

Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Mike Allport, Bernie Attridge,
Chris Bithell, Derek Butler, Ian Dunbar,
Veronica Gay, Gladys Healey, Patrick Heesom,
Kevin Hughes, Paul Johnson, Christine Jones,
Richard Jones, Richard Lloyd, Mike Peers,
Neville Phillips and Owen Thomas

22 October 2020

Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

Dear Sir / Madam

**NOTICE OF REMOTE MEETING
PLANNING COMMITTEE
WEDNESDAY, 28TH OCTOBER, 2020 at 1.00 PM**

Yours sincerely

Robert Robins
Democratic Services Manager

Please note: Due to the current restrictions on travel and the requirement for physical distancing this meeting will not be held at its usual location. This will be a remote meeting and 'attendance' will be restricted to Planning Committee Members . The meeting will be recorded.

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

Virtual Planning Committee Meeting - Public Participation

Members of the public, objectors to or supporters of applications will not be able to address the remote Committee. Their views will be sought in advance of the meeting and their statements included within this Committee report pack.

AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

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

To confirm as a correct record the minutes of the meeting on 30 September 2020.

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 28 OCTOBER 2020

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	060220 - R	Full application - Residential development for the erection of 97 dwellings including the provision of affordable units, areas of public open space, landscaping and associated works at New Brighton Road, New Brighton, Mold (Pages 11 - 54)
6.2	060855 - A	Reserved Matters - Application for the approval of reserved matters for residential development including access, open space & all associated works at Woodside Cottages, Bank Lane, Drury (Pages 55 - 90)
6.3	061229 - A	Full application - Demolition of conservatory to front of bungalow, and erection of single storey front extension at Marwin, Dolfechlas Road, Rhydymwyn (Pages 91 - 106)
6.4	060372 - A	Full Application - Siting of Log Cabin to Provide Ancillary Use to the Main Residential Dwelling and Siting of Static Caravan Temporary 12 Month period (Retrospective) at Brynsholyn, Cefn Road, Cilcain. (Pages 107 - 128)
6.5	061154 - R	Full application - Proposed residential development for 90 no. residential units of accommodation (of which 40% will be affordable and supported living), public open space, landscaping, means of highway and pedestrian access, local highway and pedestrian infrastructure improvements at Plas Aney, Ruthin Road, Mold (Pages 129 - 176)
		BREAK – 10 MINUTES

6.6	061248 - A	Outline - Residential development consisting of 14 units with a mixture of 2 storey semi-detached and 3 storey detached dwellings at Spectrum Home & Garden Centre, Wrexham Road, Cefn-Y-Bedd (Pages 177 - 198)
6.7	061230 - A	Full application - Residential development including 15No. new housing units and the change of use/conversion of the former Infirmary Wing into 14No. apartments at Lluesty Hospital, Old Chester Road, Milwr, Holwyell (Pages 199 - 262)
6.8	060783 - A	Full Application - Residential Development for 20 No. Dwellings and Associated Gardens and Car Parking at Ffordd Pandarus, Maes Pennant, Mostyn. (Pages 263 - 286)
6.9	061489 - A	Full application - Retrospective change of use for operating site as B1, B2 and B8 uses for a temporary period of 18 months comprising the recycling and storage non-hazardous carpet waste and retention of existing buildings for offices and manufacturing including ancillary storage at 300 Recycling, Deva Industrial Estate, Sandycroft (Pages 287 - 304)

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PLANNING COMMITTEE **30 SEPTEMBER 2020**

Minutes of the remote meeting of the Planning Committee of Flintshire County Council held on Wednesday, 30 September 2020.

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Mike Allport, Chris Bithell, Ian Dunbar, Veronica Gay, Gladys Healey, Patrick Heesom, Kevin Hughes, Paul Johnson, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips and Owen Thomas

APOLOGIES: Councillors: Bernie Attridge and Derek Butler

IN ATTENDANCE:

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

88. APPOINTMENT OF VICE-CHAIR

Councillor Paul Johnson proposed Councillor Richard Lloyd as Vice-Chair of the Committee and this was seconded by Councillor Christine Jones.

Councillor Owen Thomas proposed Councillor Mike Peers as Vice-Chair of the Committee and this was seconded by Councillor Richard Jones.

