dwellings.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This full application proposes the erection of 20 No. residential apartments on land to the rear of Park House an existing office building at Broncoed Business Park, Mold.

7.02 The site which amounts to approximately 0.36 hectares in area currently comprises a relatively flat area of unused/vacant grassland located on the southern side of the junction of Wrexham/Nercwys Road, Mold. It is located adjacent to an existing detached property 'Stonecroft' on the site eastern boundary which is in part defined by a higher raised embankment.

7.03 The site is located within the settlement boundary of Mold as defined in the Flintshire Unitary Development Plan. It is also within the Principal Employment Area and forms part of a larger employment allocation EM1 (17) at this location.

### **7.04 Proposed Development**

The plans submitted as part of the application propose the erection of a total of 20 No. apartments within 2 No. separate buildings on the site, interspersed by parking facilities and which includes:-

#### Block 1

This 2.5 storey building is proposed to accommodate 12 No. 4 person 2 bed apartments and would be located in the south-western part of the site. It measures approximately 25 m x 13 m x 10.5 m (high) and is to be constructed having facing brick/rendered external walls and a clay tile roof.

#### Block 2

This 2 storey building is proposed to accommodate 8 No. 4 person 2 bed apartments and is to be located on the eastern part of the site fronting onto the Wrexham/Nercwys Road junction. It measures approximately 32 m x 15 m x 8 m (high) and is to be constructed having facing brick/rendered external walls and a clay tile roof.

7.05 Vehicular access to serve the development is proposed as an extension to Ffordd Brynwr Gwair which serves the existing residential development at Broncoed and Park House office block. In addition the proposed site layout indicates the provision of 40 No. car park spaces to serve the development.

7.06 In addition to the standard forms/plans, the application comprises:-

- A Pre-Application Consultation Report.
- A Planning Statement.

- A Design & Access Statement.
- An Environmental Noise Survey.
- A Preliminary Ecological Appraisal.
- A Transport Statement.
- A Flood Consequences Assessment.
- A Commercial Viability Assessment Report.
- A Preliminary Ecological Report

7.07 Main Planning Considerations

It is considered that the main planning considerations to be taken into account in respect of this application are as follows:-

- a) Principle of development having regard to the site's location within a defined employment area and current situation regarding employment land availability within Mold.
- b) Scale/design/form of proposed buildings and impact on existing character/living conditions.
- c) Adequacy of access/parking.
- d) Impact on Privacy/Living conditions.
- e) Impact on ecology.

7.08 Principle of Development/Impact on Employment Land Availability

Whilst the site is located within the settlement boundary of Mold, it does form part of a larger employment allocation at Broncoed industrial Estate by virtue of Policy EM1(17).

7.09 In support of the application, a Commercial Viability Assessment has been submitted by the applicant which concludes that:-

- There is a surplus in the supply of commercial land within Mold.
- The site had been activity marketed for commercial development since 2008 without success.
- Commercial development is not viable.

7.10 The Local Planning Authority has commissioned an independent review of the report and its conclusions, given concerns relating to the cumulative effect over the years of a reduction in employment land supply within the town.

7.11 The independent assessment concludes as follows:-

“Within Mold there are low levels of demand for commercial space, this is compounded with an over-supply of stock currently available. Further to the market updates undertaken, this provides evidence that highlights that development on the site for industrial and office uses is financially unviable and alternative options should be considered”.

7.12 On this basis it is considered that it would be difficult to secure retention of this area of land for employment development and the



issue of employment land supply will be addressed further as part of the Local Development Plan (LDP). There is therefore no policy objection in these circumstances to the principle of residential development as an alternative land use on the site, subject to the safeguarding of relevant development management considerations.

7.13 Scale/Form & Impact on Character

It is considered that in locational terms, the site is more closely visually related to existing employment land and buildings at Broncoed Business Park than residential development nearby. The proposed scale, form and design of the proposed apartments blocks has sought to use existing office development as a reference point in this respect for the proposed apartments. The form and functionality is reflective of and sympathetic to this existing character.

7.14 Adequacy of Access/Parking

Consultation on the application has been undertaken with the Highway Development Control Manager who considers that the level of traffic movements associated with the development would be acceptable, recognising the existing highway configuration and site's initial allocation for employment development. It is however recommended that if Members are mindful to grant permission that conditions be imposed in respect of access, construction detail, gradient and surface water run-off

7.15 Impact on Privacy/Living Conditions

Of fundamental importance in consideration of this application is the relationship of both blocks of the proposed development to an existing residential property 'Stonecroft'. This existing 2 storey dwelling is sited adjacent to the sites southern boundary and there is a need to ensure that the privacy/living conditions of the occupiers of this dwelling are safeguarded as part of the proposed development.

7.16 Whilst the rear elevation of 'Stonecroft' is within approximately 2m of the common southern site boundary, it should be noted that there is levels difference between the position of 'Stonecroft' and the application site such that, in visual terms, 'Stonecroft' appears as a single storey dwelling when viewed from within the site. The existing levels difference, structural landscaping bund and existing tree and hedgerows upon the boundary, in combination, ensure that only the upper portion of the 3No. windows in the rear elevation at first floor level are viewable.

7.17 The proposed siting of Block 2 is such that it presents a flank elevation to the rear elevation of Stonecroft. Having regard to the guidance set out in SPGN2 – Space Around Dwellings, I note that normally a separation distance of 12 metres is advised. Whilst the closest part of Block 2 is located 8.36m from the rear elevation of 'Stonecroft', this portion of the building only provides one window at first floor level which is a secondary window to the lounge/dining room. A further

2No. secondary windows looks southward towards 'Stonecroft' from the lounge of the apartment further to the north. The separation distance provide from these windows is between 13m and 14m respectively.

- 7.18 Having regard to the guidance set out within the SPGN, I am content that the windows to the lounge are compliant with the same. I appreciate that the separation in relation to the lounge/dining room window falls below the guideline distance. However, I am mindful that the proposals incorporate obscure glazing with the elevations of Block 2 which face southwards towards the rear elevation to 'Stonecroft', including those to the lounge in the adjacent apartment. I am content that a condition requiring the lounge/dining room window to also be non-opening will ensure that the opportunities for adverse overlooking are addressed and consequently, no harm to the living conditions of the occupants of 'Stonecroft' is occasioned.
- 7.19 I have examined the eastward facing windows to the kitchen and bathroom within the apartment closest to the boundary and consider that the relationship of these windows to the rear elevation of Stonecroft is so oblique that there is no adverse opportunity for overlooking afforded by these proposals and consequently, these windows would not afford opportunities which would result in harm to living conditions.
- 7.20 I am mindful that Block 2 is a proposed 2 storey building upon land which is higher than the level upon which 'Stonecroft' is situated and therefore there is a need to consider whether the proposals would result in a development with an over dominant impact upon 'Stonecroft'. I note that the existing configuration of landform, boundaries and hedges/trees is such that they are all elevated in close proximity to the northern elevation of the dwelling and therefore have a significant and existing dominating effect upon the living conditions of the occupants, particularly in the northward facing rooms within the dwelling. The proposals within this application will not add to this situation. Indeed, the built form of the proposed building is such that it provides for only a 2 storey building and incorporates a hipped roof which moves the mass of the roof away from the dwelling and ensures that the impact of the buildings mass is minimised and the potential for an over dominant form of development is avoided.
- 7.21 Block 1 is proposed to be sited parallel to and between 10.6m and 11m of the residential curtilage of 'Stonecroft'. The nearest point of the building is some 25m away from the single storey extension to the side elevation of the dwelling, and some 29.5m away from the gable wall of the 2 storey main house. I note both single and storey elevations have windows, a large plate glass window at ground floor level and a small secondary window within the 2 storey component.

- 7.22 I note the SPGN advises that separation distances between principal elevations containing windows to habitable rooms should provide some 22m of separation. The proposals are compliant in this regard and, even if a further 2m of separation were sought to reflect the third storey to Block 1, these guideline distances are still met and exceeded. Furthermore, there would be no direct intervisibility between existing and proposed windows as a consequence of the land form, boundary fencing and existing landscaping that presently exists between the site and the dwelling. Accordingly, I do not consider that the proposed position of Block 1 would give rise to harm to the living conditions of the occupants of the dwelling itself.
- 7.23 I turn now to consider whether the position of Block 1, relative to the private curtilage area of 'Stonecroft', would have an over dominant impact upon this area and harm the occupants abilities to enjoy the same. I note that the topography of the area reflects the landform of the application site in that it rises steadily from its position adjacent to 'Stonecroft' in the north, towards its southern boundary. The level is comparatively flat across the east – west axis. The area is bounded to the east and south by an existing earth bund of approximately 2 m in height at its highest point and upon which is a mature landscaping scheme incorporating hedges, shrubbery and trees. The boundary is a close boarded fence of between 1.8m – 2m in height.
- 7.24 I am mindful that some 18m of the frontage of Block 1 faces the rear curtilage area of Stonecroft but I equally note that this area is some 40m in overall length. I have noted that the bund and associated landscaping is at its most effective and established along the eastern boundary, at this furthest extreme of the curtilage area from the house.
- 7.25 I consider that the in combination effect of the bund, the existing landscaping and a further scheme of landscaping to be submitted, agreed and implemented insofar as it relates to the southern boundary of the site, before any apartment is occupied, and a condition requiring all proposed finished floor and site levels to be submitted and agreed before any works commence would ensure that impacts upon the abilities of the occupants of 'Stonecroft' to enjoy this curtilage area would be minimised to the extent that harm is not occasioned.
- 7.26 Ecology  
Consultation on the application has been undertaken with the Council's Ecologist who considers that the management proposals contained within the accompanying ecological report are acceptable to ensure that there is no impact on existing species during construction works. This can be covered by way of the imposition of a condition.

## **8.00 CONCLUSION**

8.01 It is acknowledged that the proposed development would result in the loss of part of an area of allocated employment land which occupies an important key focal point at the entrance into Mold. The supporting Commercial Viability Assessment advanced by the applicant/agent has been scrutinised in depth, by way of an independent review commissioned by the Local Planning Authority. This confirms that the conclusions are a true reflection of the current market situation which exists. In this context its alternative use for residential development is in my view acceptable and the scale/form of the apartment blocks are reflective of the character/form of existing development at this location. In addition it is my view that a combination of separation distances/levels/existing & supplemental planning would help to safeguard the privacy/living conditions of the occupiers of Stonecroft in accord with Supplementary Planning Guidance.

## **8.02 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.

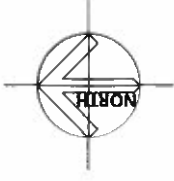
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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.

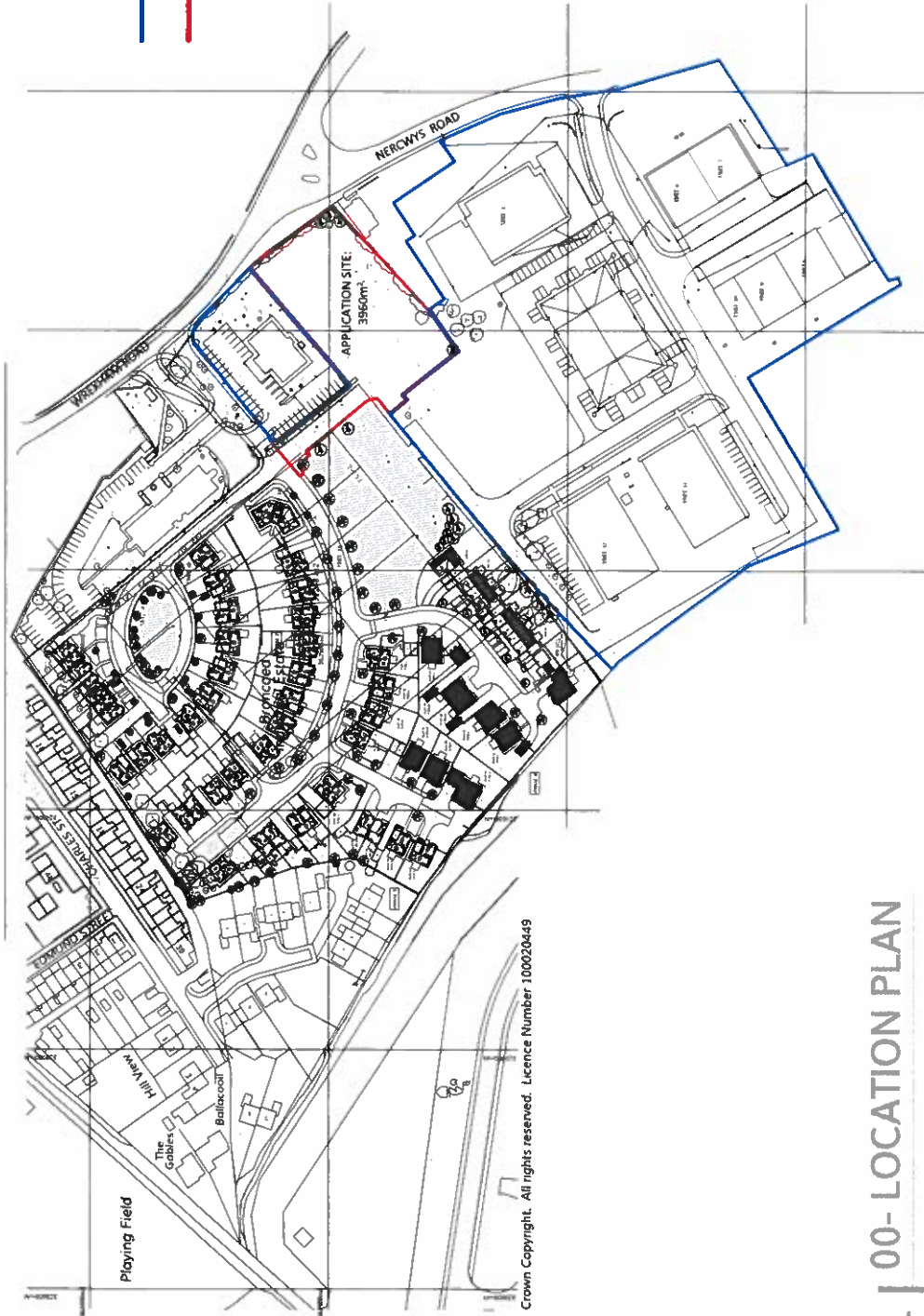
### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
**Email:** Robert.m.harris@flintshire.gov.uk



ADJOINING SITE OWNED BY APPLICANT  
 APPLICATION SITE BOUNDARY



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1 | 00- LOCATION PLAN  
 SCALE: 1 : 2000

REV	DESCRIPTION	DATE	BY

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PROJECT  
**LAND AT REAR OF PARK HOUSE, BRONCOED BUSINESS PARK**  
 for F. G. WHITLEY

DRAWING TITLE  
**PLANNING - SITE LOCATION PLAN**

SCALE 1 : 2000 @ A3  
 DATE 24/07/18  
 DRAWN MR  
 CHECKED SV

DRAWING STATUS  
**PRELIMINARY**

JOB No C892  
 DRAWING No 020  
 REVISION

**AG | AINSLEY GOMMON ARCHITECTS**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **2<sup>ND</sup> OCTOBER 2019**

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

**SUBJECT:** **AMENDMENT TO PLOT 36 – PROVISION OF SUN ROOM AT 2 FFORDD YR HYDREF, MOLD.**

**APPLICATION NUMBER:** **060131**

**APPLICANT:** **F.G. WHITLEY & SONS**

**SITE:** **2 FFORDD YR HYDREF, MOLD.**

**APPLICATION VALID DATE:** **19<sup>TH</sup> JUNE 2019**

**LOCAL MEMBERS:** **COUNCILLOR G.H. BATEMAN**

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

**REASON FOR COMMITTEE:** **MEMBER REQUEST TO ENABLE IMPACT ON ADJACENT PROPERTY TO BE ASSESSED.**

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

### **1.00 SUMMARY**

- 1.01 This retrospective application which has been submitted following enforcement investigations, proposes an amendment to the dwelling which is currently nearing completion but is unoccupied at 2 Ffordd y Hydref, Broncoed, Mold, to incorporate a sun room on the rear elevation.
- 1.02 As a result of concerns raised in respect of the potential overlooking of the rear curtilage of an adjacent property at 56 Ffordd Byrnwr Gwair, a number of options have been considered/received during progression of the application in order to seek to secure a satisfactory scheme, that seeks to safeguard the privacy/living conditions of the

occupiers of this dwelling. Further rounds of consultation have been undertaken in this respect.

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

### **2.01 Conditions**

1. In accordance with approved plans.
2. Trellis/Pergola to be completed prior to occupation
3. Trellis/Pergola to be retained in perpetuity.

## **3.00 CONSULTATIONS**

### **3.01 Local Member**

Councillor G.H. Bateman

Requests a site visit and planning committee determination in order that the impact on the privacy/amenity of occupiers of adjacent properties can be assessed.

Mold Town Council

No objection.

Pollution Control

No adverse comments to offer.

## **4.00 PUBLICITY**

### **4.01 Neighbour Notification**

1 letter of objection received which considers that the proposed measures to avoid overlooking of an existing property are unacceptable as:-

- The structure is not very sturdy and will not survive adverse weather conditions.
- The open nature of the trellis will not provide adequate screening.
- The condition of the structure will deteriorate over time if used for growing plants.

## **5.00 SITE HISTORY**

### **5.01 037534**

Outline – Erection of 78 No. dwellings – Allowed on appeal to The Planning Inspectorate 10<sup>th</sup> June 2005.

045139

Reserved Matters Application – Permitted 28<sup>th</sup> November 2008.



056381

Amendment to previously approved site layout to substitute the house types initially proposed on 13 No. plots (19 – 25 & 30 – 35) by 9 No. dwellings on plots 37 – 40 & 44 – 48 – Permitted 17<sup>th</sup> February 2017.

057579

Amendment to previously approved site layout to substitute house types on plots 9 – 17 & 26 – 29 by 9 No. dwellings (plots 31 – 36 & 41 – 43) – Permitted 7<sup>th</sup> December 2017.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

Additional Guidance

Supplementary Planning Guidance Note 2 – Space Around Dwellings.

**7.00 PLANNING APPRAISAL**

7.01 This full application proposes the retention of a sun room measuring approximately 3 m x 2 m x 3.5 m high that has been erected on a dwelling currently under construction but unoccupied at 2 Ffordd y Hydref, Broncoed, Mold.

7.02 The application has been submitted following enforcement investigations, and requires consent as the dwelling is unoccupied and does not benefit from permitted development rights. It is important to note that had the dwelling been occupied then permission would not be required for the sun room.

7.03 The plot the subject of this application shares a common site boundary with No. 56 Ffordd Byrnwr Gwair (No.56), with the rear curtilage area of this dwelling being approximately 1 m lower than the floor level that has been established for the sun room. The side elevation of the sun room is approximately 3.6 m from the common site boundary between the properties which is approximately 1.6 m in height. The separation distance between the northern elevation of the sun room and the main rear elevation of No. 56 is 15.m. There is a

sun room to the rear of No. 56 and the separation from its rearmost elevation to the sun room which is the subject of this application is 11.8m.

7.04 In progression of the application, a number of options seeking to address the concerns of the occupiers of No. 56 have been considered. These measures principally included;

- a) the introduction of obscure glazing within side elevation of the sun room; or
- b) the raising of the height of the existing common site boundary fence.

7.05 As a result of consultation and discussion, the application particulars now propose the erection of a raised 2m high permanent privacy screen, comprising an arched trellis pergola which offers the opportunity for the associated introduction of climbing plants and additional planting, to aid screening. This is proposed to be introduced between the sun room and existing common site boundary as a continuation from the gable of the property.

7.06 Main Planning Considerations

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

- a) the safeguarding of the privacy/living conditions of the occupiers Ffordd Byrnwr Gwair when using their rear curtilage adjacent to the dwelling the subject of this application; and
- b) the visual impact associated with the introduction of the pergola /trellis

7.07 Privacy /Living Conditions

Whilst the principle of the erection of a sun room to the rear of the dwelling is not disputed, being in accordance with planning policy, I consider its retention is only acceptable with additional screening measures to avoid overlooking of the rear garden area of 56. Whilst the objections from the occupiers of this property to the option that now forms part of the application are duly noted, it is considered that the combination of the existing common site boundary and the tight spacing form of trellis/pergola set approximately 1.5 m behind it, to a height of 2 m and extending across the full width of the northern elevation of the sun room, will prevent overlooking of the garden area of the adjacent property from the sun room.

7.08 In coming to this view, I have had regard to the guidance set out within SPGN2 – Space Around Dwellings. The SPGN advises that, in cases where a window in a habitable room facing the flank wall (or side elevation) of an adjacent house a guideline of 12 metres from the wall should be applied. In addition, the SPGN advises that where there is a difference in land levels of 1m, a further 2m of separation should be

sought. The relevance of this guidance to this application site is such that a separation of 14m would usually be expected to be provided.