On being put to the vote Councillor Richard Lloyd was appointed as Vice-Chair of the Committee.

RESOLVED:

That Councillor Richard Lloyd be appointed Vice-Chair of the Committee.

89. DECLARATIONS OF INTEREST

Councillor Mike Peers declared a personal and prejudicial interest on agenda item 7.2 (061154) as a family member was employed by Clwyd Alyn (the joint applicant).

90. LATE OBSERVATIONS

There were no late observations.

91. MINUTES

The draft minutes of the meeting on 2 September 2020 were confirmed as a correct record, as moved and seconded by Councillor Richard Lloyd and Councillor Chris Bithell.

RESOLVED:

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

92. ITEMS TO BE DEFERRED

The Chief Officer (Planning, Environment & Economy) advised that the following item was recommended for deferral to enable the agent (on behalf of the applicant), who had not received the notification that the item was to be considered at this meeting, to make a statement in support of the application. If agreed for deferral, the item would be brought back to the next available meeting of the Committee.

Agenda Item 7.2 (061154) - Full application – Proposed residential development for 90 no. residential units of accommodation (of which 40% will be affordable and supported living), public open space, landscaping, means of highway and pedestrian access, local highway and pedestrian infrastructure improvements at Plas Anney, Ruthin Road, Mold

Councillor Ian Dunbar moved the deferral which was duly seconded. On being put to the vote, the item was deferred.

In response to the comments made by Councillor Richard Jones regarding difficulty he experienced downloading the agenda due to the size of the document, the Chief Officer agreed to give consideration to providing a separate attachment to the agenda to provide copies of the photographs and plans for each item in the future.

RESOLVED:

That agenda item 7.2 (061154) be deferred to the next available meeting of the Committee for the reason stated.

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

RESOLVED:

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

94. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the press or public present.

(The meeting started at 1.00 pm and ended at 3.17 pm)

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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 30 SEPTEMBER 2020

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
059999	Northop Community Council	Outline application with some matters reserved for the development of land to provide lodge/chalet park to include single storey and two storey lodges, a site office with shop/convenience store and cycle hire facility at Northop Country Park	<p>A statement of objection from the Local Member, Councillor Marion Bateman, was appended to the report in the agenda.</p> <p>A statement of objection from a local resident had been appended to the report in the agenda.</p>	That planning permission be refused in accordance with the officer's recommendation for the reasons as set out in the report.
061154	Mold Town Council	Full application – Proposed residential development for 90 No. residential units of accommodation (of which 40% will be affordable and supported living), public open space, landscaping, means of highway and pedestrian access, local highway and pedestrian infrastructure improvements.	<p>A statement of objection from the Local Member, Councillor Geoff Collett, was appended to the report in the agenda.</p> <p>A statement of objection from a local resident was appended to the report in the agenda.</p> <p>A statement of support from a local resident was appended to the report in the agenda.</p>	That the application be deferred to the next available meeting of the Committee for the reason stated.
061429	Mold Town Council	Outline Application – New dwelling at 2 Wood Green, Mold.	A statement of objection from a Local Residents Group was appended to the report.	That planning permission be granted, subject to the conditions set out in the report, in line with the officer's recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
			Councillor Chris Bithell, as Local Member, spoke against the application.	
061158	Buckley Town Council	Full application - Change of use from a ground floor shop to residential unit	<p>A statement of objection from a local resident was appended to the report in the agenda.</p> <p>Councillor Mike Peers, as Local Member, spoke against the application.</p>	That planning permission be granted, subject to the conditions set out in the report, in line with the officer's recommendation.
058946	Leeswood Community Council	Full application – Proposed residential development at Factory 2, Pontybodkin Hill, Leeswood.		That planning permission be granted, subject to the conditions set out in the report, in line with the officer's recommendation.
061171	Sealand Community Council	Full Application – Construction of a new two storey utility building and surrounding hard standing area at Valspar, Parkway, Deeside Industrial Park.	Councillor Christine Jones, as Local Member, spoke in support of the application.	That planning permission be granted, subject to the conditions set out in the report, in line with the officer's recommendation.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 28TH OCTOBER 2020**