7.09 It should be noted that in respect of all interfaces between the sun room and the main rear elevation of No. 56, a distance in excess of guideline distance is actually provided and therefore, the issue to consider is what impact upon living conditions is occasioned from the proposed sun room in terms of the opportunities afforded for overlooking of the sun room at No. 56.

7.10 The application identifies that the situation which currently exists would, allowing for a person of average height within the sun room and taking account of the height of the existing boundary (1.6m) between the properties, allow for degree of direct intervisibility between the sun room and the sun room at No.56. Accordingly, and as detailed in Paragraph 7.07 of this report, the proposed screening is advanced to act as a clear impediment to this opportunity, thereby avoiding any adverse impacts upon the living conditions of adjacent residents at No. 56.

7.11 In order to assist Members in their assessment of the acceptability of the proposed screening, the applicant has advised that a section of the trellis /pergola will be completed in advance of the committee site visit.

7.12 Visual Impact

The proposed screening with associated landscaping would be more acceptable in visual terms than a 2m high close boarded fence and will help to soften the impact of development at this location. This type of installation is common within many curtilage areas, and in my view can be supported subject to conditions to;

- a) ensure its introduction prior to occupation of the dwelling; and
- b) that the screening is retained in perpetuity.

**8.00 CONCLUSION**

It is considered that the retention of the sun room is only acceptable with the introduction of a suitable scheme of screening to minimise the impact of development on the occupiers of 56 Ffordd Byrnwr Gwair. The scheme as currently proposed, when considered in combination with the fence on the existing common site boundary would meet the fundamental objective of preventing harm from overlooking from the sun room of the garden area associated with the existing dwelling and would also be acceptable from a visual perspective. It is therefore recommended that permission be granted subject to conditions.

## 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**

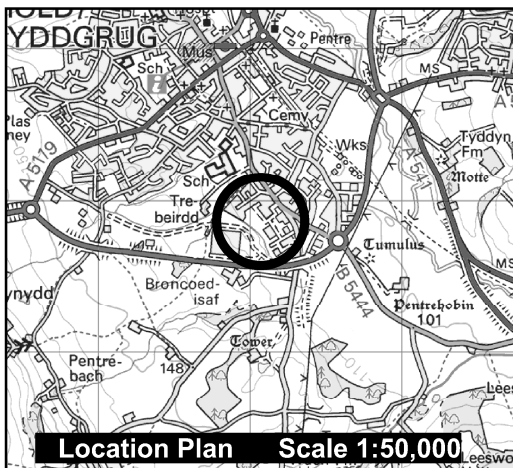
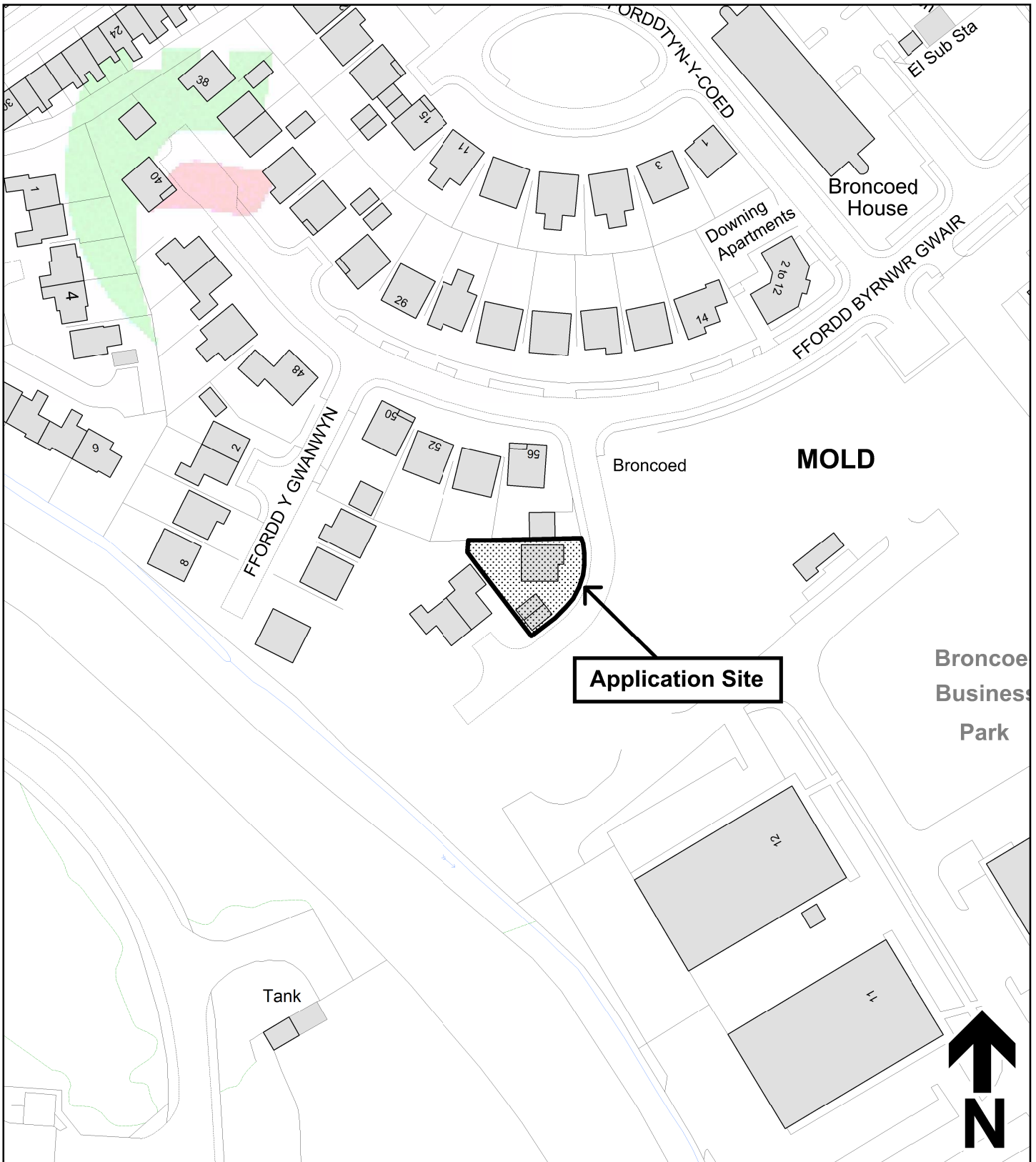
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
**Email:** Robert.m.harris@flintshire.gov.uk



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

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2462

Planning Application **60131**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **2<sup>ND</sup> OCTOBER 2019**

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

**SUBJECT:** **FULL PLANNING APPLICATION – REPAIR AND REFURBISHMENT OF VACANT HISTORIC (LISTED) FORMER HOSPITAL BUILDINGS, WITH ASSOCIATED NEW BUILD HOUSE/APARTMENTS TO PROVIDE A TOTAL OF 89 DWELLING UNITS AT LLEUSTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL**

**APPLICATION NUMBER:** **059663**

**APPLICANT:** **McCORY BRICKWORK LTD.**

**SITE:** **LLEUSTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL**

**APPLICATION VALID DATE:** **27<sup>TH</sup> MARCH 2019**

**LOCAL MEMBERS:** **COUNCILLOR P JOHNSON**

**TOWN/COMMUNITY COUNCIL:** **HOLYWELL TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This is a full planning application for a residential development of 89 units at the former Llesty Hospital, Old Chester Road, Holywell. This application follows the previously consented scheme for 89 units which members will recall was determined at planning committee on the 20<sup>th</sup> July 2016. However, during the transfer of site ownership the permission lapsed, expiring in late August 2018. This new application therefore seeks to reinstate the permission to allow the

implementation of the previously approved scheme of works. The scheme comprises the following:

- 42 no. Apartments within the converted buildings comprising a mix of one and two bedroom units;
- 8 no. three bedroom town house units;
- 12 no. three bedroom terraced house units; and
- A new build block of 27 no. apartments comprising 7 no. one bedroom units and 20 two bedroom units.

1.02 As a result of viability and market testing it has been demonstrated that if the provision of affordable housing is enforced, the proposed development as a whole cannot achieve the necessary values per unit type to offset the significant costs incurred to repair and convert the Listed Building. The proposed scheme has therefore been developed in liaison with local estate agents with the aim of creating a viable development to ensure the preservation of the Listed Building. Viability was the crux of the previous scheme which was accepted by the Council in 2016. Following further viability testing, the same issues persist and are now considered to be far greater given the listed building has suffered increased neglect since 2008.

1.03 It is considered that the proposed development provides a scheme of conversion and new build which will provide a long term viable reuse of the Listed Buildings without significantly comprising the historic character. The proposed scheme will also deliver a housing allocation in the UDP and will contribute to the housing land supply in a sustainable location.

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

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

- An off-site commuted sum of £1,100 per dwelling and/or £733.00 per apartment unit in lieu of on-site provision for toddler play provision at Fron Park play area and Teenage Play Provision at Holway play area. The sum is to be split equally between the two projects.
- Provide that a Management Company is incorporated for the management and future maintenance of the roads, footways and communal landscaped areas.

Conditions:

1. Time Commencement
2. In Accordance with Plans



3. Archaeological watching brief for early stages
4. Details for the footway and junction works
5. Completion of the above works prior to occupation
6. Details of siting, layout and design of the means of access
7. Visibility splay of 2.4m x 43m
8. Visibility splays to be kept free of obstruction
9. Access gates shall open inwards only and position a minimum distance of 5.0m from the edge of the carriageway
10. Transport Implementation Strategy
11. Full Travel Plan
12. Site investigation prior to commencement of new build
13. Works in accordance with Bat Mitigation and NRW Licence Method Statement
14. Scheme for the long term management of Bat Barn and associated habitats
15. Replacement nesting places for House Martins and Swifts
16. Scheme for External Lighting in accordance with Bat Conservation Trust Guidance Note 08/18
17. Biosecurity Risk Assessment
18. Ecological Compliance Audit
19. Tree protection measures during construction and construction of hard surfaces around trees to be in accordance with Tree Survey
20. Foul Drainage Scheme
21. Details and samples of windows including glazing, doors, rooflights, rainwater goods and external materials
22. Hard and Soft Landscaping details and implementation
23. Cycle rack details
24. Refuge storage details

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

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor Paul Johnson**

I have no objection to the proposed development, however, I would like to make the following observations:

1. The road junction of Halkyn Road and Old Chester Road will be dealing with not only the 89 proposed dwellings, but also the adjacent 29 dwellings proposed in the Llesty Infirmary development. That is a significant increase in usage, and it is important that this junction has the capacity to deal with this.

2. In the planning report for the recently pass Lluesty Infirmary proposal, reference was made to the development being in walking distance to the town centre. Currently the most direct route would be down Old Chester Road which has no footpath for much of its route. Given that the same approach will be taken for the Workhouse development this being a walking route to the town centre must be evaluated and considered in greater detail. Unfortunately, the alternative walking route along Halkyn Road only has a narrow pavement and as the speed limit is 40 mph, it is not conducive of walking. Further, what guarantees can local residents living along Old Chester Road be given, that this narrow road with a 30mph speed limit that (both) developments will not increase traffic levels. Can traffic from the Lluesty developments be channelled away from Old Chester Road.
3. The junction of Old Chester Road and Halkyn Road are very close to the junction of Milwr Road and the entrance to Stamfordgate farm. Local residents have already raised concerns about the Milwr Road junction, and there are also developments planned on this junction on this site of the old Calcot Public House. Could the close proximity of these two junctions be taken into account when the remodelling of the Old Chester Road junction is considered. Traffic travelling from Lluesty towards Mold would literally pull out from the Old Chester Road junction and then have an almost immediate right turn.
4. In addition to the above mentioned junctions, there is a proposed further new junction at the new development serving 44 houses, next to Holywell Community Hospital. Given the increase in local traffic using these junctions, is the current speed limit of 40 mph on Halkyn Road appropriate?

This proposed development will be welcomed by local residents. It will make a significant impact on Holywell, but the highways and travel proposals must encompass both the development sites on the Lluesty site. While I fully support the development of the Lluesty site, I would be remiss not to raise these issues.

#### Holywell Town Council

No objection providing highways considerations are managed appropriately, including a review of the speed limit in the vicinity, the access from the junction onto Chester Road, pedestrian considerations and pavement widening.

#### Highways Development Control

In highways terms the application appears identical to the details previously consented under ref:055006; similar conditions should therefore be carried forward on any future consent.

Condition 8 of 055006 refers to the set back of gates from the edge of the highway but specifies gates adjacent to block A. It would appear from the submitted site plan that gates/barriers are proposed adjacent to block E. If individual gates need to be specified block E should be added to the condition wording. The Highway Authority therefore raise no objection subject to the imposition of conditions.

#### Community and Business Protection

No objections in principle to this application, however, the site has an extensive historical use as a Work House and Hospital and there was also a gas works on site and there could also be asbestos present in the building fabric. In addition the site is in an area which includes an extensive lead mining history, therefore, there is considerable justification to believe that contamination could be present in all or part of the site. Additionally the proposed development which includes residential accommodation could be particularly vulnerable to the presence of contamination. No objections subject to the imposition of a conditions requiring a site investigation prior to the commencement of development of the new build.

#### Education

##### **Affected Schools:**

Primary School: Holywell, St Winefride's Catholic Primary School

Current NoR, excluding nursery, at January 2019	=	149
Capacity, excluding nursery, at January 2019	=	187
Number of Surplus Places	=	38
Percentage of Surplus Places	=	
20.32%		

Secondary School: Holywell, Ysgol Treffynnon

Current NoR, excluding nursery, at January 2019	=	464
Capacity, excluding nursery, at January 2019	=	600
Number of Surplus Places	=	136
Percentage of Surplus Places	=	
22.67%		

#### **Exceptions**

The exceptions to the provision of school places will be the following type of residential development from which planning authorities will note seek contributions:

Housing specifically designed for occupation by elderly persons (i.e. restricted by planning condition or agreement to occupation by those over aged 55 years or more).

1 bed dwellings or 1 bed apartments or flats.

### **Formula**

The figures are arrived at from a combination of formula application and practical experience, informed by sufficiency criteria.

The formula reads:

Number of housing units x 0.24 (primary school formula) = Child Yield (after calculating the 5% surplus where appropriate) x £12,257 cost multiplier per pupil = Developer Contribution (using the Cost Multiplier figures from 2008/09)

### **Primary School Calculations**

School Capacity 187 x 5% = 9.35, rounded to 9  
Trigger for Contributions is therefore 187 - 9 = 178

Number of Units, 74 x Primary Multiplier, 0.24 = Child Yield, 17.76 rounded to 18  
Child Yield, 18 x Cost per Pupil Multiplier, £12,257.00 = Developer Contribution, £220,626.00

Current Numbers on Roll, 149 + Child Yield, 18 = Potential Numbers on Roll, 167

The Potential Numbers on Roll **do not** exceed the Trigger for Contributions.

Therefore contribution requirement would be **£0.00**

### **Secondary School Pupils**

School Capacity 600 x 5% = 30.00, rounded to 30  
Trigger for Contributions is therefore 600 - 30 = 570

Number of Units, 74 x Primary Multiplier, 0.174 = Child Yield, 12.88 rounded to 13  
Child Yield, 13 x Cost per Pupil Multiplier, £18,469.00 = Developer Contribution, £240,097.00

Current Numbers on Roll, 464 + Child Yield, 13 = Potential Numbers on Roll, 477

The Potential Numbers on Roll **do not** exceed the Trigger for Contributions.

Contribution requirement would be **£0.00**

**NOTE:** The Primary and Secondary formula multipliers are used by other Welsh local Authorities, and provide a reliable and demonstrated weighted for education contribution calculations.

## **Conclusion**

### **Primary School: Holywell, St Winefride's Catholic Primary School**

- It is our intention not to seek a Section 106 contribution.

### **Secondary School: Holywell, Ysgol Treffynnon**

- It is our intention not to seek a Section 106 contribution.

### Aura

In accordance with Planning Guidance Note No. 13 POS provision, the Council would require a commuted sum payment of £1,100.00 per dwelling and £733.00 per apartment in lieu of onsite provision. The payment would be used to enhance toddlers play provision at Fron Park play area, and Teenage recreation at Holway play area. The total sum is to be split equally between these two projects. Working with Planning Policy, we confirm that the contribution thresholds have not been exceeded for these locations.

### Clwyd-Powys Archaeological Trust (CPAT)

A heritage assessment was formerly carried out in 2013 to level 2 standard and no further work is required on the buildings. In section 10 of the heritage assessment, it was recommended that the watching brief was maintained on any ground reduction works within the area of the former workhouse due to the proximity of earlier ranges of workhouse buildings which may be revealed by works for services, drains, landscaping etc. CPAT therefore raise no objection subject to the imposition of a condition which requires an archaeological watching brief as per the recommendation.

### Welsh Water/Dwr Cymru

No response at the time of writing.

### Natural Resources Wales

No objection subject to the imposition of conditions relating to the protection and management of the ecological features identified on site.

## **4.00 PUBLICITY**

### **4.01 Press Notice, Site, Notice, Neighbour Notification**

5 no. objections on the grounds of;

- Scale of development will increase flow of traffic along Chester Road

- Old Chester Road is narrow and unlit
- No pavement for pedestrian use along Old Chester Road
- Old Chester Road should be made to be 'one way'
- Increase noise

## **5.00 SITE HISTORY**

5.01 055006 Amendment to planning application No 051727 Li to include additional 1No. apartment to Block B, 12No. apartments to Block C, 5No. apartments to Block A (Chapel) and a new build residential block to include 27No. apartments, to give a total of 89 residential units. Approved 24.08.16

055008 Listed Building Application for amendment to Listed Building Consent 051728 to include additional 1 no. apartment to Block B, 12 no. apartments to Block C, 5 no. apartments to Block A (Chapel) and a new build residential block to include 27 no. apartments, to give a total of 89 residential units. Approved 23.08.16

051727 Residential development of 47no. units including part demolition of existing modern buildings, conversion of retained modern buildings into 8no. three bedroom town houses, conversion of listed buildings into 1no. four bedroom detached house (chapel) and 26no. apartments (8no. one bed and 18no. two bed) and erection of 12no. three bedroom terraced houses. Approved 14.08.14

051278 Listed Building Application - Residential development of 47no. units including part demolition of existing modern buildings, conversion of retained modern buildings into 8no. three bedroom town houses, conversion of listed buildings into 1no. four bedroom detached house (chapel) and 26no. apartments (8no. one bed and 18no. two bed) and erection of 12no. three bedroom terraced houses. Approved 14.08.14.

045131 Residential development (69 no. units) comprising the conversion of historic buildings (38 no. units) and the erection of new build dwellings (31 no. units). File closed 20.11.13

045133 LISTED BUILDING APPLICATION - Residential development (69 no. units) comprising the conversion of historic buildings (38 no. units) and the erection of new-build dwellings (31 no. units) File closed 20.11.1

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
 STR1 - New Development  
 STR4 - Housing  
 STR7 - Natural Environment

STR8 - Built Environment  
GEN1 - General Requirements for New Development  
GEN2 - Development Inside Settlement Boundaries  
D1 - Design Quality, Location and Layout  
D2 - Design  
D3 - Landscaping  
TWH1 - Development Affecting Trees and Woodlands  
L1 - Landscape Character  
WB1 - Species Protection  
HE2 - Development Affecting Listed Buildings and their Settings  
AC13 - Access and Traffic Impact  
AC18 - Parking Provision and New Development  
HSG1 - New Housing Development Proposals  
HSG8 - Density of Development  
HSG9 - Housing Mix and Type  
HSG10 - Affordable Housing within Settlement Boundaries  
SR5 - Outdoor Play Space and New Residential Development

SPGN no. 2 Space Around Dwellings  
SPGN no. 6 Listed Buildings  
SPGN no. 8 Nature Conservation and Development  
SPGN no. 11 Parking Standards

PGN no. 13 Open Space Requirements

**Planning Policy Wales Edition 10 (December 2018)**

TAN 24 – The Historic Environment

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full planning application for a residential development of 89 units at the former Llesty Hospital, Old Chester Road, Holywell.

7.02 Site Description

Llesty Hospital is situated to the west of Holywell town centre and is elevated above the town. It was built as a workhouse and used more recently a community hospital. The workhouse itself and the adjacent chapel and entrance buildings are Grade 2 Listed. There are a number of more modern buildings in the grounds. The site also contains the former Infirmary building which is not part of the application site and in separate ownership. The site has been vacant since the hospital closed and has fallen into disrepair prior to the change in ownership. The site has sloping topography and is therefore a prominent site in terms of the landscape setting of the town of Holywell.

7.03 The site is located to the west of Old Chester Road and is situated in a predominately residential area with Llys Emlyn Williams and the entrance to a residential development opposite the site. To the north

is a further residential development with open land sloping upwards to the south west. To the east is the Old Infirmary building and beyond that a further residential development known as the Beeches. There is a petrol filling station on the other side of Old Chester Road and The Stamford Gate Public House off Halkyn Road to the east. The site is accessed from the south from the A5026 Halkyn Road off Old Chester Road. There is also a secondary access to the north of the site behind the former chapel off a minor road which leads to the B5121.