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

SUBJECT: **060220 - FULL APPLICATION - RESIDENTIAL DEVELOPMENT FOR THE ERECTION OF 92 DWELLINGS INCLUDING THE PROVISION OF AFFORDABLE UNITS, AREAS OF PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS AT NEW BRIGHTON ROAD, NEW BRIGHTON, MOLD**

APPLICATION NUMBER: **060220**

APPLICANT: **STEWART MILNE HOMES**

SITE: **LAND AT NEW BRIGHTON ROAD NEW BRIGHTON, MOLD**

APPLICATION VALID DATE: **12TH JULY 2019**

LOCAL MEMBERS: **COUNCILLOR M EASTWOOD**

TOWN/COMMUNITY COUNCIL: **ARGOED COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SIZE OF PROPOSAL**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the erection of 92 dwellings, including the provision of affordable dwellings, areas of public open space, landscaping and associated works at land south of New Brighton Road, New Brighton, Flintshire.

Members should be aware that an appeal has been lodged on the basis of non-determination with the Planning Inspectorate. As Members will recall, a 28 day 'dual jurisdiction' period

exists from the date of the appeal being lodged during which time the Local Planning Authority may determine the application. The 28 day period began on the 2nd October 2020 and will run until the 30th October 2020.

Accordingly, the Committee may now pursue one of the following courses of action. It may either;

1. grant planning permission; or
2. refuse to grant planning permission.

Should the Committee resolve to refuse to grant planning permission, then the reasons for such a refusal will form the basis of the Council's position in the subsequent consideration of the appeal.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01
1. The Local Planning Authority consider that the proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. In the absence of adequate surveys, mitigation and reasonable avoidance measures it is not possible to demonstrate that the proposal adequately takes account of the European Protected Species and as such is contrary to policies GEN1 and WB1 of the FUDP. Furthermore the proposal fails to safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their conservation status as required by Planning Policy Wales 10.
 2. In the opinion of the Local Planning Authority the proposal provides an inadequate level of onsite play and recreational space for the numbers of dwellings proposed. As such the proposal is contrary to policy SR5 in the Flintshire Unitary Development Plan and the guidance found within the Local Planning Guidance Note 13: Open Space Requirements.

3.00 CONSULTATIONS

3.01 Local Member

Councillor M Eastwood

No written response at time of writing

Argoed Community Council

- i. Concerns about the sustainability of the development give the percentage by which the village has grown recently and the strain that this will put on local health and education provision.
- ii. The proposed exit for the development opens onto the busy New Brighton Road, where vehicles often travel at excessive speeds. Significant existing problems at traffic lights.
- iii. Premature to consider given position of land in UDP
- iv. Drainage issues on cae issa
- v. Safety concerns- no provision for safe route to schools.
- vi. Existing right of way must be protected
- vii. Four known Great Crested Newt habitats within 250m of the proposed development
- viii. Insufficient consideration by development of Active travel
- ix. Concerns for pedestrian safety A5119 crossing

Northop Community Council: (adjoining ward)

The Council's objections are as follows:-

- 1 Under: Planning policies and proposals, or Government planning advice. To grant permission would be to predetermine decisions which should be taken through the Local Development Plan. This predetermination would be to deny the community of the due process attached to LDP.
3. Under: Planning policies and proposals, or Government planning advice.
The weight attached to the lack of a 5 year housing land supply has been reduced by the Welsh Office in line with Technical Advice Note 1.
4. Under: Impact on highway safety and Impact on the character and appearance of an area.
Over development of the site with a proposed 92 dwellings having access and egress through a single entrance and 5 further dwellings another entrance, both onto a lane which is undergoing a safety assessment by FCC Highways Safety Department. Extra vehicles and no means of safe walking.
5. Under: Impact on residential amenity and Impact on community facilities.
No account has been taken of personal and community safety in relation to Sychdyn where the closest amenities are situated (school, playgroup, shop, fishing)

Community and Business Protection

No adverse comments

Highways Development Control

Recommends that the application be refused due to the inadequacies of New Brighton Road and the provision of a safe route to school. Sychdyn Primary School has been allocated as the school for children living on the development site; New Brighton Road between the site entrance and the school has failed a safe route assessment.

A recommendation of conditional approval could be provided if the provision of safe access along this route could be provided.