7.04 Proposed Development

This is a full planning application for residential use of the Lluesty Hospital site. This proposal concerns principally the conversion scheme in the Listed buildings and the new build elements that comprise the 2014 scheme and the amended scheme in 2016. The need to revisit this site is due to the lapse of the 2016 permission which expired in August 2018 despite works starting on site to repair the Listed Buildings. The Applicant therefore wishes to reinstate the permission in order to implement a scheme that was previously accepted and approved by the Council.

7.05 The new build elements in the previously approved 2014 scheme in the form of the conversion and alterations to the 1960's ward block to 8 no. three bedroom townhouses and the 12 no. new build three bedroom houses on land to the south west of the existing complex of buildings remain the same. In accordance with the 2016 scheme a new build block adjacent to the 1960's ward block in the form of additional 27 apartments over three storeys is proposed. This is in place of a car parking area which has been redistributed around the site.

7.06 The scheme involves a mixture of conversion of the existing buildings and new build creating a mix of property types. It is proposed to convert the workhouse building into apartments; one bedroom and two bedroom. The two buildings on the site frontage would be converted to 1 one bedroom and 2 two bedroom apartments. The majority of the apartments are split over 1 and 2 levels. The new three storey apartment block is three storey with a slate roof and would have a stone clad elevation to complement the other buildings on site.

7.07 This application is in duplication of the previously approved 2016 scheme and comprises the following:

- 42 no. Apartments within the converted buildings comprising a mix of one and two bedroom units;
- 8 no. three bedroom town house units;
- 12 no. three bedroom terraced house units; and
- A new build block of 27 no. apartments comprising 7 no. one bedroom units and 20 two bedroom units.



The total number of units being provided by this scheme would be 89.

- 7.08 There are no significant external changes as a result of the changes to the way the building is converted. The amendments have tried to work with the current internal layout of the building to minimise any required alterations.
- 7.09 Access into the site would be via a one way system with an entrance off Old Chester Road at the western extent of the site and the exit from an existing access between two existing buildings. 6 units would be accessed off the existing Brynford Road access; 5 apartments and the chapel. The entrance to the site would have security gates and railings designed to an agreed specification to respect the Listed Building. New paths and footways are to be provided within the site. Bin stores and cycle stores are proposed in appropriate locations for each element of the residential scheme. Due to the location of the site within proximity of Holywell town centre a cycle rack has been provided on the site. The roads and footways on the site are to be privately maintained through a management company for the site as a whole. The existing pavement on Old Chester Road is to be extended to provide safe pedestrian refuge. 122 parking spaces are provided within the site for the proposed residential units in the form of driveways and parking courts.
- 7.10 The proposed scheme would utilise the existing foul drainage which was used for the site's previous use. Surface water drainage will also utilise the existing system although site investigations have been undertaken for the use of soakaways on the site.
- 7.11 Principle of Development  
The application site is allocated within the Flintshire Unitary Development Plan for residential development. The Council produced a Development and Conservation Brief for the site in 2006 to support the UDP residential allocation under policy HSG1. This set out which buildings the Council wanted to retain and which would be supported for demolition along with identifying areas for new development. The site as a whole is allocated for 70 dwellings within policy HSG1 of the UDP.
- 7.12 The site is within Holywell which is a Category A main town within the UDP. It is considered the proposed scheme concurs with the strategic aims the Council has for this site, respecting the character of the Listed Building while providing a new use in accordance with its residential allocation. While the number of dwellings is in excess of what was initially envisaged and is only for part of the site, it is not considered to be an issue in planning terms. The site is within a Category A settlement which is a focus for growth and is within walking distance of the town centre. It is also a previously developed site. The development therefore meets the aims of Planning Policy Wales and would make a significant contribution to the housing land

supply. The number of units in itself is therefore not an issue provided the parking requirements can be met and the scheme preserves the character of the Listed Building.

7.13 Impact on Heritage Asset

The historic buildings on the site vary in age and comprise; the former workhouse, which is a cruciform building of classical proportions completed in 1840 by John Welch; a chapel in the Gothic style by John Douglas of Chester completed in 1884 and a nursing home extension in a classical style with interior elements of art nouveau completed in 1902. There are two stone faced buildings dating from the mid Victorian period of a domestic scale on the north eastern frontage of the site facing Old Chester Road. During the 20th century a number of functional brick and concrete buildings and extensions were added to serve the hospital use of the site.

7.14 A Heritage Statement has been submitted with the application which describes the character of the buildings and their attributes along with the impacts of the proposal on them. The workhouse and the chapel were Grade II Listed by CADW in 1991 as “an especially good Classical example of a former workhouse building”. It has the standard workhouse grid plan with separate courtyards for men and women with a linking central octagon. There may have been alterations in 1869 and it was enlarged to the right in 1902 with modern extensions during its hospital use.

7.15 It is proposed to demolish a number of the buildings and modern extensions. These are of little architectural merit and will assist in exposing parts of the Listed Buildings. The demolitions are therefore deemed to be acceptable. The proposed redevelopment aims to conserve historic features of the buildings and sympathetically replace missing features. Internally the building has been extensively modernised with internal partitioning and no significant features of historic or architectural significance remain. The internal layout aims to maintain the original character with the recording and preservation of any features of historic interest.

7.16 The proposed scheme aims to convert the buildings to a residential use to ensure the preservation of the buildings as heritage assets, without significantly affecting the exterior and preserving the workhouse’s appearance. This is to be achieved by maintaining the historic quadrant, retaining the front wall and sloping grassed areas, retention of external chimneys and internal staircases and limiting the number of new door openings in the external fabric, closure of existing door openings creation of new window openings and closure of existing window openings. The open spaces in the quadrant areas will be resurfaced with the introduction of new formal planting along with discrete parking areas.

- 7.17 The scheme for the conversion of the chapel proposes its conversion into 6 one bedroom units with the insertion of a floor within the building to provide 6 apartments over two floors. As this is a large building it is considered that the approved scheme converting the chapel into 1 dwelling creates a unit which is too large in terms of the market demand in this area and it does not have any private amenity space which would be expected with a 4 bedroom unit. The Victorian Society have expressed concerns about the increase in units in this building however, although there is an increase in the number of apartments within the building the impact on the external appearance of the building does not change from the consented scheme. The only changes being the insertion of roof lights in the roof of the building. It is therefore considered that current proposed option of converting the scheme into 6 units is acceptable in terms of the impact on the Listed building and achieving a viable use.
- 7.18 The workhouse building is an imposing structure and is three and four storey in places. Behind the workhouse the site slopes upwards with a significant change in levels. The retention of the ward block and its reuse assists in providing a transition between the different areas of the site and the new build properties on the elevated ground. The proposed apartment block provides an additional 27 apartments follows on this form of development providing a form of development which assists in this visual transition. The height of the block and the design has been amended during the course of the application to reduce the height of the building and to create a more simpler design which will be clad in stone, instead of the initial more modern glazing and panel clad design to be more in keeping with the character of the workhouse and its surroundings.
- 7.19 Viability  
The application is supported with a financial assessment, which argues viability implications in respect of providing affordable housing. The assessment was independently assessed on behalf of the Council by an appointed valuer in August 2019. This included a breakdown of repair and construction costs, benchmark land values and site acquisition, estimated sales and marketing values of the properties and gross development value to determine the profit to be made.
- 7.20 Members are reminded that this application is identical to the 2016 approved scheme, which is a revision of the 2014 scheme following evidenced viability concerns. The 2016 scheme was subject to a financial appraisal which concluded that any financial contributions towards S106 requirements, including the provision of affordable housing, education and public open space would make the scheme unviable. The Council accepted this position and granted permission on the basis that the requisite developer contributions would not be sought. This application highlights that development viability remains a concern, and as such would be difficult to provide affordable

housing as part of the proposed scheme. The Council therefore requested that these claims be subject to viability testing in order to confirm the reality.

- 7.21 The independent valuer acknowledges that Llesty Hospital is of significant historic importance and has been subject to neglect since 2008. In this time the listed buildings have suffered by the hands of vandals, theft, and damage from the elements due to its exposed location, impinging upon the building's structural integrity and overall setting and appearance. The development proposed would bring the site back to economic use and benefit the wider area and economy. Further to market evidence provided by local estate agents, the proposed scheme is considered to be financially viable and would produce a small profit percentage for the developer. If affordable housing were sought, then this would sway the balance in terms of whether the developer can safely commit further investment in the site. The main objective of developing this site is to realise the reuse of the Listed Buildings, which is predominately a conversion scheme with some elements of new build. Conversion schemes particularly of Listed Buildings, and notwithstanding the extensive repair work now required at Llesty, inevitably have higher build costs in comparison to conventional developments. In his opinion, the valuer concludes that enforcing the provision of affordable housing would result in a development that is financially unviable and risks the preservation of a heritage asset.
- 7.22 In considering the above viability case and the independent review, I am mindful of the position set out within PPW10 concerning up-to-date development plans, site delivery and viability. Paragraph 4.2.21 of PPW10 sets out a clear stance that it is *"for either the Applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred."*
- 7.23 In accordance with PPW10, it is considered that the applicant has reasonably and without obscurity demonstrated an exceptional circumstance that justifies a relaxation to the relevant policies which concern affordable housing. It is understood that in order to support the delivery of this heritage conversion and new build scheme, the Council needs to be mindful of the significant investments made by the developer to date, the economic conditions and the developer risks faced in establishing this site. I therefore consider that in the context of this application significant weight should be given to the

viability assessment for the proposed scheme for the reasons discussed.

7.24 Affordable Housing

The Council's starting point for affordable housing in accordance with policy HSG10 for allocated sites within settlement boundaries. This site raises different issues to 'normal' greenfield development sites. A significant portion of this site is the conversion of Listed Buildings which has higher cost implications in terms of the work necessary and the level of detail involved. The new build development therefore assists in funding these elements. Any provision of affordable housing is deemed to be un-viable by the developer. However it is considered that as the development would provide a mix of housing types with a significant number of one and two bedroom apartments, by virtue of the housing market in this area these would be affordable by nature. It is therefore considered that in order to achieve a scheme for the restoration of the Listed Building in light of these overriding special circumstances that no affordable housing is requested.

7.25 Impact on the Natural Environment

Extensive ecological surveys have been undertaken since 2008 as part of the previous application, with additional surveys carried out more recently to allow the commencement of repair works required on the Listed Buildings.

7.26 The area immediately around the buildings is hardstanding with some areas of amenity grass and borders with shrubs, however, most of this has now been removed. The site is bounded by a line of mature trees, bushes and vegetation from the south eastern corner around the southern boundary and along the western edge of the site to its north west corner. A number of mammal pathways were observed during the surveys, with the latest being carried out by CES Ecology in July 2019. There was no conclusive evidence of badgers on the site. The site proposed for the new build development is generally of moderate ecological value. The retention and protection of the mature and semi-mature trees and enhancement of the hedgerows as key boundary features are important in terms of maintaining connective features of the site and screening of the development. Evidence of swifts has also been noted on the site and replacement roosts should be provided. I therefore propose a condition to this effect.

7.27 Bats are a European Protected Species under the Conservation and Species Regulations 2010 (as amended). European protected animal species and their breeding sites or resting places are protected. It is an offence to damage or destroy a breeding or resting place of such an animal. A licence will be required to allow the development works and to provide the necessary mitigation. The three tests under the regulations need to be demonstrated before further licences are granted.

- 1) Regulation 53(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”. In this case the development works are for the preservation of a Listed Building which will also involve making the building safe in terms of public safety and preserving it for future generations in the public interest. There will also be social and economic benefits in terms of construction jobs created and the creation of a variety of housing types.
- 2) Regulation 53(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”. The application site is a residential allocation within the Unitary Development Plan. Alternatives to providing residential development within Holywell have been considered through the development plan process in allocating the site. There is also the requirement under other legislation to protect Listed Buildings and works are required to the building to prevent further deterioration.
- 3) Regulation 53(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.” The Listed Building is deteriorating due to vandalism and exposure to the elements. The suitability of the building as a resting place for bats is therefore declining. The restoration of the building and mitigation in the form of retention and repair to the roof space will provide a betterment and therefore improve the favourable conservation status of the bat.

7.28 Further to the works so far carried out on site, which includes the demolition of Block F, additional bat surveys and monitoring has been undertaken, with the latest Bat Survey carried out in July 2019. This concludes that Block C was the only building, of those remaining, on site at which roosting bats was confirmed. A single common pipistrelle bat was recorded re-entering a gap in the stonework in Block C during the dawn survey. No other bats were recorded to emerge from or re-enter the buildings on site. Bat activity at the site was less than that recorded during the 2018 surveys, with lesser horseshoe bats only recorded during the first dusk emergence survey. This is likely due to the demolition of Block F, which supported roosting lesser horseshoe bats in 2018. This building and the attached Link Room have been demolished under licenses granted by NRW ref S086181/1 and S086181/2, respectively. These licenses covered works to Block F and the Link Room only. Passes by common pipistrelle, soprano pipistrelle and noctule were recorded at the site. Due to the ‘open’

nature of the buildings on site it is considered that bats can, and probably do continue to roost in a very transient way in most, if not all, of the buildings on site. This is particularly true for the pipistrelle species which are most numerous around the site. None of the roosting recorded on site are considered to include maternity roosts.

- 7.29 Further to the Conservation and Species Regulations 2010 (as amended), a licence amendment from NRW will be required and must be obtained before disturbing works take place at Blocks A, B, C, D and E.
- 7.30 Following the recommendations, a dedicated stand-alone bat barn will be provided for lesser horseshoe bats in the proposed bat mitigation area, located on land to the north of the proposed new build Block H. This structure will provide roosting opportunities for both hibernating bats and maternity roosting. Twelve Schwegler 2F bat boxes will be erected on trees within the bat mitigation area and two habitat boxes will be installed in the southern gable walls of the new Blocks F, G and H to provide roost sites for pipistrelle species at the site. The County Ecologist and NRW raise no objection to the proposed mitigation measures, however request conditions are imposed to ensure the works are carried out in accordance with the approved strategy and Licence statement, including details of the long term management of the Bat Barn and associated habitats.
- 7.31 A Tree Survey was undertaken in September 2013 in accordance with BS5837. None of the trees on site are covered by a Tree Preservation Order. The tree cover on the site is principally peripheral. The survey assessed the condition of the trees on the site and considered whether they were worthy of retention or required removal. The report recommends tree protection measures are undertaken to avoid damage to the retained trees during construction. These can be conditioned. A landscaping scheme has been drawn up for the whole site.
- 7.32 Highways & Parking  
The site would have historically had significant traffic generation associated with its use as a hospital. The 2016 scheme which originally increased the consented units to 89 from 47, provided a transport assessment which was undertaken by SCP Transportation Planning. Amendments to this were made during the course of the application following discussions with highways. Given this application is identical with the 2016 scheme which no changes to access and parking arrangements, the same Transport Statement has been provided in support.
- 7.33 Due to the presence of Listed Buildings on the site and the desire to retain them, this has implications for what can be achieved in terms of the internal road layout and any external highway improvements. In addition, due to the topography of the site and the location of the

buildings the proposed layout of the internal access roads does not conform to the requirements for adoptable public highway, therefore these would remain in private ownership. I therefore propose to secure the management and maintenance of the internal roads and footways by way of a Management Company through S106 Legal Agreement.

- 7.34 It is proposed to provide a new length of footway along the frontage between blocks A and E and to change the roundabout junction at the entrance to Yr Aber to a T junction. Provision of the footway will enable the existing road junction (adjacent to block A) to be modified resulting in significant improvements to visibility. This can be provided through a S278 highway agreement.
- 7.35 The existing wall fronting the site severely restricts the visibility of drivers existing the main access. It is therefore proposed to use this as an entrance only, with the exit via an existing access located between Blocks E and D. Visibility from this exit is restricted but can be improved to an appropriate 2.4 x 43m. It is proposed to improve visibility from the existing access point (adjacent to Block A) by setting back the wall which achieves a visibility splay of 2.4 x 43m. There is no objection to the use of Brynford Road for the limited number of units.
- 7.36 122 parking spaces are proposed. Given the location of the site and the sustainable travel measures proposed this is considered to be acceptable and in accordance with Policy AC18. A condition requiring the submission of a Travel Plan and Transport Implementation Strategy have been imposed to ensure that these measures are put in place. The Highways Authority therefore confirms that there is no objection to the proposed development subject to conditions.
- 7.37 Furthermore, I note objections raise concerns of increased noise and disruption as part of the construction phases on site. The Highway Authority would otherwise request the submission of a Construction Traffic Management Plan for developments located within built up areas, or have the potential to cause undue disruption and nuisance. The Applicant recognises that this would be a concern and has therefore sought to allay such concerns by providing a Construction Traffic Management Plan as part of the submitted information. As such this plan seeks to control and minimise disruption where possible and aims to engage with the local community by providing a newsletter to the immediate surrounding residential properties to the site. The newsletter would inform residents of the proposed works in accordance with the phase of development and will provide residents with an opportunity to raise their concerns. The Highways Authority raises no objection to the proposed Plan provided.
- 7.38 Public Open Space



Local Planning Guidance Note 13 requires developments for 25 dwellings or more to provide the minimum of 56.65 square metres of open space per dwelling. In this instance due to the nature of the site and the limited amount of open land this is not achievable. The 2016 scheme agreed to put forward the sloping land to the south east of the development site as use for residents for informal recreation. This would be the land located beyond the new build block H. However, as discussed above, this land has now been committed as the bat mitigation area and is proposed to house the bat barn. It is therefore considered that the use of this land as informal public open space (POS) for the purposes of dog walking and free play would not be compatible with the safeguarding nature of ecological mitigation. To use this area as informal POS would be detrimental to how this area functions and will cause unacceptable disturbances to the species it seeks to provide refuge for.

7.39 With reference to Viability, the applicant's financial assessment only refers to the provision of affordable housing having a detrimental impact on the feasibility of the development. I therefore consider it appropriate to request a commuted sum of £1,100.00 per dwelling and/or £733.00 per apartment. This is in accordance with Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is not possible. I am informed that the total sum is to be equally split to improve toddler play provision and teenage recreation at Fron Park and Holway Play Area, Holywell. The commuted sum will be secured by the proposed Section 106 agreement.

7.40 S106 and CIL Compliance

The infrastructure and monetary contributions that can be required from 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.

7.41 An off-site commuted sum of £1,100.00 per dwelling and £733.00 per apartment unit in lieu of on-site provision. The total sum is to be equally split to improve toddler play provision and teenage recreation at Fron Park and Holway Play Area, Holywell. This is in accordance with 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 these projects to date.

7.42 It is considered that this meets the Regulation 122 tests.

## **8.00 CONCLUSION**

It is considered that the proposed scheme provides a scheme of conversion and new build which will provide a long term viable reuse of the Listed Buildings without significantly comprising the historic character of the Listed Buildings. The proposed scheme will also deliver a housing allocation in the UDP and will contribute to the housing land supply in a sustainable location.