Education

Affected Schools:

Primary School: Sychdyn, Ysgol Sychdyn

Current NoR, excluding nursery, at January 2019	=	167
Capacity, excluding nursery, at January 2019	=	177
Number of Surplus Places	=	10
Percentage of Surplus Places	=	
5.65%		

Secondary School: Mynydd Isa, Argoed High School

Current NoR, excluding nursery, at January 2019	=	551
Capacity at January 2019	=	580
Number of Surplus Places	=	39
Percentage of Surplus Places	=	
6.72%		

Exceptions

The exceptions to the provision of school places will be the following type of residential development from which planning authorities will not 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 177 x 5% = 8.85, rounded to 9
Trigger for Contributions is therefore 177 - 9 = 168

Number of Units, 92 x Primary Multiplier, 0.24 = Child Yield, 22.08 rounded to 22

Potential Numbers on Roll, 190 – Trigger for Contributions, 168 = Potential Number of Contributions Sought, 22

Actual Number of contributions Sought, 22 x Cost per Pupil Multiplier, £12,257.00 = Contribution Required, £269,654.00

Secondary School Pupils

School Capacity 580 x 5% = 29.00, rounded to 29
Trigger for Contributions is therefore 580 - 29 = 551

Number of Units, 92 x Secondary Multiplier, 0.174 = Child Yield, 16.008 rounded to 16

Current Numbers on Roll, 541 + Child Yield, 16 = Potential Numbers on Roll, 557

The Potential Numbers on Roll **do** exceed the Trigger for Contributions.

Potential Numbers on Roll, 558 – Trigger for Contributions, 551 = Potential Number of Contributions Sought, 7

Actual Number of contributions Sought, 7 x Cost per Pupil Multiplier, £18,469.00 = Contribution Required, £129,283.00

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: Sychdyn, Ysgol Sychdyn

- It is our intention to seek a Section 106 contribution for £269,654.00 – to be spent on accommodation.

Secondary School: Mynydd Isa, Argoed High School

- It is our intention to seek a Section 106 contribution for £129,283.00
- The contribution will be spent on a specific project for the development of the educational facilities on the school site

Housing

The comments made by Housing Strategy are made solely on the basis of housing needs data available at the time of the application.

The application proposes 29 homes for the affordable housing contribution, equating to 30% which meets current requirements.

Whilst it is acknowledged that part of the site is located within the settlement boundary, the majority lies outside of it and therefore the application may not be considered as acceptable in planning policy terms.

Affordable Housing Partner: It is suggested that early discussions are held with housing strategy and NEW Homes/ partner housing associations to progress the affordable housing delivery.

Preferred Mix of units:

The applicant proposes 11 x 2 bed homes and 18 x 3 bed homes.

However, based on the levels of need, it would be preferable to have a higher number of 2 bed properties for social rent, and 3 bed properties for intermediate rent/ purchase. Having a variety of tenures would also promote a mixed tenure community.

Based on the levels of need we suggest the following mix:

Dwelling type	Social Rented	Intermediate Rent	LCHO	Total
1 bed flat				
2 bed flat				
2 bed house	12	2		14
2 bed bungalow				

3 bed house	3	4	7	14
4 bed house	1			1
Total	16	6	7	29

Aura

Our observations are as follows the LAP and the recreation space in the proposed layout is too small for the number of dwellings on this development, there should be 56m² per dwelling of play and recreation space, and there is also a need to provide a more suitable buffer zone for a LEAP play facility to the nearest dwellings .

The LEAP play area should provide range of age specific play items which conform to the latest BS/EN 1176 AND BS/EN 1177 standards for play equipment and safer surfacing. Note that individual play items have to be supplied with individual certificated proof of compliance to BS/EN 1176 and to be supplied prior to an approval by the Authority .

The play area requires link pathways for inclusive access, seating areas and information/ advisory signs stipulating who manages the site; all of which would need to be in accordance to a specification approved by the Authority.

Natural Resources Wales

Significant concerns, advise that planning permission should only be granted if the scheme is revised to include measures to ensure that that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

CADW

A heritage statement prepared by Neo Environmental Ltd assesses the impact of the proposed development on the setting of scheduled monument Wat's Dyke: Section N & E of New Brighton (FL085) following the methodology outlined in the Welsh Government's best-practice guidance Setting of Historic Assets in Wales (2017). It concludes that the proposed development will have a low/slight adverse impact on the setting of scheduled monument Wat's Dyke: Section N & E of New Brighton FL085 but that this impact will not be significant. We concur with the results of this assessment. We therefore have no objections.