### **8.01 Other Considerations**

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

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

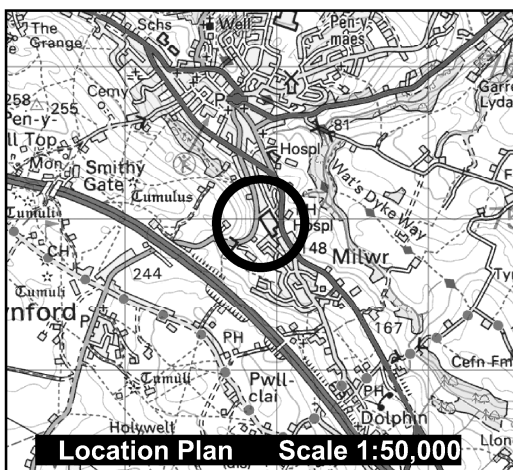
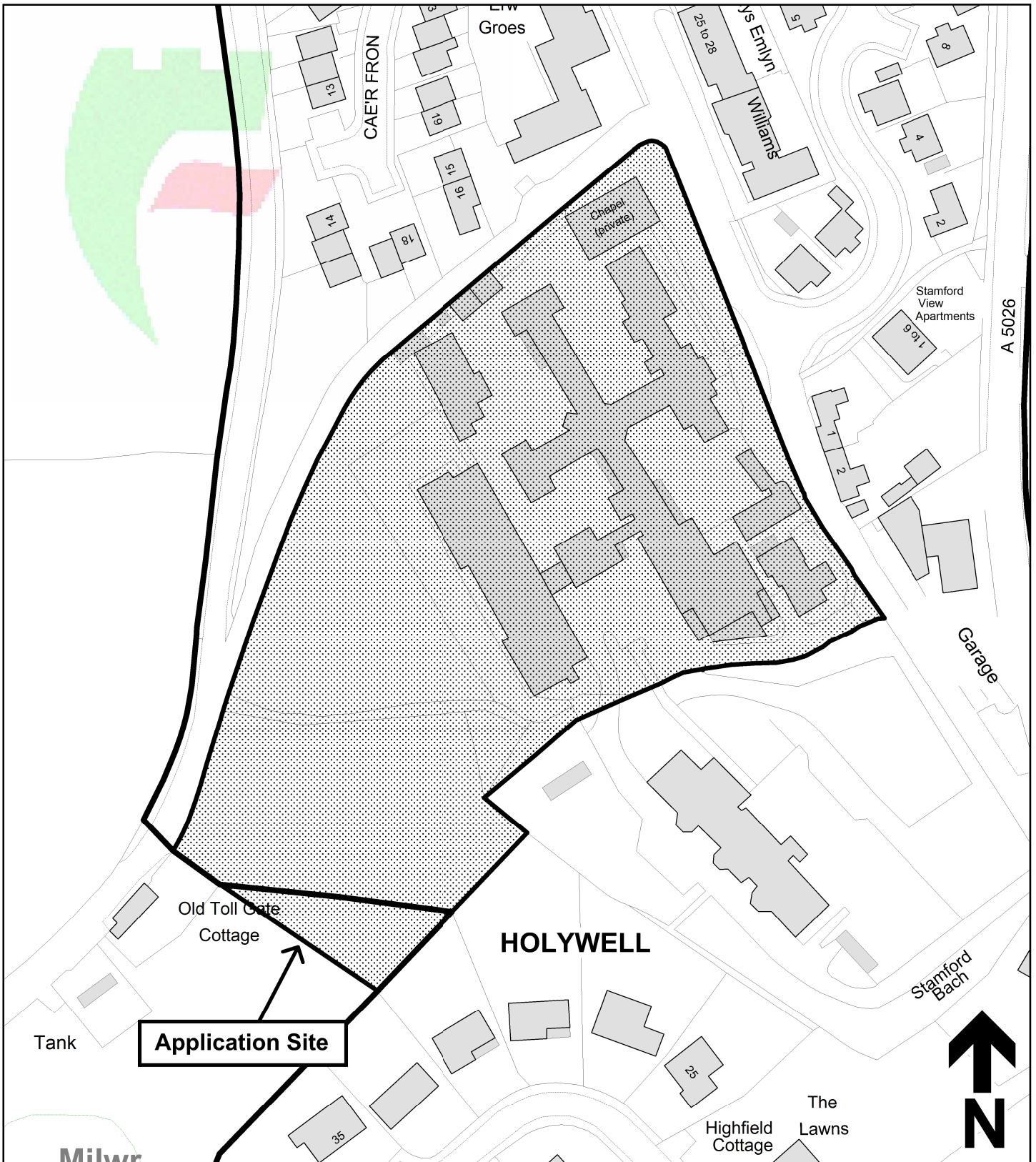
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

### **LIST OF BACKGROUND DOCUMENTS**

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

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



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 1874

Planning Application **59663**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **2<sup>ND</sup> OCTOBER 2019**

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

**SUBJECT:** **FULL APPLICATION – CONSTRUCTION OF EXTENSION TO AN EXISTING INDUSTRIAL BUILDING (USE CLASS B2), TOGETHER WITH ASSOCIATED LANDSCAPING, SERVICE YARD AND DRAINAGE INFRASTRUCTURE AT SMURFIT KAPPA, MAES GWERN, MOLD BUSINESS PARK, MOLD.**

**APPLICATION NUMBER:** **060270**

**APPLICANT:** **SMURFIT KAPPA**

**SITE:** **SMURFIT KAPPA, MAES GWERN, MOLD BUSINESS PARK, MOLD**

**APPLICATION VALID DATE:** **22<sup>ND</sup> JULY 2019**

**CLLR H BATEMAN**

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

**REASON FOR COMMITTEE:** **SIZE OF PROPOSAL**

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

### **1.00 SUMMARY**

- 1.01 This is a full application for the erection of an extension to an existing industrial building, together with associated landscaping, service yard and drainage infrastructure at Smurfit Kappa, Maes Gwern, Mold Business Park, Mold.

Members should be aware that as the application is still within its application period for Press Notice the recommendation to delegate approval to the Chief Officer to allow the press notice to expire. The

delegation is recommended on the basis that no further material planning considerations, which have not already been considered by members are raised during the remaining period of publication and that any necessary conditions can be included.

**2.00 RECOMMENDATION: TO DELEGATE AUTHORITY TO CHIEF OFFICER TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING CONDITIONS:-**

- 2.01
1. Time Limits
  2. In accordance with approved plans
  3. Materials
  4. Travel Plan
  5. Landscaping scheme and implementation
  6. Tree protection measures
  7. Management scheme for Green space area
  8. Full details of noise emissions to be submitted for approval
  9. Submission of details and Implementation of recommendations within Phase I habitat survey for enhanced habitats

**3.00 CONSULTATIONS**

3.01 Local Member  
Cllr H Bateman

I wish to put my full support behind this application and would like it to be determined under Delegated Powers.

I would also like consideration be given to an alteration of the Public Right of Way by extending it down a part, if not all, of Broncoed Lane. This would make provision for safer pedestrian and cycle use to work.

Mold Town Council

No objection to the proposal

Highways Development Control

No highways objection to the principle of development

Highways Rights of Way

Public footpath 38 crosses the site.

The legally defined public right of way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before design implementation.

Community and Business Protection

No response at time of writing

Welsh Water/Dwr Cymru  
No objections

Airbus  
No aerodrome safeguarding

Clwyd Powys Archaeological Trust  
No archaeological implications for the proposed development

#### **4.00 PUBLICITY**

##### 4.01 Press Notice, Site, Notice, Neighbour Notification

No responses received

#### **5.00 SITE HISTORY**

5.01 046878- Outline - development of B1, B2 and B8 units and hotel/restaurant- Approved 11/08/2010

057054- Erection of warehouse extension- Approved 03/08/2017

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
STR1 – New Development  
STR3 – Employment  
GEN1 – General Requirements for Development  
GEN2 – Development Inside Settlement Boundaries  
D1 – Design Quality location and Layout  
D2- Design  
D3 – Landscaping  
TWH1 – Development Affecting Trees and Woodlands  
L3 – Green Spaces  
WB1 – Species Protection  
AC13 – Access and Traffic Impact  
AC18 - Parking Provision and New Development  
EM5 – Expansion of Existing Concerns

#### **7.00 PLANNING APPRAISAL**

##### 7.01 Proposed Development

It is proposed to erect a 14,349m<sup>2</sup> extension to the western elevation of an existing industrial building (Use Class B2), together with associated landscaping, service yard and drainage infrastructure. This extension is to have the same floor level to the existing building. The ancillary offices will be on a first floor within the new building A

new office entrance area will be constructed to the existing building. The eaves height of the building will be 10.5m compared to the existing building height of 9.5m. There is to be a small area 60x30m with an increased height of 18.5m to accommodate state of the art storage facilities. The proposal also provides additional car parking of 16 spaces, the diversion of the watercourse and public footpath to the western part of the site within a new green space which includes a SUDs facility and new ecological habitat and the provision of landscape buffers along the northern and southern boundaries of the site.

An Aboricultural Impact Assessment and a Landscape and Visual Appraisal have been submitted with the planning application.

### Site Description

The Smurfit Kappa site is located on the southern side of Mold Business Park and bounded to the north by Maes Gwern and the bypass to the south. It has 3 points of access off Maes Gwern to the east, north east and north west. To the west of the site is an undeveloped plot which is naturally regenerated with vegetation. There is a substantial landscape bund to the front of the site along its western boundary with Maes Gwern. It is proposed to locate the warehouse extension to the east of the existing factory partially in an area of hardstanding and partially within the landscape bund area.

### Principle of development

The application site is within an established employment area and is adjacent to policy EM1 (18). Policy EM5 deals with the expansion of existing concerns.

It states:

*“Outside allocated sites, Development Zones or Principal Employment Areas the expansion of industrial concerns will be permitted only where:*

- a. it is located on land within or abutting the boundary of existing premises;*

The proposed development complies with this criteria.

- b. any new development is subsidiary to the existing operation;*

The proposed extensions are subsidiary and will support and enhance the existing operations on the site.

- c. the scale of the total cumulative development is in keeping with both the site and its surroundings;*

The site is located on an industrial estate. There is sufficient land around the existing facility to accommodate the proposed extension. While it does encroach into the landscape bund, additional planting and the remaining bund would still provide sufficient screening.



- d. *development relates physically to the scale, pattern and form of existing development;*

At present on the south side of the road further west is Tate and Lyle and further west is West Coast Energy offices. The extension, although significant in scale and massing, is considered suitable in this location. There are strategic landscape belts along the road side frontage which provide screening to the proposed development.

- e. *any new site boundary is logical, utilising existing features wherever possible, or incorporates suitable boundary treatment, supplemented by sensitive landscaping measures; and*

The proposed development does not encroach outside the current site boundary. While it does encroach into the landscape bund, additional planting and the remaining planting would still provide sufficient screening.

- f *the proposal is appropriate to the location and does not cause unacceptable harm to residential amenity or areas and features of landscape, nature conservation and historic importance.*

The site is on an established industrial estate however not all the land to the south of Maes Gwern has been fully developed. There is a new residential development to the north of the site although the intervening land is heavily screened. Community and Business Protection have raised no objections to the proposal.

It is considered that the proposed development broadly complies with all the criteria above. The location of the facility is driven by the requirements of the production line and the desire to make the business more efficient.

The site is identified as an employment allocation in the Mold Town Plan.

#### Scale and visual impact

The proposal represents a substantial extension to the existing operations. The floor area of the additions amount to 14,349 m<sup>2</sup>. The existing facility has a floor space of 22,876 m<sup>2</sup>, this includes a recent extension to the eastern elevation. The proposal will raise the height of the building in one area, however the prevailing scale of the extension will follow the existing building and is very much a continuation of what is there already. The site is of more than sufficient scale to enable the existing building to be extended with all ancillary development. The design of the proposal is appropriate and utilises suitable materials.

The site is well screened and the additional planting will mitigate any significant visual impact from the development.

### Landscaping

The proposed development does encroach partially into the existing bund and part of the landscape designation L3 (117). However, the proposal offsets the loss of landscaping by improving and rationalising the existing landscape and it is considered that it would not have a significant impact on the role of this landscaping, indeed there will be some planning gain from the improved landscaping provision. An Arboricultural Impact Assessment has been undertaken as the proposal will require the loss of a significant amount of trees from the site to facilitate the development. The Assessment considers that some of the existing trees are in poor health and are generally considered to provide low or transient landscape benefits. The Assessment concludes that the long-term retention of the trees is disproportionate to the employment benefits of the proposal, this is a conclusion with which I would concur. Furthermore the proposal allows for a significant amount of replanting, and indeed the new tree numbers exceeds that which offsets the trees in poor health which are to be removed. Existing trees on the southern boundary, which screen the site from the Mold bypass, are to be retained.

I consider that the proposal is acceptable in terms of the landscaping proposed with the submission. It is considered appropriate to impose a condition relating to the management of the green spaces post development.

### Flooding

In order to facilitate the development an existing watercourse is to be realigned to run adjacent to the western and northern boundaries of the site. It is not necessary to alter the upstream culvert outlet and downstream inlet structure. A flood consequence assessment has considered the impact of the development as the site lies within Flood Zone A. The NRW historic Flood Map indicates that the site is not known to have suffered from previous flood events. The development is not expected to impact flood risk elsewhere. NRW had previously responded to the pre-application consultation that they would not object to the planning application.

### Highways and Access

In preparing the application Traffic surveys have been undertaken at junctions of interest, and pre-consultation has been undertaken with Flintshire County Council as the Highways Authority, as well as Welsh Government Highways. A transport assessment and framework travel plan have been provided with the application. The details of this assessment has been accepted by the Highways Authority who have

raised no objection to the principle of the proposal. The Transport assessment concludes that the proposed development will not have any material detrimental implications for the surrounding highway network.

Whilst a Framework travel plan has been submitted and approved for consultation purposes, it is appropriate to impose a condition to require a full travel plan to be submitted for approval prior to the development beginning.

The Smurfit Kappa site originally had 106 car parking spaces available. The recently built warehouse extension provided 29 additional spaces, namely 24 immediately to the south of the new extension and 5 in front of its offices. An additional 20 spaces for HGV drivers has been provided on land owned by Smurfit Kappa to the north of Maes Gwern.

Therefore the existing car parking provision at the Smurfit Kappa site is  $106 + 29 + 20 = 155$  and there is the capacity for a further 23 spaces.

Consequently with the additional 16 spaces to be provided as part of the new extension, there is a total potential provision of 194 spaces. Taking account shift patterns, as explained in the Addendum to the Transport Assessment, this should be more than adequate to accommodate any future requirements and it is not considered that the proposal will give rise to any highways issues as a result of inadequate parking.

### Public Right of Way

The proposals will require the diversion of an existing public right of way, Public footpath 38. The existing route of the path bisects the site on a north south axis for a distance of 232.5 metres. The applicant has proposed a new route for the path which follows the site boundary and takes advantage of the new planting. A footpath diversion application would need to be made upon receipt of any planning approval. The response from both the Rights of Way department and local Rambler groups to the consultation was positive. The diverted route is longer, at a total distance of 520 metres, however it will be properly surfaced and landscaped and located, when it is inside the site, further away from the bulk of the building. This should ensure that the section of path is a more attractive route in comparison to the existing situation, where the footpath traverses low quality landscape and is unsurfaced and prone to drainage issues.

### Ecology

A Phase I habitat survey has accompanied the submission. The conclusions of the survey are that no significant habitat will be lost by conversion of the existing scrubland into commercial/industrial development. The site is of low-medium nature conservation importance. Some evidence was found of Badgers, although the conclusions of the report is that the site is used for foraging and scent marking and not breeding. Bat surveys conducted on site did not find evidence of bat roosting. Other species of mammals have been recorded close to but not on the development site.

The proposal introduces a range of enhancements of the site which will improve biodiversity across the site as a whole. It is appropriate to impose a condition to require these enhancements are carried out in accordance with the survey and in accordance with policy WB6 of the Flintshire Unitary Development plan.

### Noise

Given the proposed expansion of the existing industrial enterprise the potential noise impacts of the development have been assessed with regard to sensitive noise receptors in the vicinity.

A noise assessment has been undertaken on behalf of the developer and submitted in support of the application.

The primary noise producing activities associated with the proposal will be from internal operators and external vehicle movements. It should be noted that the site is an existing industrial site and will already be generating noise from its activities. Whilst the assessment concludes that noise emissions from the proposed development would result in no significant noise impacts on nearby noise sensitive receptors it should be noted that the report also mentions that the type, quantity and location of mechanical and electrical plant associated with the proposed development was not defined at the time of the assessment. As such it was not possible to fully quantify the noise impact upon the nearest noise sensitive receptors. Given that the noise from the plant has not been fully considered it is recommended that noise emissions from the plant are controlled by condition. With full details of noise emissions being submitted to the Local Planning Authority for approval before the proposal comes into operation.

## **8.00 CONCLUSION**

Whilst the proposed extension is large, the scale of the extension is considered to be in keeping with the scale and nature of the existing factory and is appropriate in this location. Visual impacts of the

proposal are mitigated by the landscaping proposal, which is also considered to be a planning betterment of the existing landscape. The proposal accords with the relevant development plan policies and I recommend accordingly.

#### 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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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 2 OCTOBER 2019**

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

**SUBJECT:** **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT LAND EAST OF VOUNOG HILL, PENYFFORDD.**

**APPLICATION NUMBER:** **060319**

**APPLICANT:** **TEVIR GROUP LIMITED**

**SITE:** **LAND EAST OF VOUNOG HILL, PENYFFORDD, CHESTER CH4 0EX**

**APPLICATION VALID DATE:** **2<sup>ND</sup> AUGUST 2019**

**LOCAL MEMBERS:** **COUNCILLOR DTM WILLIAMS**  
**COUNCILLOR C HINDS**

**TOWN/COMMUNITY COUNCIL:** **PENYFFORDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **DEPARTURE FROM DEVELOPMENT PLAN SCALE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This is an Outline application with all matters other than access reserved for future consideration for residential development at land to the east of Vounog Hill, Penyffordd, Chester. As the site is outside the settlement boundary for Penyffordd the application has been advertised as a departure.

Members will be aware that this scheme was previously considered at the September 2018 planning committee.

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

2.01 1. It is considered that it would be premature to grant planning permission given the cumulative amount of speculative development already allowed on appeal and as yet undeveloped in this settlement, and also given that the Deposit LDP has been approved by the Council for public consultation beginning on 30<sup>th</sup> September 2019. Given that the Deposit LDP has allocated the largest of these speculative appeal sites, whereby this settlement makes a significant contribution to the plan's overall housing requirement, any further grant of planning permission would not be in line with the strategy of the plan and would therefore prejudice it, and the consideration of its soundness as part of the deposit consultation and subsequent examination.

2. It is considered that there is insufficient evidence to identify the need to bring forward this speculative site outside the settlement boundary of Penyffordd/Penymyndd in advance of the deposit of the Local Development Plan. In the absence of the evidence of need, and in light of the satisfactory levels of residential housing completions, commitments and allocations in accordance with planned housing trajectory in the Deposit LDP, the Council does not attach considerable weight to the need to increase housing supply. The proposal therefore conflicts with paragraph 6.2 of TAN 1 and principles set out in section 4.2 of PPW 10 as it would prejudice the most appropriate housing sites from being brought forward as set out in the Deposit LDP.

3. It is considered the proposal, in outline form, does not demonstrate that the proposed site is genuinely available and free from physical and economic constraint, or that it could be delivered in advance of the adoption timetable for the LDP. In this regard the proposal conflicts with the aims of section 4.2 of PPW10 which seeks to ensure a plan-led approach to deliverable housing without delay. A further reserved matters application would be required to examine a range of fundamental issues which may demonstrate the site is undeliverable.

4. The proposal would result in a development which does not relate well to the existing pattern of development in the area, and would result in a fragmented form of development which does not integrate well with the existing built form. As such the proposal represents an illogical extension to the settlement which would be contrary to Policies STR1, STR7, GEN1, GEN3 and HSG4 of the Adopted Flintshire Unitary Development Plan

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor D Williams

No response at time of writing

Councillor C Hinds

No response at time of writing

Penyffordd Community Council

No response at time of writing

Highways Development Control

SAB approval required for this submission- not satisfied that an acceptable highways drainage solution can be provided.

Whilst I consider the formation of access to serve the development to be acceptable in principle, I advise that subsequent reserved matters application shall consider:

- Providing vehicular and pedestrian access from an adoptable road to the Community Open Space to ensure that maintenance can be ensured.
- Provide swept path analysis on the full technical submission.

Recommends conditions and advisory notes.

Public Rights of Way

Public footpath no. 7 crosses the site. The applicant must contact the RoW section before proceeding with any works. The legally defined public right of way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before design implementation.

Community and Business Protection

No response at time of writing

Welsh Water/Dwr Cymru

Dwr Cymru Welsh Water (DCWW) initially raised concerns surrounding the capacity of the local public sewerage network to accompany the foul flows from the proposed development.

However, Waterco consultants have since identified a total of 310m<sup>2</sup> surface water contributing area from the roof and concrete yard areas of the adjacent Emmanuel Church currently discharging into the 225mm diameter combined public sewer situated alongside Vounog Hill. In light of the above, DCWW can confirm that should the surface

water flows from the connected area (310m<sup>2</sup>) be redirected from the combined line into an existing ditch, we would be satisfied this would offset anticipated foul flows associated with the new development.

Having reviewed the FCA and Drainage strategy prepared by Waterco dated February 2018, DCWW consider the proposed drainage arrangements to be acceptable in principle and as such have no objection to the proposed development providing the following conditions and advisory notes are included in any planning consent.

### Education

Penyffordd C.P School

School capacity 259 x5% = 12.95 (13)

259 – 13 = 246 Trigger point for contribution is 246 pupils

(No. of Units) 37 x 0.24 (primary formula multiplier) = 8.88 (9) No Of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £110,313.00.

Actual pupils 244 + 9 (from the multiplier) = 253 meets trigger

253 – 246 = 7 x £12,257 = £85,799 (cannot ask for more contributions that development generates)

**Contribution required would be £85,799.**

Castell Alun Secondary School

School capacity 1240 x 5% = 62

Capacity 1240 – 62 = 1178 Trigger point for contribution is 1178 pupils.

(No of Units) 37 x 0.174 (secondary formula multiplier) = 6.43 (6) no of pupils generated x £18,469 per pupil (Building Control multiplier) = £110,814.

**Contribution required would be £110,814**

### Welsh Government- Land, Nature and Forestry

Recommends that the ALC survey is accepted

### Natural Resources Wales

NRW would not object to the proposed development.

### Airbus

Hawarden Aerodrome safeguarding has assessed against the safeguarding criteria and has identified that the proposed

development has an impact on operations and safeguarding criteria and conditions are required for mitigation.

Issues of: Bird strike

Construction Management Plan

Protection of Obstacle Limitation surfaces

Control of lighting

#### **4.00 PUBLICITY**

##### 4.01 Press Notice, Site, Notice, Neighbour Notification

26 Letters of Objection received

- Unchanged from previous application
- Traffic issues
- Loss of community use of 'sledging field'
- Local drainage issues
- Village losing its character following previous development
- Schools at capacity
- Lack of services- Doctors surgeries, local public transport
- Site outside village boundary
- Dangerous position of access
- Community cohesion
- Loss of agricultural land

#### **5.00 SITE HISTORY**

##### 5.01 058164- Outline application for residential development- Refused 11/09/2018

#### **6.00 PLANNING POLICIES**

##### 6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 – Housing

STR7 – Natural Environment

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN3 - Development Outside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG8 - Density of Development  
HSG9 - Housing Mix and Type  
HSG10 - Affordable Housing within Settlement Boundaries  
RE1 – Protection of Agricultural Land  
SR5 - Outdoor Play Space and New Residential Development  
EWP3 - Renewable Energy in New Development  
EWP14 – Derelict and Contaminated Land  
EWP16 – Water Resources  
Local/Supplementary Planning Guidance Notes  
LPGN 2 - Space around dwellings  
LPGN 4 - Trees and Development  
LPGN 9 - Affordable Housing  
LPGN 11 - Parking Standards  
LPGN 13 - Open Space Requirements  
Planning Policy Wales Edition 10 December 2018  
Technical Advice Note 1 : Joint Housing Availability Studies  
Technical Advice Note 11: Noise  
Technical Advice Note 12 : Design  
Technical Advice Note 18 : Transport

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is an outline planning application for up to 37 dwellings with details of the access provided, on land east of Vounog Hill, Penyffordd. All other matters are reserved for future consideration.

Members will be aware that an identical earlier scheme was refused by the Planning committee at the September 2018 committee for the following reason:

1. The proposal amounts to unjustified residential development within an area of open countryside. The proposal would result in a development which does not relate well to the existing pattern of development in the area, and would result in a fragmented form of development which does not integrate well with the existing built form. As such the proposal represents an illogical extension to the settlement which would be contrary to the provisions of Paragraphs 2.1.3, 4.6.4, 4.7.8 and 9.3.1 of Planning Policy Wales (9th Edition - Nov 2016) and Policies STR1, STR7, GEN1, GEN3 and HSG4 of the Adopted Flintshire Unitary Development Plan

Following this refusal an appeal was lodged with the Planning Inspectorate, however it was considered that the submission failed to consider part 2 Article 3 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as it did

not provide details of upper and lower limits of the dimensions of the buildings proposed.

As such this submission has been made, with the necessary dimension details.

### **Site Description**

The application site extends to 1.91 hectares and is located on the edge of the village of Penyffordd. The site is bound to the east by the former Meadowslea hospital site, Min y Ddol, to the south by properties along Wrexham Road within the settlement boundary and scattered properties and open countryside to the opposite side, properties along Vounog Hill to the west, and to the north lies open countryside. The site is fronted by Vounog Hill.

The site is undeveloped greenfield land bound by established hedgerows and scattered mature trees along its east, south and western boundaries.

The site topography slopes steadily towards the north, across the site towards higher ground where the Min y Ddol access road and associated houses are situated. There is an existing public right of way across the site, this is proposed to be retained, improved and incorporated within the proposed scheme for residential development.

### **Proposed Development**

This is an outline planning application for up to 37 residential units with associated access. It is proposed that the site will be accessed via a new central access off Vounog Hill, taking the form of a simple T-Junction with internal roads for the development. This would involve the removal of part of the hedgerow in order to achieve the required visibility splays.

A new footpath is proposed across the site frontage along Vounog Hill. A pedestrian refuge is also proposed. All other matters are reserved for future consideration.

There is no known planning history to the site prior to the previous submission. However, the land to the east has a planning history in that it is a residential development on the site of the former Meadowslea Hospital. The deposit UDP had a policy which provided advice on the re-use of redundant hospital sites, although this was later removed from the plan. Planning permission was granted on the site for residential development, now known as Min y Ddol.

## **The Current Planning Context**

Prior to the 18<sup>th</sup> July 2018 paragraph 6.2 of TAN 1 required “considerable weight” to be given to the lack of housing land supply provided that the proposal was otherwise policy compliant and sustainable. The disapplication of paragraph 6.2 has significantly altered this test.

A lack of a five year land supply still remains a material planning consideration however the Local Planning Authority now considers what weight should be attached to this matter in the overall planning balance rather than the assumption set out in paragraph 6.2 that considerable weight is always attached to this matter. It is also the case that albeit informally, and by the completions method, Flintshire can demonstrate a five year supply.

It is also considered a matter of material significance that within the last two years, decisions have been taken relating to applications and appeals for residential development elsewhere in this settlement. Three significant appeal decisions (the largest of which was ultimately made by the Cabinet Secretary) have, along with existing commitments, imposed a very significant amount of as yet undeveloped growth on this settlement amounting to a total of 261 units. Whilst each appeal case has been dealt with separately and on their individual merits, there has been a failure to note the cumulative effect of the amount of growth each decision has imposed on the settlement of Penyffordd/Penymynydd. It is the view of the LPA that the level of cumulative growth imposed on this settlement is a material factor, in terms of the questionable sustainability of adding to it, and the wider implications for the distribution of growth around the County via the emerging LDP which has now reached deposit stage and where more preferable and suitable sites have been allocated elsewhere in accordance with the spatial strategy of the plan. This was the approach ultimately taken with the last application for this site and I do not consider the situation to be materially different in favour of this application, especially as the larger of the appeal sites has been allocated in the Deposit LDP and is currently under construction and therefore clearly capable of the early delivery of housing.

Also relevant is the fact that the Deposit LDP has been approved by the Council to go out for consultation beginning on 30<sup>th</sup> September 2019, with the approved plan already in the public domain. The position reached with the LDP is therefore also material to the consideration of this application and in relation to the above context.

## **Prematurity**

There are a number of related factors to consider in relation to the prematurity of this application:



- The position reached with the LDP;
- Penyffordd's position/role within the LDP Preferred Strategy settlement hierarchy;
- The amount of cumulative housing growth already committed to this settlement.

Welsh Government guidance states that where an LDP is in preparation, questions of prematurity may arise. The refusal of planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of the plan. Where this cannot be demonstrated, applications should continue to be considered in light of policies within the UDP, and in accordance with national policy and guidance. In order to determine whether prematurity is an issue, Welsh Government advises that in order for a proposal for residential development, which is a departure from the development plan, to be considered premature in relation to the emerging LDP, it must be individually or cumulatively so significant that it would go to the heart of the emerging plan. That is, the proposal itself and in addition to other proposals, would together prejudice the LDP by predetermining decisions about the scale, location or phasing of new development which ought properly to be taken as part of developing the LDP.

Whilst on its own this application at 37 units would not meet this requirement, it is the view of the LPA that given the amount of growth recently imposed on this settlement by appeal decisions, the cumulative impact of adding to that with this application would be significant. This is quantified further later in this report.

Whilst account can be taken of policies in emerging LDPs, it is for the decision maker to decide the weight to attach to such policies, depending upon the stage of preparation or review. The Flintshire LDP is at the Deposit Consultation Stage defined by LDP Regulations 17-19. and has been approved by the Council to go out for consultation beginning on 30<sup>th</sup> September 2019. Whilst not adopted, given that the deposit plan has been approved by the Council and is already in the public domain, the Council considers that weight can be attributed to the LDP at this stage, in considering the conflict between it and this speculative proposal which contributes to the predetermination of the scale, location and distribution of development in this settlement and across the County at this crucial time in developing the Deposit LDP. This must particularly be the case where recent appeal decisions have cumulatively already affected the LPA's ability to not only determine the level of growth appropriate for the settlement, but elsewhere in the County via the LDP preparation process.

Accordingly, the refusal of this application in the above context on the grounds of prematurity is justified. Penyffordd and Penymynydd together are defined as a tier 3 settlement in the approved LDP Preferred Strategy sustainable settlement hierarchy. It is therefore

considered to be a sustainable settlement capable of accommodating a reasonable level of growth.

It is one of 22 settlements defined in tier 3 of the Deposit LDP sustainable settlement hierarchy. Whilst the LDP deliberately does not set settlement specific growth bands or targets for settlements, the Deposit Plan does set out a broad apportionment of growth by settlement tier, as follows:

Tier 1 47%

Tier 2 36%

Tier 3 14%

Tier 4 2%

Tier 5 1%

Whilst there is no absolute requirement for each settlement in each tier to accommodate some growth, the premise behind the LDP Strategy is that the most sustainable sites will be allocated in line with the sustainable settlement hierarchy. What also has to be factored in is that the need to identify new sites in the LDP (the residual requirement) will be net of housing already completed in the plan period, sites already with permission (commitments), and allowances for small site and windfall site development. The main effect of this is that the LDP has a significant range of site and settlement options from which to select and allocate the most sustainable.

To illustrate the contribution expected from tier 3 settlements overall towards meeting the LDP housing requirement, given the LDP housing requirement is 6,950 (7,995 with 14% flexibility) and the residual requirement is 874, at the percentage contribution from tier 3 settlements (14%), the expected contribution would be 973 and 122 units respectively.

In this context, the level of undeveloped housing commitments imposed by appeal on Penyffordd/Penymynydd is significant comprising 261 units from appeals at Rhos Road (north) 40, Hawarden Road (35), and Chester Road (186).

In opposing each of these appeals, the community has consistently raised concerns about the impact that the proposed development would have on the ability of the community and settlement to successfully integrate such growth, without negatively impacting on the cohesion of the existing community. The community has also consistently felt that consideration of growth for the settlement should properly happen via the LDP process. These concerns are reiterated in the comments section of this report.

Each of the above appeal decisions has been made incrementally and without regard to the cumulative effects of granting one appeal after another. Given where this leaves this settlement, consideration needs to be given as to how the growth of this settlement should be considered holistically, and against the approved Strategy of the LDP

and Deposit Plan. Otherwise, it simply cannot be a sustainable proposition to continue to incrementally consider speculative applications in this settlement, submitted on the basis of a lack of housing land supply and previous appeal 'successes', in compliance with the requirements of TAN1, notwithstanding disapplication of para 6.2.

Equally, the knock on effects and negative impacts of continuing to commit growth in just one LDP tier 3 settlement on the ability of the LPA to implement the agreed LPD Strategy, is potentially also very significant.

To illustrate just how much growth has been committed to Penyffordd/Penymynydd by recent appeal decisions, when the total growth committed (261) is related to the expected contribution to overall growth from tier 3 settlements set out above, the growth committed in this settlement represents 27% of the contribution from all tier 3 settlements to the overall LDP growth.

There are a number of clear implications from this:

- The commitments already imposed on Penyffordd/Penymynydd are significant and potentially already in conflict with the LDP Spatial Strategy;
- Penyffordd/Penymynydd already provides one quarter of the overall tier 3 contribution to the LDP housing requirement, without considering further proposals;
- The decisions taken incrementally in relation to appeals for Penyffordd/Penymynydd have cumulatively impacted on the Council's agreed Preferred Strategy and have directly influenced the Council's considerations in producing the Deposit Plan. The larger of the three appeal sites (186 units) has been allocated in the Deposit LDP to reflect the appeal decision and also to clarify that more than sufficient sustainable provision has been made for housing.

As a consequence, any further incremental grant of planning permission in this settlement will not only impact on the settlement directly and cumulatively, but elsewhere as the Council has agreed the Deposit plan and made more sustainable provision elsewhere.

Further incremental decisions about growth in Penyffordd/Penymynydd would therefore individually and in combination with existing undeveloped commitments, be so significant as to predetermine decisions about the scale, location, distribution and phasing of housing growth which ought properly to be taken in an LDP context and would prejudice the outcome of the LDP now at Deposit.

Given the stage reached, the Council has completed the plan making phase of plan production, and are now in the phase of testing and defending the plan's soundness via both the Deposit consultation and subsequent examination. Having set out its position clearly in terms

of meeting its housing requirement via sustainable allocations maintaining a five year supply, given the outline nature of the application and lack of evidence for the specific need applied for, it would not be appropriate or necessary to attach weight to the need to increase housing supply.

### **Principle of Development**

The site lies outside and adjacent to the settlement boundary of Penyffordd in the adopted UDP. In terms of adopted UDP policies, policy STR1 refers to the requirements of new development, while policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type. In this case, policy HSG4 is of most relevance, referring to new dwellings outside settlement boundaries. The policy aims to strictly control new dwellings outside settlement boundaries unless it is essential to house a farm or forestry worker at or very close to their place of work.

Given that the proposal is for up to 37 units and does not fall within the scope of the above policy framework, the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan, and has therefore been advertised as such. The applicant justifies the proposal on the basis of a lack of a 5 year housing land supply, the fact that the UDP is out of date, that the proposal represents sustainable development and that it would reconnect the former Meadowslea hospital development at Min y Ddol, resolving the current sense of distance from the village.

#### **a) The need for the Development**

This application has been submitted in the context of the lack of a 5 year land supply, the fact that the UDP is out of date, that the proposal represents sustainable development and that it would reconnect the former Meadowslea hospital development at Min y Ddol, resolving the current sense of distance from the village.

The applicant has undertaken an analysis of the LDP candidate sites on the register for the settlement of Penyffordd & Penymynydd, this is introduced at para.4.5 in the accompanying planning statement. This is presented in a tabular form whereby each site is assessed against the following:

- Appropriate scale
- Technical deliverability

- Balanced development of the village
- Does not compromise open space

The results of that assessment at that time demonstrates that the application site is the best scoring site. However, when compared to, for instance, the methodology for assessing candidate sites, the assessment presented is rather superficial. As the LDP process has now moved forward to deposit stage as outlined in paragraphs above the weight which can be attached to this assessment reduces significantly in the overall planning balance.

The table is presented in terms of the following conclusions:

- *‘The above has provided an overview of the sites reviewed by the Local Planning Authority within the Preferred Strategy Consultation Document and has justified why the Vounog Hill Site should be allocated as strategic housing land within the Preferred Strategy in advance of the other proposed sites.’*
- *‘The above demonstrates that the Vounog Hill Site is both deliverable and sustainable and will contribute towards the Local Authority’s Housing land supply, specifically in Penyffordd.’*

It was not possible for the application site to be allocated in the Preferred Strategy for the LDP, as it does not identify housing allocations (other than strategic sites). The Local Planning Authority considered that the site is not of a scale that would warrant consideration as a strategic housing site. It is also not understood how the assessment has established how the site is deliverable. The proposed deposit plan does not propose the site is allocated for housing and therefore the view of the Local Planning Authority is consistent.

Furthermore, paragraph 3.2 of the planning statement states that *‘this part of the Penyffordd is currently characterised by the separation of the hospital redevelopment housing from the main core of the village along Vounog Hill, which has created an anomaly to the visual layout to Penyffordd. This site presents the opportunity to reconnect the outlying residents of the hospital redevelopment housing, with the core of the village community, resolving the current sense of distance from the village.’* It is not considered that there is any anomaly with the visual layout of the settlement. Penyffordd is almost wholly on the western side of Vounog Hill whilst Penymynydd is predominantly on the eastern side of Hawarden Road.

The circumstances which led to the residential development at the former Meadowslea Hospital has been set out. It is not understood how the Min y Ddol development and its residents are either physically or socially separated from the village, given that the access road is only some 130m. Furthermore, it is not understood why it is necessary to seek to rectify this by building housing on the intervening

land. Given that the present pattern of development on this side of Vounog Hill, beyond the settlement boundary is sporadic and isolated in parts by open countryside, it is considered that the site relates poorly with the existing built form and pattern of Penyffordd, and will result in a block of development which could be seen as tantamount to an inappropriate urban sprawl, harmful to the character and appearance of the countryside and locality.

#### **b) Full Application**

In accordance with the Developer Guidance Note, the Council would prefer the submission of a full application to allow the Council to properly assess the proposal in terms of the need to be met, the housing to be provided, and the deliverability of the scheme. Outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, as without full information it may prove difficult for the Council to be satisfied that the proposal represents a sustainable and deliverable form of development.

The application is in outline and has been submitted by Strutt & Parker Land Agents on behalf of the applicant Tevir Group Limited, the background of which is not known.

The applicant does not provide comment in respect of their decision to submit an outline application. No explanation has been provided as to why the submission of a full planning application would not be prudent or necessary in this case, despite the recommendations made by the Council in respect of speculative applications.

#### **c) Sustainability Appraisal**

The application is supported by a 'Sustainability Appraisal' which provides commentary on how the proposal is considered to be sustainable in the context of the guidance in PPW. The applicant has undertaken an analysis of the site, and considers that it has been demonstrated that the application site scores highly against the respective criteria.

The conclusions of the appraisal are that the site has no constraints to development, and is directly adjacent to existing housing development and infrastructure, with the ability to walk to local services and amenities by foot. It is on this basis that the applicant considers the site to be a sensible site to be considered for housing development as a sustainable solution to providing housing needs at a well located site.

Further arguments in relation to sustainability of the site are advanced in the planning statement in terms of its proximity to a range of local amenities and services, by both bicycle and regular bus services. It continues to state that one of the key features of the site is its location, immediately adjacent to the settlement boundary of Penyffordd.

#### **d) Viability Appraisal**

On the previous submission a viability assessment was provided in the simplistic form of a paragraph within the Sustainability and Viability Assessment document submitted with that application. The paragraph referred to supporting documents that had been provided in relation to utilities, highways and drainage, and which confirm that there is adequate infrastructure capacity at the site with delivery of these services being achievable. In addition, the applicant acknowledges the need to comply with site specific contributions, such as public open space, highways improvements, education and affordable housing. There was no dispute to the contribution requirements that would be generated in respect of the proposed scale of development. The applicant continues, in this submission, to state a commitment to complying with the specific planning policy provisions, offering to provide the full 30% provision of affordable dwelling units on site. With reference to the outline form of the application and in the absence of a robust financial viability assessment, it is difficult to dispute the reality of the commitments being made by the applicant.

#### **e) Housing Delivery Statement**

The Council requires the submission of this essential evidence by the developer in order to demonstrate how the development can deliver housing to help to reduce whatever is considered to be the identified shortfall in housing supply, within 5 years from the application date. This should clearly identify a timeline for the development including the expected start date, the annual completion rate, as well as the expected completion date for the whole development. This should also clearly identify which developer(s) will be building the homes, as well as a statement that the land owner (where relevant) has agreed to the sale of the land on the basis of the scheme proposed, and will complete this agreement on the grant of planning permission thereby making the land immediately available for development.

Threaded throughout the planning statement, the applicant reiterates that the development is deliverable. However, in respect of the above Development Guidance Note commentary, it is not considered that the applicant has adequately demonstrated how the site can come forward within a 5 year period to meet the identified shortfall in housing supply. It is therefore considered that this application is wholly speculative in nature, and that the intention to deliver housing on this site has not been genuinely investigated.

It is considered unlikely that this site, if granted permission, could deliver housing in advance of than the expected adoption date of the LDP.

#### **Agricultural Land Classification**

An Agricultural Land Classification Survey was submitted as part of the submission. This was undertaken by Reading Agricultural Consultants Ltd in November 2017. This confirms that the main limitations to the agricultural land quality at the site is the soil wetness and workability which therefore limits most of the site to subgrade 3b with a smaller area of subgrade 3a (best and most versatile agricultural land) to the north of the site.

Welsh Government's Land Use Planning Unit have clarified that the submitted Agricultural Land Classification Study has been completed to a high standard, and is considered to provide an accurate indication of the agricultural land quality.

### **Highways**

The proposed vehicular access into the site is from a proposed new central access off Vounog Hill, allowing access to both the local and wider network. The application is accompanied by a Transport Statement which demonstrates that safe vehicular access to the proposed development can be made from Vounog Hill. It also highlights that the site is sustainably located and has good links to the public transport network; promoting the use of sustainable transport means.

Further representations have been made that the proposal will give rise to a level of traffic generation which would adversely affect the safety of existing highway users and is unsustainably excessive. The Local Highway Authority have considered the proposal and raise no objections on highway safety grounds. Accordingly, there is no objection to the proposals, subject to the imposition of conditions.

### **Landscape and Visual Impacts**

The application is accompanied by a Landscape Visual Impact Assessment (LVIA) undertaken by Ryder Landscapes Consultants in November 2017. The LVIA has considered the baseline landscape and visual environment through a desk top review of published documents and reports, supplemented and verified by fieldwork. This included the identification of a range of landscape receptors and visual receptors at fixed locations within the study area to create a series of viewpoints.

In summary, the LVIA concludes that through the aid of mitigation measures such as boundary treatments and planting, the landscape effects would generally reduce over time. It is accepted that with the exception of the built portion of the site itself, the landscape character will change permanently as a consequence of the development. In terms of visual effects, it is recognised that there will be change for the users on or close to the site, with the visual effects predominately limited to receptors local to the site; confirming that there are limited



mid or long range views affected by the proposals. The LVIA notes that users of local roads adjacent to the site will experience an ongoing change in their visual amenity. However, it is considered that the change will diminish as people become familiar with seeing houses in this particular location, and that the effects would reduce over time as the development becomes established. The proposed site forms part of a wider local and regional character area. No landscape receptors were assessed as experiencing significant effects post mitigation. In most part all trees and hedgerows of merit will be retained and enhanced as part of the landscape planting proposals; which are said to soften the built form and assimilate the development into the wider landscape context.