Ramblers

The impact on a public right of way is a material consideration at planning application stage , and a separate Path diversion order is required before work starts. At present we are likely to maintain an Objection to any path diversion proposal - so we would encourage the developer to seriously consider designing a layout that does not require a path diversion. (This would avoid delays/Public Inquiry later) .

1. The road and housing layout is amended to leave path line in place, (as a northern boundary of built development) with only (gravel) resurfacing as necessary along whole of path;
or 2. a "straight line path diversion" is proposed to emerge on tarmac road slightly further north - this would lead more naturally to continuation northwards on Wats Dike Way (The point of emergence onto road would need to be checked for safety and layout, street furniture etc). Width, surfacing, furniture etc should be specified, and path laid out at early stage of development so a continuous path route is maintained.

There are no proposals to link the cycle way/path to any satisfactory method of crossing main road eg pelican type lights near Argoed View - which could have linked to a path route (away from main roads) via the cul de sac opposite. The whole layout needs re-design to include cycle/walk ways along "desire lines" to safe main road crossings. A safe walking route is needed on Sychdyn road verge.

Dwr Cymru/Welsh Water

It is unlikely that sufficient capacity exists to accommodate the proposal without causing detriment to the existing services.

A Hydraulic Modelling Assessment has been undertaken which identified that detriment to the local sewer network would be caused as a result of the new development discharging to the local sewers. A number of options for sewer network reinforcement have been provided, the implementation of one of these options would enable the development to connect into the public sewer network without causing any detriment to the local community or environment. DCWW recommend conditions to ensure the development would not cause a detriment.

CPAT

While there are currently no recorded archaeological sites on the Historic Environment Record the first edition OS mapping does indicate the presence of a former farm building known as Mynydd Bychan at the west end of the development area. The building is clearly older than the 1870's mapping.

The building earthworks and associated enclosures and

outbuilding lie within the area marked blue on the attached plan. According to the layout plan these remains would be destroyed by the development.

Archaeological excavation is required as a condition of consent. We would therefore recommend a condition for archaeological excavation covering the area marked in accordance with Welsh Government guidance set out in Tan 24 (May 2017) and Planning Policy Wales (10th edn. November 2019).

Coal Authority

Site does not fall within the defined Development High risk Area, as such Coal Authority standard advice to developers applies.

Airbus

No aerodrome safeguarding objection

Ecology

Overall there will be a loss in habitats in particular the semi improved marshy and neutral grasslands. However, there is an opportunity to create wetland and associated grassland habitats through SUDS and while the proposed area is smaller than the existing wetland, enhancement of this habitat would help to mitigate for the loss of existing wetland.

The actual value of the SUDS for biodiversity in the long term and whether an enhanced wetland habitat can develop will depend on water levels and long term management which is currently unknown.

In line with NRW, I therefore have concerns with the delivery of GCN mitigation plus biodiversity mitigation and enhancement within this scheme.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

184 no. letters of objection

- Overdevelopment of community
- Lack of local services
- Drainage issues
- Inadequacy of SUD proposed
- Loss of trees
- Great Crested Newts on site
- Road safety issues
- Impact upon junction
- No safe route to local school

- Ground stability
- Impact upon Wats Dyke SAM
- Impact upon neighbouring amenity

5.00 SITE HISTORY

5.01 No relevant history

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
 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
 HSG11 - Affordable Housing in Rural Areas
 SR5 - Outdoor Play Space and New Residential Development

Local/Supplementary Planning Guidance Notes
 Developers Guidance Note – speculative development
 SPGN 2 - Space around dwellings
 SPGN 9 - Affordable Housing
 SPGN 11 - Parking Standards
 SPGN 13 - Open Space Requirements
 SPGN23: Developer Contributions to Education
 Planning Policy Wales Edition 10 December 2018

7.00 PLANNING APPRAISAL

7.01 Proposal

This is a full application for 92 dwellings at land south of New Brighton road, New Brighton. The site is located on the edge of the settlement of New Brighton, partly within the settlement boundary in the adopted UDP, located outside the adjacent green barrier, being white land

between the settlement boundary and the designated green barrier further to the west.