The submitted LVIA has not been reviewed by an independent Landscape Architect on behalf of the Council. Such reviews are only considered necessary should the Council resort to refuse the application on Landscape and Visual Impact grounds. As it is considered that the proposal fails in principle policy terms, and therefore does not comply with the development plan and national planning policies, an independent review of the submitted LVIA was not considered necessary.

However, the proposed site lies within open countryside as defined by the Adopted Flintshire Unitary Development Plan. I concur with the opinion of the previous case officer that the site is a constituent of its enveloping rural landscape character by virtue of its topography, openness, pasture use, vegetation and presence of settlement. It is not on the fringes of the rural character, but very much part of it. Historically, the settlement of Penyffordd/Penymynydd has an east-west layout with two historic cluster areas. This east-west form will be further accentuated through the recent appeal of 187 dwellings at Chester Road. In relation to the application site, the present pattern of development is concentrated to the west, while on east side of Vounog Hill, development is sporadic and isolated in parts by open countryside. It is considered that the location is counter to the pattern of the settlement, and will result in a block of development which will be harmful to the character and appearance of the open countryside.

### **Trees**

The application site consists of improved agricultural grassland with species poor hedges and occasional mature trees including a Black Poplar and Horse Chestnut.

The application is accompanied by a Tree Survey Report undertaken by 'acs consulting' tree consultants in November 2017. The report concludes that the site's principle constraints on development are T43 Poplar and off site tree T2. Tree T43 is a significant specimen in the landscape with veteran potential. The remaining trees within the site are unremarkable specimens of very limited merit or in such impaired

condition that they do not qualify in higher categories. They are trees offering low or only temporary/transient landscape benefits.

The proposal seeks to retain all hedgerows and trees including the trees as identified of significant merit within the scheme of development, employing tree protection measures where appropriate.

### **Ecology**

An ecological appraisal was submitted with the application undertaken by ETIVE Ecology Ltd. dated February 2018. The report concludes that the site has the potential to support roosting, foraging and commuting bats, nesting birds and other notable species of fauna. However, the proposal layout has been designed to retain all ecological features of potential value to include the existing hedgerow network and all mature trees, thereby avoiding and minimising ecological impacts to a minor level. Provided the habitat creation measures are implemented in full, and managed appropriately postconstruction, there should be no residual ecological impacts posed as a result of the scheme.

### **Drainage**

On the previous submission Welsh Water initially raised concerns surrounding the capacity of the local public sewerage network to accommodate the foul flows from the proposed development. However, Waterco Consultants have since identified a total of 310m<sup>2</sup> surface water contributing area from the roof and concrete yard areas of the adjacent Emmanuel Church is currently discharging into the 225mm diameter combined public sewer situated along Vounog Hill. In light of the above, DCWW confirmed that should the surface water flows from the connected area (310m<sup>2</sup>) be re-directed from the combined line into an existing ditch, we would be satisfied that this would offset the anticipated foul flows associated with the proposed new development.

I am advised in response to consultation by DCWW that there is no objection to the proposed development subject to the imposition of a condition that requires the removal of 310m<sup>2</sup> of surface water contributing area from the combined foul network as identified in the Flood Consequence Assessment & Drainage Strategy, to be completed in full and maintained thereafter to prevent surface water run-off from the application site and Emmanuel Church entering the combined public sewerage network.

In the absence of a more recent consultation response I consider that the current drainage position is as previously agreed.

### **Planning Obligations**

The infrastructure and monetary contributions that can be required from a planning application through a S106 agreement have to be assessed under 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.

### **Education**

The Capital Projects and Planning Manager has calculated the impact of the proposed development upon the local Primary and Secondary Schools. The capacity of Penyffordd Primary School is 259, excluding the Nursery, with 6 surplus places, the capacity of Castell Alun High School is already exceeded. In accordance with Supplementary Planning Guidance Note 23-Developer Contributions to Education contributions it was concluded that both primary and secondary schools would hit the triggers identified in that guidance.

However, with regard to the primary school, a new school has been constructed to replace the existing primary school and it is considered there will be sufficient places within the school and the approved two additional classrooms. As such no contributions are to be sought. Regarding the secondary school the authority has previously secured 5 obligations for this school. Therefore, in order to be in accordance with Regulation 123 of the CIL Regulations, further obligations can only be considered where they relate to a separate project to the existing obligations. As there is no current lawful infrastructure project identified an obligation cannot be required. Members this matter was rigorously tested in the consideration of application 059352 for 32 dwellings at Hawarden Road, where similarly it was concluded no obligation could not be required. Therefore if members were minded to approve the proposal no contribution to mitigate the impact on the secondary school could be required.

### **Open Space**

In accordance with the guidance within SPGN13 Public Open Space, it is proposed that a contribution of £1,100 per dwelling in lieu of on site provision (£733.00 for any affordable housing) is secured through

the proposed legal agreement. The payment were previously identified be used to improve teenage provision at Millstone Play area, Penyffordd.

### **Affordable Housing**

The applicant proposes to provide affordable housing in line with UDP policy HSG10. The application is to develop 37 no. dwellings, in accordance with the provisions of policy HSG10 at 30%, 11 units have been committed as affordable housing. Housing Strategy have previously supported the provision of 11 affordable properties on site, and recommended that the provision is delivered in the following format:

- 6 of the units should be a mix of 1 and 2 bed social rented properties, which should be delivered by one of the Council's partner Housing Associations, who would acquire the units direct from the developer; and

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5 of the units should be a mix of 2 and 3 bed units for affordable rent either delivered by a partner Housing Association or North East Wales Homes.

### **Other Matters**

· Third party objections have included concerns regarding the loss of the land as a recreational facility and open space for the community. The land is in private ownership and is not designated recreational or open space for the use of the community. Concerns have also been raised regarding lack of doctors, dentist and public transport. The sustainable nature of Penyffordd and associated infrastructure has been examined by several Inspectors in recent times. The Inspectors have consistently concluded that Penyffordd is a sustainable location and no evidence has been submitted by third party objectors to demonstrate that there is a lack of provision of these services. There has also been no evidence submitted to demonstrate how the development proposed would create a noise issue. As the proposal is in outline form it is not possible to consider issues relating to privacy and overlooking as if the application were approved these would be examined in a later reserved matters application.

## **8.00 CONCLUSION**

The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise.

In this instance, it is considered that the proposal amounts to unjustified residential development within an area of open countryside, whereby the proposed development would be detrimental to its setting. It would result in the loss of what is currently

an open, agricultural field and its replacement with built development and associated human activity. This is considered to have an adverse impact on the rural quality of the landscape, increasing the built form of development outside the settlement boundary, at the expense of the surrounding open countryside. In these terms, the proposed development would conflict with UDP policy STR7 requirement to protect and enhance the character, appearance and features of the open countryside.

Furthermore, the proposal would result in a development which does not relate well to the existing pattern of development in the area, and would result in a fragmented form of development which does not integrate well with the existing built form. As such the proposal represents an illogical extension to the settlement contrary to the relevant development plan policies.

In addition to the above, of material significance to the determination of this application are the large amount of commitments imposed on this settlement by appeal decisions, the disapplication of paragraph 6.2 of TAN1, and the position reached with the LDP.

In relation to the commitments imposed on the settlement by recent appeal decisions, these amount to 261 as yet undeveloped housing units. This is a large scale of growth for an LDP tier 3 settlement which represents 90% of the expected contribution of all tier 3 settlements to the LDP residual housing requirements for new sites.

This is already disproportionate and results from incremental appeal decisions taken with no regard for cumulative impacts on this settlement or the knock-on effects for the implementation of the LDP spatial strategy.

This is a key point and a failing of the way in which appeals have been dealt with incrementally in this settlement. These decisions have failed to recognise the point at which it becomes potentially unsustainable to keep on incrementally permitted growth in a balanced sense, or the effects on the wider plan making process.

Given the above, it cannot be a sustainable proposition to keep on approving incremental speculative applications, such as this proposal, without regard to the cumulative effect on this settlement, and wider strategic impact on the emerging LDP. This wider consideration cannot be made on the basis of determining an individual application, and notwithstanding the apparent potential sustainability of this proposal in its own right, this is outweighed by the need to properly consider the growth of this settlement and elsewhere in Flintshire, holistically, via the LDP process.

To determine the proposal now is therefore not a sustainable proposition. As such this guides the LPA is determining the weight to

attach to a lack of housing land supply, following disapplication of para. 6.2. Given the LPA is currently not required to apply “considerable weight” to this factor, a minimum requirement of the proposal to give weight to a lack of supply, must be that the proposed is sustainable at this time. From the above the LPA has demonstrated that this is not the case and as such the lack of a housing land supply is not sufficient to outweigh the harm that further incremental speculative growth would cause both to this settlement, and to the wider emerging LDP.

Given the above summary of the main issues I recommend that the application be refused for the reasons given in paragraph 2.01.

#### 8.01 Other Considerations

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

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

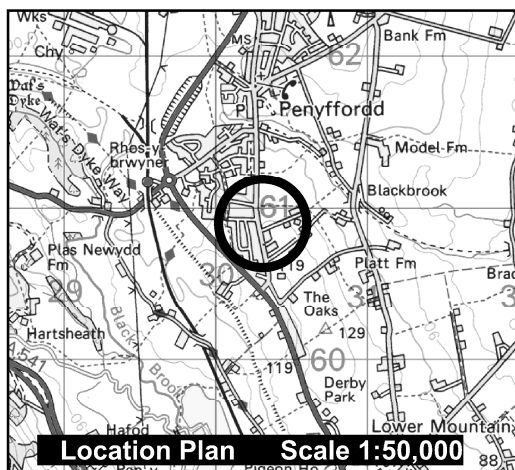
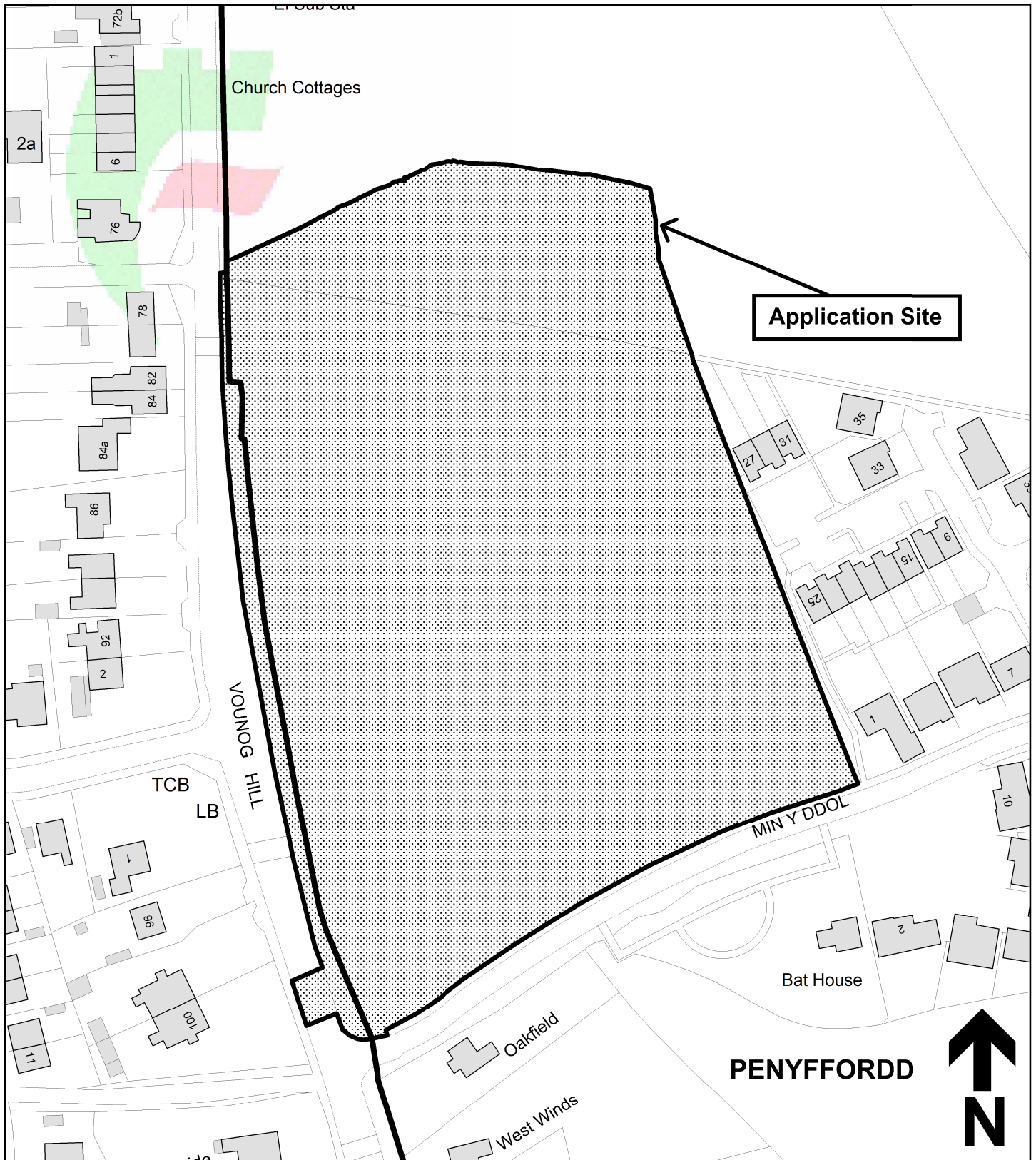
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

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



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

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



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

**Legend**

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

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Map Scale	1:1250
OS Map ref	SJ 3060
Planning Application	<b>60319</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> SEPTEMBER 2019**

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

**SUBJECT:** **FULL APPLICATION - INSTALLATION AND OPERATION OF A 2 MW GROUND MOUNTED SOLAR FARM AND THE ASSOCIATED INFRASTRUCTURE, INCLUDING: BATTERY STORAGE, SUBSTATION, INVERTER/TRANSFORMER UNITS, SECURITY MEASURES AND ACCESS TRACK AT FLINT LANDFILL SITE, CASTLE PARK, FLINT.**

**APPLICATION NUMBER:** **059862**

**APPLICANT:** **FLINTSHIRE COUNTY COUNCIL**

**SITE:** **FLINT LANDFILL SITE, CASTLE PARK, FLINT**

**APPLICATION VALID DATE:** **29<sup>th</sup> APRIL 2019**

**LOCAL MEMBERS:** **CLLR D COX**  
**CLLR M PERFECT**

**TOWN/COMMUNITY COUNCIL:** **FLINT TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SCHEME OF DELIGATION**

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

### **1.00 SUMMARY**

1.01 The proposal is a full planning application for a photovoltaic solar farm and ancillary works on land at Flint Landfill Site, Castle Park, Flint. The site extends to approximately 1.68 hectares. The main issues for consideration are:

- The principle of development,
- Character and appearance of the landscape,
- Aerodrome safeguarding,

- Highways safety,
- Designated nature conservation sites
- Scheduled Ancient Monuments

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

- 2.01
1. Commencement of development within 2 years.
  2. Carried out in accordance with the submitted details.
  3. No generation of electricity hereby permitted shall take place after 40 years from the date on which electricity is first transmitted from the site, nor after electricity ceases to be generated for a continuous period of 6 months, whichever is the earlier.
  4. No generation of electricity hereby permitted shall take place unless a monthly record is kept by the site operator of the amount of electricity generated that month; and that record shall be made available for inspection by the local planning authority.
  5. When electricity ceases as per the requirements of any of the circumstances in condition 3, within 12 months all plant/machinery/development to be removed and land restored to its pre-development condition in accordance with a scheme to be submitted to be agreed in writing with the Local Planning Authority prior to such works being undertaken.
  6. Prior to commencement, the submission of a construction traffic management plan.
  7. Prior to commencement the submission of an assessment of the potential impact of the diversion/alteration of surface water/rain water upon the adjacent sites and mitigation measures should they be necessary.
  8. Prior to commencement the submission of a report outlining how and when any wells/boreholes have been decommissioned.
  9. If, during development, unsuspected contamination is found to be present then no further development shall be carried out until a scheme of remediation has been submitted and approved.
  10. No infiltration of surface water drainage into the ground is permitted other than with the consent of the LPA
  11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the consent of the LPA
  12. Submission and implementation of a Biosecurity Risk Assessment.
  13. The protective measures detailed within the Habitats Regulations Appraisal are adhered to unless otherwise agreed in writing with the LPA

### **3.00 CONSULTATIONS**

#### **3.01 Local Members**

Cllr D Cox: No response has been received at the time of writing.

Cllr M Perfect: No response has been received at the time of writing.

#### Flint Town Council

No response has been received at the time of writing.

#### Highways Development Management

Raise no objection to the proposed development subject to a condition requiring a construction traffic management plan be submitted prior to commencement.

#### Public Protection

Raised no objection to the proposed development

#### Public Rights of Way

Considered the potential impacts upon Footpath 88 and 89 which abut the site and raise no objection to the proposed development

#### Sustrans

Considered the potential impacts upon the National Cycle Network and All Wales Coastal Path and raise no objection to the proposed development.

#### Ramblers Association

No response has been received at the time of writing

#### Network Rail

Raise no objection to the proposed development

#### Enterprise and Regeneration

Raise no objection to the proposed development

#### Natural Resources Wales

No Objection subject to conditions

#### Clwyd-Powys Archaeological Trust

Agrees with the conclusions of the submitted Heritage Impact assessments and raise no objection to the proposed development

#### Clwyd Badger Group

No response has been received at the time of writing.

#### CADW

Agrees with the conclusions of the submitted Heritage Impact assessments and raise no objection to the proposed development

North East Wales Wildlife

No response has been received at the time of writing.

North Wales Wildlife Trust

No response has been received at the time of writing.

Dee Wildflowers and Wetland Management Club

No response has been received at the time of writing.

RSPB Cymru

No response has been received at the time of writing

Dee Naturalist Society

No response has been received at the time of writing

North Wales Fire and Rescue

Raise no objection to the proposed development

North Wales Police

No response has been received at the time of writing

Airbus

Considered the potential impacts upon Hawarden Airport and raise no objection to the proposed development

John Lennon Airport

Considered the potential impacts upon John Lennon Airport and raise no objection to the proposed development

National Air Traffic Services

Considered the potential impacts upon in flight air traffic and raise no objection to the proposed development

**4.00 PUBLICITY**

- 4.01 The application has been publicised by way of a press notice, multiple site notice's and neighbour notification letters. There have been no written responses to public consultation exercise.

**5.00 SITE HISTORY**

- 5.01 059339 – Screening Opinion – EIA not required –15/01/2018

In addition, there are various historical applications in relation to use as a landfill site.

**6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy STR1 – New Development  
Policy STR7 – Natural Environment  
Policy STR10 – Resources  
Policy GEN1 – General Requirements for Development Control  
Policy GEN3 – Development in the open countryside  
Policy D1 – Design Quality, Location and Layout  
Policy D2 – Design  
Policy D3 – Landscaping  
Policy L1 – Landscape Character  
Policy WB1 – Species Protection  
Policy WB2 – Sites of International Importance  
Policy WB3 – Statutory Sites of National Importance  
Policy WB6 – Enchantment of Nature Conservation Interests  
Policy AC2 – Pedestrian Provision and Public Rights of Way  
Policy AC13 – Access and Traffic Impact  
Policy EWP1 – Sustainable Energy Generation  
Policy EWP5 – Other Forms of Renewable Energy Generation  
Policy EWP11 – Development on or adjacent to Landfill Sites  
Policy HE6 – Scheduled Ancient Monuments and other Nationally Important Archaeological Sites

Flintshire County Council Supplementary Planning Guidance

SPGN No. 3 Landscaping

SPGN No. 6 Listed Buildings

SPGN No. 8 Nature Conservation & Development

National Policy and Technical Advice

Planning Policy Wales: Edition 10

Technical Advice Note 5: Nature Conservation & Planning (January 2009)

Technical Advice Note 8: Renewable Energy (July 2005)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 24: The Historic Environment (2017)

**7.00 PLANNING APPRAISAL**

The Site and Surroundings

- 7.01 The site comprises an area of some 4.7 hectares of land on the site of the former Flint landfill site. The site has a domed appearance and is largely grassed in nature which some areas of established vegetation. The site is bounded by a belt of mature deciduous woodland planted onto a bund on all sides. Areas of open countryside lie to north west and south. The land to the east comprises Castle Park Industrial Estate which is adjacent to Flint Castle, a Scheduled Ancient Monument. The land to the north is characterised by the remaining area of landfill and the River Dee Estuary. The Dee Estuary

has been designated for its ecological importance, including as a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI). The site is encircled by Public Footpaths, with 77, 88 and 89 bounding the east, south and west boundaries, and the All Wales Coastal Path to the north boundary. Access to the site is from the south east via the existing entrance off Castle Park Industrial Estate.

### The Proposals

7.02 The proposals seek permission the construction and operation of a circa 2MW solar farm development and the associated infrastructure at Flint Landfill, including:

- Solar PV modules mounted on to arrays with concrete plinths;
- 2 x Inverter/ Transformer units;
- 2 x battery storage containers;
- Access tracks;
- Onsite cabling;
- Fencing and security measures; and
- Substation

7.02 The solar panels will be mounted posts which are proposed to be secured using a non-invasive concrete ballast foundation. The t the arrays would have a clearance above ground level (agl) of approximately 1.0m and an upper height of no more than 3.0m agl, angled at 20 degrees to the horizontal. Each panel will be 4.2m in depth from front to rear and will be arranged in rows of varying lengths. The panels are treated in a non-reflective coating and have a dark surface appearance. The solar farm layout comprises five areas of solar panels, each of these areas would be fenced and secured, with no access to the general public. Each of the solar module areas would be enclosed by green wire mesh security fencing, measuring 3m in height. Inward facing CCTV cameras would be mounted on to the security fencing.

7.03 Two inverter/ transformer units are required to control the voltage of the electricity generated across the Proposal, prior to reaching the substation. The solar PV modules would be connected to inverter units to convert the direct current produced by the modules in to alternating current, which is compatible with the local electricity distribution network. The inverter/ transformer units would be raised off of the ground by 0.5m with an overall height of 3.4m, length of 12.2m and width of 2.5m.

7.04 An existing access track runs through the Application Site in a south to north direction from the main access point. This track would be utilised to gain access to each of the solar PV module areas. A new

section of access track is proposed to allow access to the most southern solar PV module area.

- 7.05 A substation along with two containerised battery storage units would be positioned adjacent to the site's access road. In addition two containerised battery storage units will be sited adjacent to the substation which will allow for the storage of electricity during times where demand on the local distribution network is low. The battery storage containers would measure 12.2m in length, 2.4m in width and 3.4m in height and be located adjacent to the substation.
- 7.06 The proposal seeks permission for the use to be temporary for a period of 40 years with the land reverting back to its current state after this period unless a further grant of permission is made.
- 7.07 The application is accompanied by the following information in support of the proposal:
- Planning and Policy Statement
  - Pre Application Consultation Report
  - Design and Access Statement
  - Ecological Appraisal
  - Landscape and Visual Impact Assessment
  - Heritage Impact Assessment
  - Transport Statement
  - Flood Consequence Assessment
  - Geo-Environmental Site Investigation Report
  - Solar Photovoltaic Glint and Glare study

#### The Main Issues

- 7.08 The Main Issues I consider the main issues for consideration in connection with this application are:
1. The principle of development having regard to national policy and local planning policy;
  2. Ecological impacts upon the SSSI, SAC, SPA and Wildlife Sites;
  3. Impacts upon Scheduled Ancient Monument, Flint Castle;
  4. Impacts upon the visual character and appearance of the landscape;
  5. Impacts upon Aerodrome Safeguarding; and
  6. Highway safety.

#### National Planning Policy

- 7.09 National Policy and Guidance The Welsh Government (WG) has clear priorities to reduce carbon emissions, with one of the important ways of delivering this being through the continued development of

renewable energy generating projects. TAN8 included a target of 4 Twh per annum of renewable energy production by 2010 and 7 Twh by 2020.

7.10 PPW advises that the WG's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimizing, environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production.

7.11 When considering planning applications for renewable energy schemes, WG advises that planning authorities should take into account:-

- The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy.
- The wider environmental, social and economic benefits and opportunities from renewable energy and low carbon development.
- The impact on the national heritage, the coast and the historic environment.
- The need to minimize impacts on local communities, to safeguard quality of life for existing and future generations.
- To avoid, mitigate or compensate identified adverse impacts".

7.12 In addition to this there is a raft of further key documentation relevant to the proposal, for example, EU Energy Strategy 2020, Climate Change Strategy for Wales (2010), Energy Wales a Low Carbon Transition (2014), Planning implications of Renewable and Low Carbon Energy – Practice Guidance (Welsh Government, 2011) and Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (Welsh Government, 2015).

#### Local Planning Policy

7.13 There are a number of strategic and general policies within the UDP which are applicable to this proposal and I consider each in turn below:

7.14 STR1 New Development - Advises that development should generally located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites and will only be permitted outside these areas where it is essential to have an open countryside location. Whilst located outside the settlement boundary of Flint, the site constitutes brownfield land by virtue of its former function as landfill site.

7.15 STR7 Natural Environment – One of the stated aims of this policy is to safeguard Flintshire's natural environment by protecting and enhancing the character, appearance and features of the open countryside. The site is within an area of open countryside but abuts



the settlements and adjoins areas of industrial and commercial development

- 7.16 STR10 Resources – Criterion a) requires that new development must make the best use of resources through utilizing suitable brownfield land wherever practicable in preference to greenfield land or land with ecological, environment or recreational value. The brownfield nature of the site satisfies this requirement. It should also be noted that whilst the site abuts the designated wildlife sites to the north, it is excluded from the designation. Provided the proposals do not adversely affect features of these wildlife sites, then I am satisfied that the proposal is policy compliant. I am also satisfied that proposal accords with criterion e of STR10 in that it clearly utilizes clean, renewable and sustainable energy generation
- 7.17 Policy GEN1 requires that proposed development should harmonise with the site and surroundings and, amongst other matters, the development should not have a significant adverse impact on recognised wildlife species and habitats. The appraisal below illustrates that the proposals accord with these general policy aims.
- 7.18 Policy GEN3 sets out those instances where development will be permitted in the open countryside and criterion j refers to other development which is appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere. I have stated earlier that I consider the site to constitute a brownfield site. Accordingly, whilst the proposals is not of such a size where an open countryside location is essential, the site itself is unsuitable for most other forms of built development by virtue of it lastly being used as a landfill site and in principle, proposals of this form can be accommodated on brownfield sites.
- 7.19 Taking all of the above into account, I am comfortable that the proposals satisfy the requirements of national and local policy as a matter of principle.

#### Ecological Impact

- 7.20 Policy WB1 outlines that development should not have significant adverse effect on important species or their habitats unless appropriate measures are taken to secure their long term protection and viability. In addition, Policies WB2, WB3, and WB4 state that development will not be permitted unless it is demonstrated that development will not have a significant adverse impact upon site of international importance, statutory sites of national importance or local wildlife sites.
- 7.21 A Preliminary Ecological Appraisal has been submitted in support of the application which included a phase 1 habitat survey. The phase 1 habitat survey covered a larger area than the proposed Application

Site boundary. The habitats identified onsite included a series of semi-improved grassland areas, with scattered small and mature trees and broadleaved woodland, scattered and dense scrub and some bare ground with short perennial vegetation.

- 7.22 The appraisal considered the proposals impact upon protected species, including birds, bats, badgers, and reptiles, and found that the proposal is unlikely to have a significant adverse effect upon these species. The submitted reports suggest that a further reptile survey should be undertaken prior to commencement to which will inform suitable mitigation measures.
- 7.23 The site is adjacent to the Dee Estuary is designated for its ecological importance, including as a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI, along with the Flint Marsh Wildlife Site which lies adjacent to the western site boundary
- 7.24 The Preliminary Ecological Appraisal has not identified any significant effects upon any of the international, national or local designations located within close proximity to the Application Site

#### Impact Upon Scheduled Ancient Monument

- 7.25 The site is within 500m of Flint Castle, a Scheduled Ancient Monument. Policy HE6 states that development which would remove, damage or obscure a Scheduled Ancient Monument or other nationally important archaeological site, or its setting will not be permitted.
- 7.26 A Heritage Impact Statement prepared by a Heritage Archaeology has been prepared in support of the proposed development. The assessment has concluded that due to the intervening buildings and vegetation there are no views between Flint Castle and the proposed solar farm and therefore concluded that the proposed development will have no impact on the setting of the scheduled monument. Cadw, CPAT, and the Councils Conservation Department have been consulted and raise no objection to the proposal

#### Landscape Impact and Appearance

- 7.27 The application is accompanied by both a Landscape and Visual Appraisal, and Glint and Glare study, both of which assess the proposals visual impact locally and from the AONB. The site is within a relatively flat landscape set between agricultural land and the Castle Industrial Estate. The site is a restored landfill which benefits from significant and established boundary treatments ordinary designed to screen the site from the settlement of Flint. The development will therefore be screened from rail user, road users and the majority of

- 7.28 residential properties within Flint. The site will be visible from the north facing properties Castle Heights which is 0.5km from the site. However given these properties have panoramic view of the estuary, the proposals impact upon this will be minor when viewed next to the existing Castle Park Industrial Estate.
- 7.29 The site is bounded on all sides by public rights of way, with the Wales Coastal Path to the North of the site. Views from the Coastal path and surrounding public footpaths are limited with existing established screening providing a natural buffer between the development and users of the footpath. There is a signposted viewing point with a sculpture located above the Coastal Path and immediately adjacent to the development site. Screening has been planted in this area, in the form of a hedge, and once established will screen the development from view. The viewing point allows for panoramic views of the estuary, away from the proposed development.
- 7.30 The impact upon the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, which is some 11km away, has also been considered. The submitted Glint and Glare Study has considered the proposed impact on a number of locations within the AONB with both the nearest point and the viewing platform on Moel Famau being considered. The report concludes that solar reflection would not be geometrically possible towards these reference points. The submitted Landscape Appraisal also concludes that the development would have a very limited impact upon the outlook from the AONB. Given the distance to the development, the impact upon the overall outlook would be very minor and will be viewed against the settlement of Flint.

#### Aerodrome Safeguarding

- 7.31 AIRBUS, John Lennon Airport and National Air Traffic Services have been consulted upon the application which includes a Glint and Glare report. None have raised any objection from an aerodrome safeguarding perspective.

#### Highways Safety

- 7.32 The site is accessed via Castle Park which forms part of the highway network. The application was accompanied by a Transport statement which has been the subject of consideration by the Local Highway Authority. The highways officer raises no objection to the proposal subject to a condition requiring a construction traffic management plan to be submitted prior to commencement.

## **8.00 CONCLUSION**

The proposed development is therefore considered acceptable in both principle and detailed matters subject to conditions outlined in paragraphs 2.01 above.

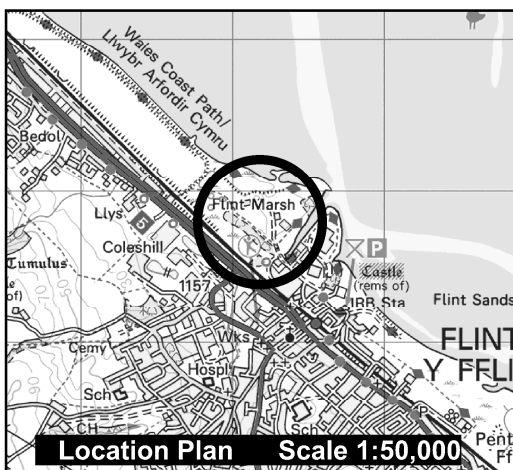
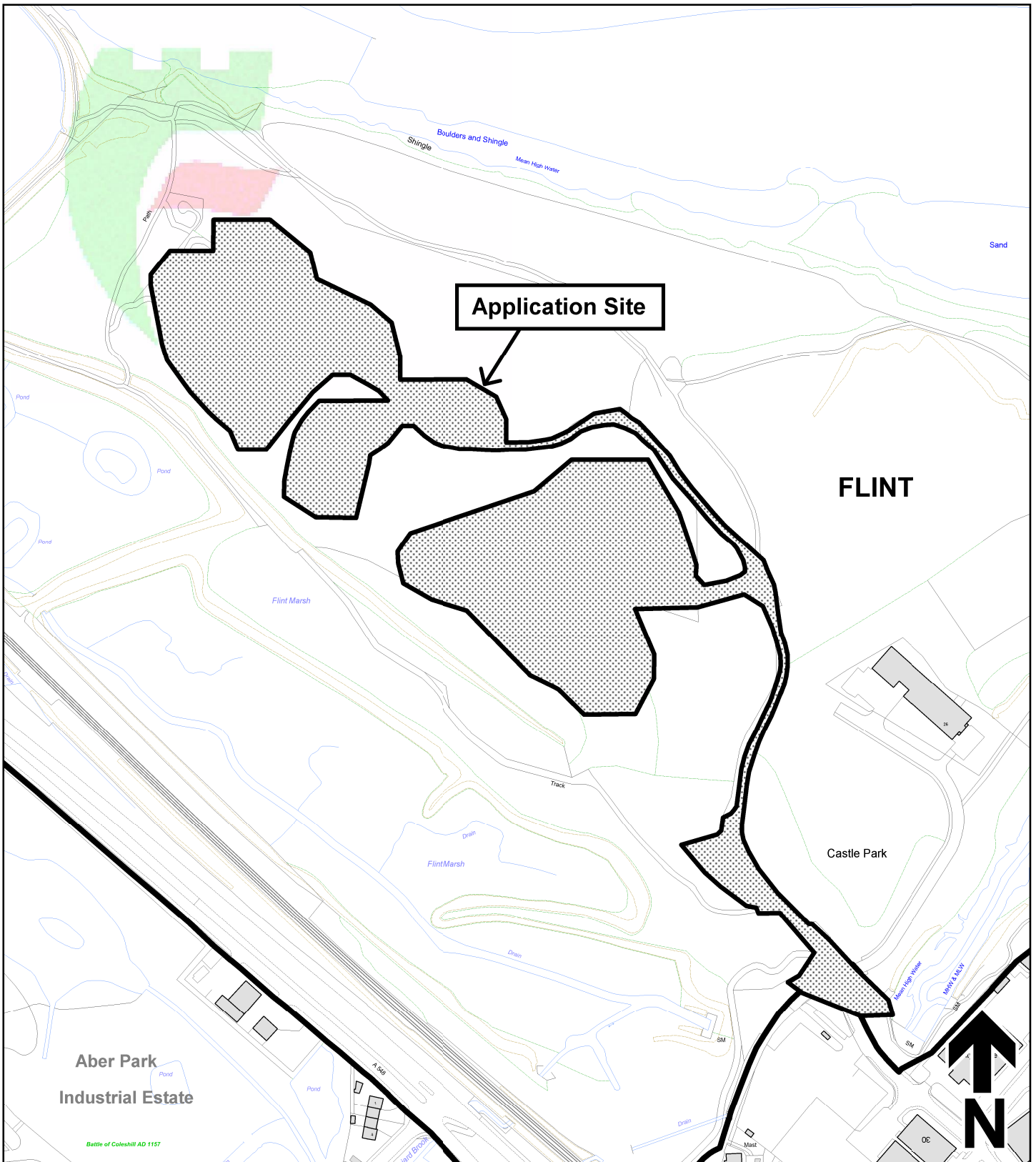
### **8.01 Other Considerations**

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.



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

**Legend**

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

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Map Scale	1:3500
OS Map ref	SJ 2473
Planning Application	<b>59862</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:**

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

**SUBJECT:** **APPEAL BY MS N. YOUNG AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FR THE APPROVAL OF DETAILS RESERVED BY CONDITON NOS 17 (METHOD STATEMENT FOR THE REPAIR OF THE ROOF) AND 20 (PROPOSED INSULATION) ATTACHED TO PLANNING PERMISSION REF: 057421 AT PEN Y CEFN FARM, RHYDYMWYN – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 058874

**2.00 SITE**

2.01 Pen y Cefn Farm  
Garreg Boeth  
Rhydymwyn  
Flintshire  
CH7 5HP

**3.00 APPLICATION VALID DATE**

3.01 31<sup>st</sup> July 2018

**4.00 PURPOSE OF REPORT**

4.01 To inform Members of a decision in respect of an appeal, following the decision of the Local Planning Authority, under delegated powers, to refuse to discharge conditions Nos 17 and 20 of listed building consent Ref 057421 at Pen y Cefn Farm, Garreg Boeth, Rhydymwyn

The appointed Planning Inspector was Iwan Lloyd. The appeal was determined via written representations and was DISMISSED

**5.00 REPORT**

- 5.01 Listed building consent was granted on 30/11/2017 for minor alterations and major refurbishment of the Grade II listed building, subject to conditions. The appellant submitted details for approval of conditions 17 and 20, these were refused by the Council and were the subject of this appeal. Condition 17 requires a detailed method statement for the repair of the roof to include timber components, external covering, verge, eaves, gable, valley, barge board and torching treatment and samples of replacement materials. Condition 20 requires the details of proposed insulation to be installed in the building. Both conditions required details prior to the commencement of development.
- 5.02 The re-roofing works were undertaken prior to the Council's decision to refuse the application and the appellant set out the reasons for that action. This the appellant contended was due to the Council's alleged delay in processing the appeal application and the separate ecology matters, and as the roof needed urgent repair, action was necessary to safeguard the building from water ingress from inclement winter weather. The appellant maintained that the roof works amount to 'like-for-like repair' and asserted that this was done with agreement with the Council.
- 5.03 However, the removal of the front dormers which was included in the appeal application was not covered in the listed building consent and goes beyond its terms such that the inspector felt it could not be considered in this appeal. He concluded that these works were beyond the ambit of an approval of condition and the listed building consent which authorises the extent of repair and refurbishment.
- 5.04 The significance of this C16 minor gentry house is due to its plan-form, its affinity with local hall houses of the C16 and that it is a fine and rare example of a largely unaltered building of this age and type. The roof timbers and roof covering form an integral component of the historic and architectural significance of the building. Whilst elements of the repair/restoration are sympathetic, the Inspector felt that there was missing information on key components of the conditions as set out in detail above. Furthermore, approval of the conditions cannot be discharged if they include information not linked to that condition or include works which goes beyond that originally consented under the parent listed building consent. In this instance, the Inspector concluded that the submissions included extraneous information and go beyond the remit of the listed building consent.



## **6.00 CONCLUSION**

- 6.01 The Inspector concluded that the absence of information on important components of the conditions and the inclusion of extraneous information mean that I cannot be satisfied that the proposed works would preserve the listed building or its setting, or any features of special architectural or historic interest which it possesses. . For the reasons outlined above, and having had regard to all other matters raised, the Inspector dismissed the appeal for approval of details pursuant to conditions Nos 17 and 20 of listed building consent Ref 057421 be refused

### **LIST OF BACKGROUND DOCUMENTS**

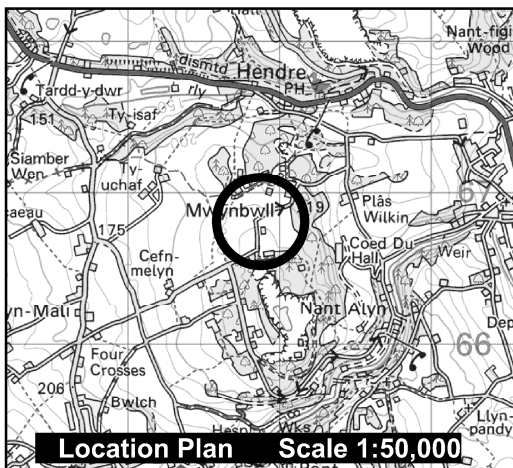
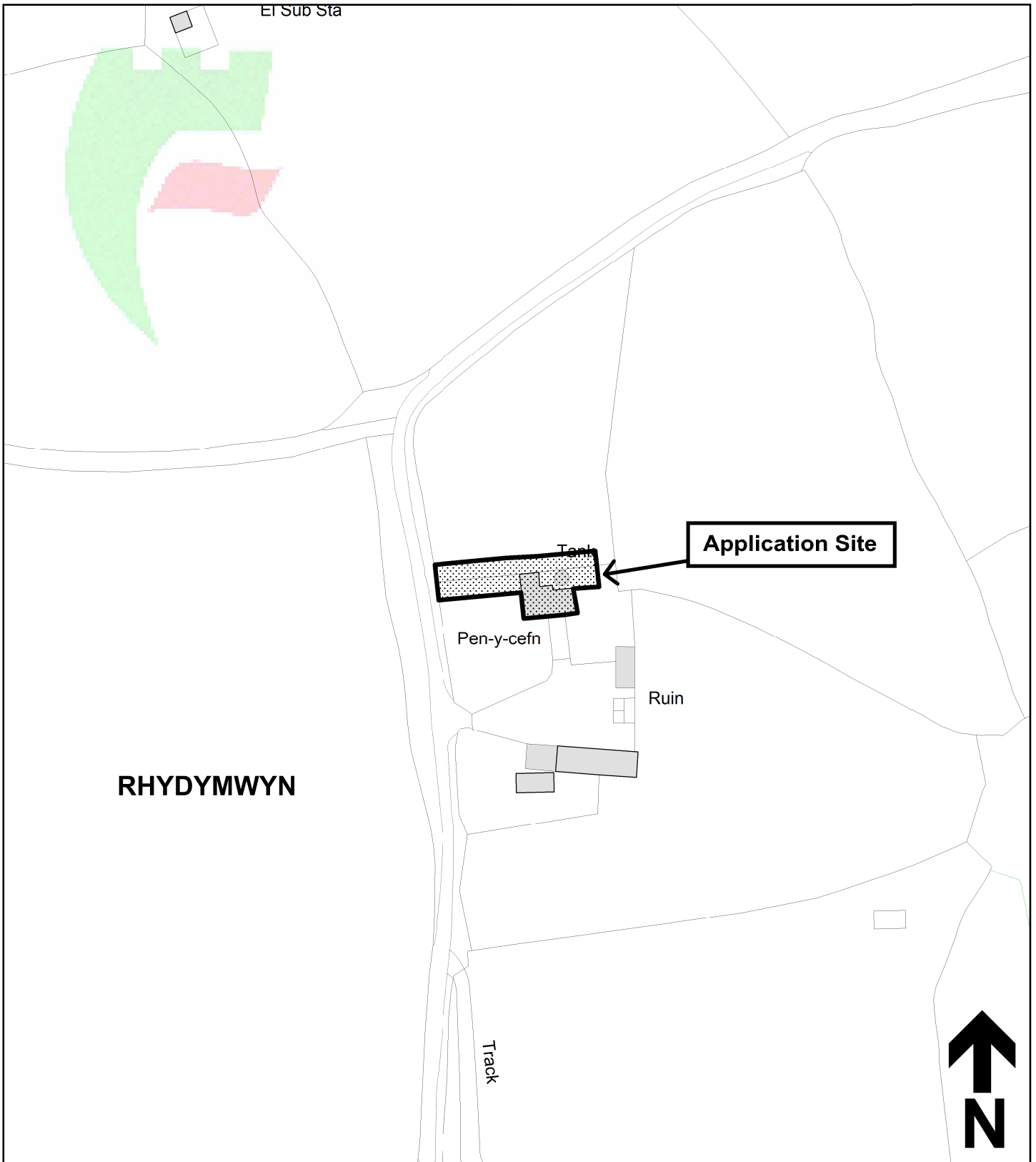
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer: Mr D McVey**

**Telephone: 01352 703266**

**Email: [Daniel.mcvey@flintshire.gov.uk](mailto:Daniel.mcvey@flintshire.gov.uk)**

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

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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OS Map ref SJ 1866

Planning Application **58874**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **2<sup>ND</sup> OCTOBER 2019**

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

**SUBJECT:** **APPEAL BY MR. S. LLOYD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR DEMOLITION OF EXISTING DWELLING AND ERECTION OF 3 NO. TOWN HOUSES AND GARAGE AND CONSTRUCTION OF NEW VEHICULAR ACCESS AT PARKFIELD, LLANASA ROAD, GRONANT – ALLOWED.**

**1.00 APPLICATION NUMBER**

1.01 059124

**2.00 SITE**

2.01 Parkfield  
Llanasa Road  
Gronant

**3.00 APPLICATION VALID DATE**

3.01 17<sup>th</sup> October 2018

**4.00 PURPOSE OF REPORT**

4.01 To inform Members of a decision in respect of an appeal, against the refusal planning permission for the demolition of existing dwellings and erection of 3no. town house including the erection of garages and construction of a new vehicular access.

The application was referred to the April 2019 Planning Committee with a recommendation of approval, subject to conditions and a Section 106 agreement. Members resolved to refuse planning permission for the following reasons:

1. The proposed terraced row of two storey dwellings would not harmonise with the site or the surroundings. The proposed use of space and layout of the dwellings, garages and parking areas will dominate the site and have an adverse impact on the

character and appearance of the area. The proposal is therefore in conflict with Policy GEN 1 (a) of the UDP.

2. The proposed development would have an unacceptable effect on the highway network due to the volume of traffic which would be generated from the development using a restricted access onto a busy road. The proposal is therefore in conflict with Policy GEN 1 (f).
3. The proposed development would not have appropriate or convenient access to public transport as there are no bus stops which can be safely accessed on foot from the proposed development. The proposal is therefore in conflict with Policy GEN 1 (g).

The appointed Planning Inspector was Claire MacFarlane. The appeal was determined via written representations and was ALLOWED, subject to conditions and a Section 106 agreement.

## **5.00 REPORT**

### Main Issues

- 5.01 The Inspector the considered main issues to be the Councils reasons for refusal, which are:

- The effect of the proposed development on the character and appearance of the surrounding area;
- The effect on highway safety; and
- Whether the proposal makes provision for suitable access to public transport for pedestrians.

5.02 Character and appearance

The proposed development would result in a higher density of development within the plot than currently exists and would be more visible due to the increased height of the proposed dwellings. However, the Inspector considered that due to the variety of dwelling types and plot sizes in the surrounding area, there is no overall dominant pattern of development or density. Two-storey dwellings are also prevalent within the surrounding area and the introduction of three small dwellings would not be out of place within this context. The Inspector considered that the position of the appeal site below road level would also limit the visual impact from the increased height of the proposed dwellings when viewed from the road. She states that the proposed development would not be unduly prominent, particularly when viewed in the context of the elevated dwellings to the south.

- 5.03 The inspector considered that due to the ground level of the site falling away from Llanasa Road and the orientation of the proposed dwellings and garages, the area of hardstanding, garages and parking spaces would not dominate the site's frontage along the road. The parking and turning provision proposed would therefore not be out of keeping with the surrounding area.
- 5.04 The Inspector concluded that the development would not be harmful to the character and appearance of the area and complies with Policy GEN1 of the UDP, which seeks to ensure developments harmonise with the site and surroundings.
- 5.05 Highway safety
- The Inspector considered that the proposed arrangements would represent an improvement upon the existing site access with regard to visibility for vehicles entering and exiting the site, and also for those travelling along Llanasa Road. Although the proposed development may give rise to an increased number of vehicle movements to and from the site, due to the improved visibility, access arrangements and low levels of traffic, this would not significantly prejudice highway safety.
- 5.06 The Inspector also considered that there was no evidence to suggest that parking provided would be insufficient to meet the needs of this particular development and that a higher parking standard should be applied. Also, at the time the appeal site visit there was no evidence of on-street parking in the immediate area, which suggests it is not an area of particularly high parking stress at present. Therefore, the potential for on-street parking, and the extent to which this would occur, is limited and would not represent a significant risk to highway safety.
- 5.07 The Inspector concluded that the development would not be harmful to highway safety and complies with Policy GEN1 of the UDP, which seeks to prevent unacceptable effects on the highway network.

Public transport

- 5.08 The appeal site is located within the settlement boundary of a Category B settlement, as defined in the UDP. The principle of development being acceptable has therefore been established at both the appeal site and within Gronant, on the basis that it is a sustainable location with access to public transport and facilities. The proposed development would therefore accord with the settlement strategy of the UDP.
- 5.09 The nearest bus stop is located approximately 250m from the site, with a footway available on at least one side of Llanasa Road for approximately half of this distance. Pedestrians would be required to

walk in the road for the remaining distance. Due to the traffic conditions described above, the width of the road allowing for vehicles to pass pedestrians, the limited increase in pedestrian movements likely to arise from an additional two dwellings and the relatively short distance involved, this would not represent an unacceptable risk to pedestrian safety.

- 5.10 The Inspector concluded conclude that the development does not conflict with Policy GEN1 of the UDP, which seeks to ensure developments have convenient and appropriate access to public transport.

#### Other Matters

- 5.11 The inspector also considered a number of other matters which were raised by third parties during the course of the appeal.
- 5.12 The Inspector considered that given the separation distances between the nearest dwelling, and the existing high boundary hedges of both, there would not be unacceptable harm to the outlook from Glas-for as a result of the proposed development. With regard to the potential for increased noise and disturbance, whilst there may be increased activity within and around the site, it is unlikely that an additional two dwellings would give rise to such a significant adverse effect on the living conditions of neighbouring occupiers that a refusal of planning permission would be warranted. The Inspector considered the proposed development would therefore not be harmful to the living conditions of neighbouring residents.
- 5.13 Due to the small number of dwellings proposed, the Inspector considered that any additional demand on local services and infrastructure would be limited and there is no evidence before me to suggest such demands could not be accommodated. She therefore give this little weight in reaching my decision. The Inspector noted the comments from residents regarding previous mining operations on the site, the adequacy of the details provided regarding drainage and the effect of the proposed development on wildlife. However, conditions are imposed regarding these matters. She also note comments regarding the loss of property value as a result of the proposed development, however it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

#### **6.00 CONCLUSION**

- 6.01 The Inspector considered the proposal accorded with the identified UDP policies and national guidance in respect of the main issues. Accordingly he ALLOWED the appeal subject to a number of conditions and a Section 106 agreement in relation to public open space contributions.



**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

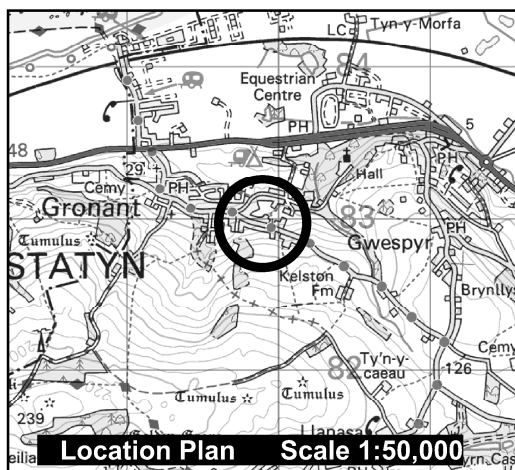
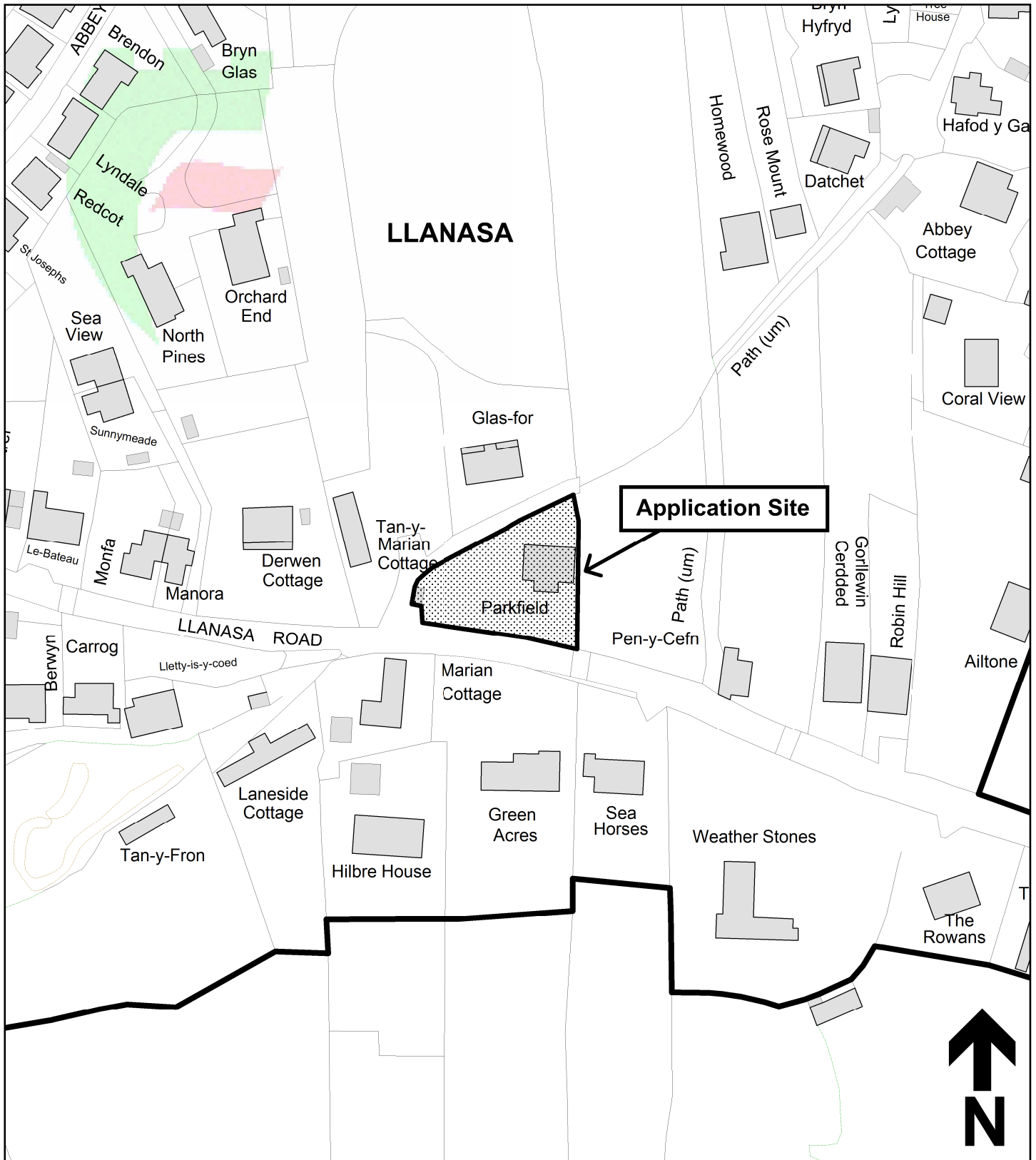
Responses to Publicity

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

**Legend**

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

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Map Scale	1:1250
OS Map ref	SJ 0982
Planning Application	<b>59124</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **2<sup>ND</sup> OCTOBER 2019**

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

**SUBJECT:** **APPEAL BY MR. I. THOMAS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED BUNGALOW AT 19 HIGHER COMMON ROAD, BUCKLEY – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 059047

**2.00 SITE**

2.01 19 Higher Common Road, Buckley. CH7 3NG

**APPLICATION VALID DATE**

3.01 14.11.18

**4.00 PURPOSE OF REPORT**

4.01 To inform Members of the decision of the Inspectorate in relation to a planning appeal, against the refusal of outline planning permission with all matters reserved by Flintshire County Council.

4.01 The appeal was determined via the written representations procedure and was determined by the Inspector Mr I Lloyd, the appeal was **DISMISSED.**

**5.00 REPORT**

5.01 The Inspector considered the main issues in this case to be the effect of the proposal on the living conditions of nearby residents in relation to noise and disturbance, and the effect of the proposal on the character and appearance of the area.

- 5.02 During his consideration of the case the Inspector noted that the appeal site was located to the rear of Nos 15 and 17 and 19 Higher Common Road, situated within the Settlement Boundary of Buckley. Access to the site is proposed to be located between No 15 and No 17. The Inspector considered the illustrative plan as a material consideration of how the site was intended to be developed.
- 5.03 The point of entry for the access point passes in between the gables of two houses, the width of the access is a single car width, with the boundaries of the drive way comprising of fencing and some hedge.
- 5.04 No 15 has an existing living room window on the window facing the proposed driveway and No. 17 has a kitchen window (both these are considered by the Local Planning Authority to be habitable rooms for the purposes of consideration and assessment by the LPA on the impact upon residential amenity and the application of the relevant planning policies of the Unitary Development Plan).
- 5.05 The parking and turning area for the proposal is proposed to be adjacent to the rear boundary of both No. 15 and No. 17 with mixed boundaries comprising of fencing and low hedge on part on the boundaries. Rear habitable rooms on the ground floor of No. 15 face the site with a low height boundary in very close proximity to the boundary of the appeal site where parking and turning associated with the development site are shown on the illustrative plan submitted as part of the submission.
- 5.06 The Inspector noted that whilst the parking and turning area shown on the illustrative plan is not fixed, it does serve to illustrate that in its current form the proximity of the parking area. Is so near to No 15 that the outlook from this property would be significantly altered and harmed. Furthermore the Inspector noted that the impact on the occupiers of No 15 in terms of disturbance from manoeuvring vehicles so close to the rear windows would be injurious to the occupants living conditions.

It was the Inspectors view that this alone would be sufficient reason to turn down the appeal, as he considered that the appeal conflicts with the Flintshire Unitary Development Plan, policies GEN1, D2 and HSG3.

- 5.07 The Inspector noted that the Council considered the layout to appear cramped and its orientation and physical shape of the plot fails to harmonise with the area. The Inspector has considered the details of the case on its individual merits and particular circumstances of this case. He considered the configuration could be considered as it may overcome this concern. He concluded that it doesn't outweigh his conclusion on the adverse impact upon living conditions and considers that the planning balance against allowing this appeal.

**6.00 CONCLUSION**

6.01 The Inspector in light of the above reasons considered that the appeal should be **DIMISSED**.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

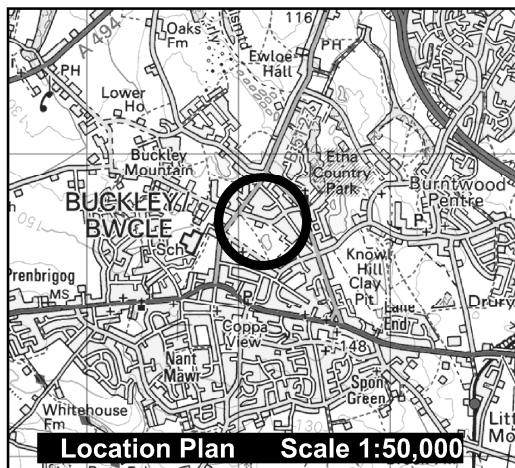
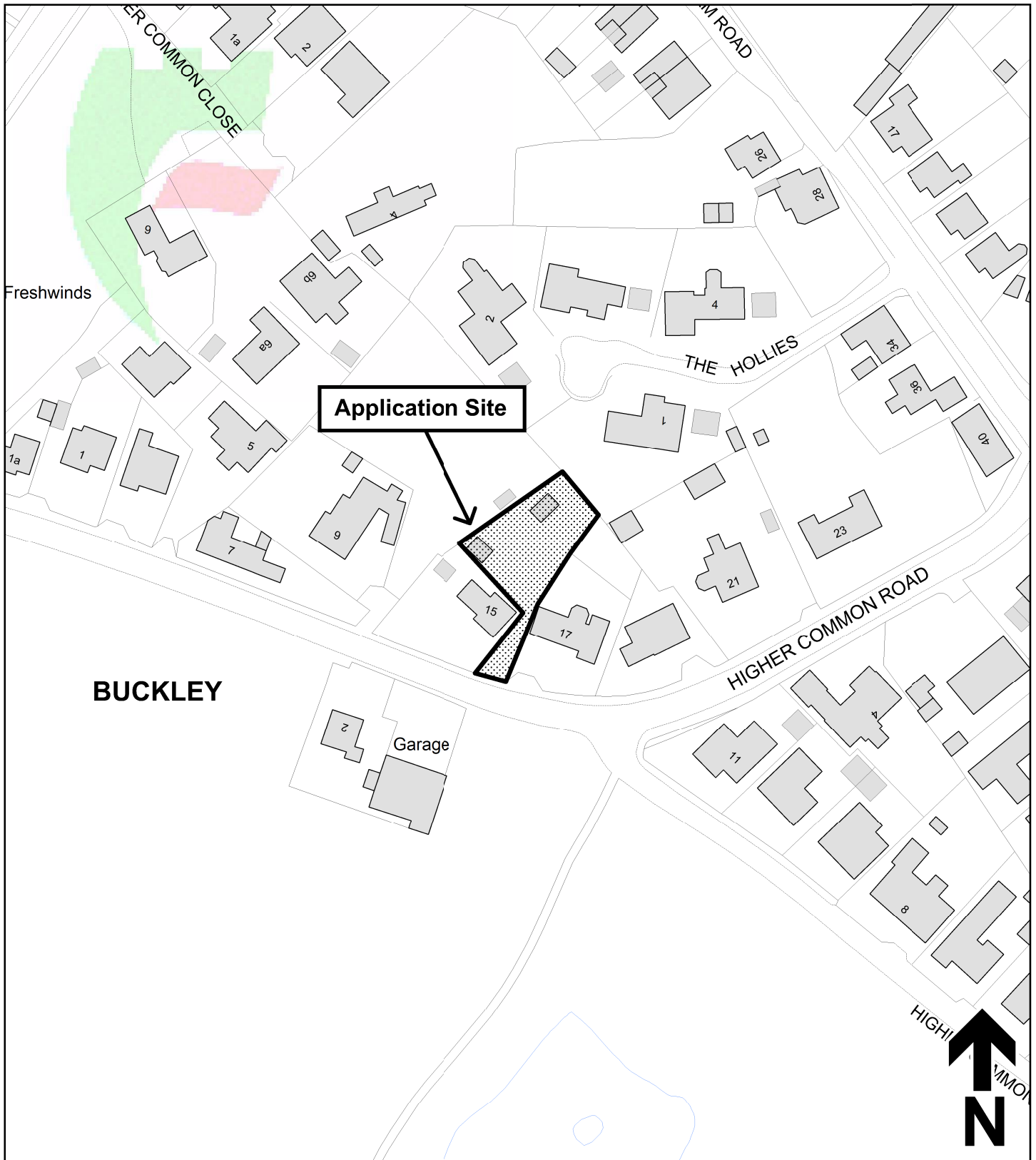
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Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
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Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2864

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