7.02 **Principle**

The site is well defined by built development to the west, south and east and by New Brighton Road to the north. It represents a logical and relatively small 'urban extension' in the form of a rounding off of the existing settlement form. Development would not conflict with the purpose of the Green Barrier between New Brighton and Sychdyn.

7.03 As the majority of the site lies outside the defined settlement boundary in the UDP the proposed housing development is technically a departure from the Plans policies. Notwithstanding the sites allocation in the LDP, as this is not yet adopted. It is therefore necessary to consider whether the development represents sustainable development as well as any other material considerations.

7.04 With regard to whether it represents sustainable development, New Brighton is a category B settlement in the adopted UDP (and is a tier 3 sustainable settlement in the Deposit LDP) and therefore represents a sustainable location of development having regard to the character and role of the settlement, facilities and services and proximity to other settlements. The UDP Inspector clearly considered New Brighton to be sustainable as she recommended the housing allocation at the western edge of the settlement.

7.05 The Council has now published the Deposit LDP. The site has been the subject of several consultations – as part of the applicants Pre-Application Consultation, as part of this planning application and now as part of the LDP and interested parties have had ample opportunity to submit their comments on the site.

7.06 Comments have been received in connection with this application that suggests that the application is premature, as the LDP has not been adopted yet. There is no advice in PPW10 on prematurity but the Development Plans Manual 3 by Welsh Government offers the following advice '*Where an LDP is in preparation, questions of prematurity may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant planning permission would be to predetermine decisions about the scale, location or phasing of new development which ought to be properly to be taken in the LDP context*'. The document goes on to say '*Whether planning permission should be refused on grounds of prematurity requires careful judgement and the LPA will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process*'. The proposal is for 92 dwellings and is one of 11 housing allocations in the Plan amounting to 1874 units,

and therefore represents less than 5% of the new allocations by number of units. As such I do not consider that this goes 'to the heart of the Plan' in terms of harm or prejudicing the outcome of the Plan, and therefore the proposal cannot be considered to be premature.

7.07 Given the presumption in favour of sustainable development in Planning Policy Wales 10, the allocation of the site for Housing within the LDP and notwithstanding other, technical, issues, the principle of the residential development of this site is acceptable.

7.08 **Main Issues**

For the reasons discussed above, I consider the principle of development in this location to be acceptable. I therefore consider that the main issues to be considered are resulting from the consideration of the specific detail of this application i.e. those of ecology, and the impact of the development upon protected species in accordance with TAN5, issues regarding safe highway access to the site and in particular the question regarding safe routes to schools, and the adequacy of public open space provision within the site.

7.09 **Ecology**

With regards to statutory wildlife sites in the vicinity of the application site, Maes y Grug SSSI, part of Buckley and Deeside SAC, is over 1km to the north east of the site and is not considered to be affected, directly or indirectly. Similarly no (non statutory) Wildlife Sites are affected since the nearest, Cobbler's and Stonybeach Woods, is over 1km. There have, however, been recorded sightings of protected species including Great Crested Newts and species of bats. As such the ecological implications of the proposal are considered to carry significant weight.

7.10 Objections have been raised in relation to the scheme from Natural Resources Wales (NRW). NRW is concerned as to the potential impacts of the development on protected species, and in particular on the great crested newt (GCN) (*Triturus cristatus*), which are afforded strict legal protection under Directive 92/43/EEC 'the Habitats Directive' and the Conservation of Habitats and Species Regulations 2017 (as amended) hereafter referred to as the 'the Habitats Regulations'. It should be noted that NRW raised no objections in principal to the development of this site in their consultation response to the LDP allocation, and their comments should be read purely in connection with this specific development proposal, rather than as a commentary on the principal of developing the site.

- 7.11 They consider that the proposal has the potential to cause disturbance to GCN and/or loss or damage to their resting places. In addition to the legal protection afforded to GCN, their presence is a material planning consideration under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5). The provisions of TAN5 advise that surveys and assessments are submitted to enable the local planning authority to undertake an informed assessment on the predicted impacts of a proposed development scheme on a European Protected Species (EPS).
- 7.12 NRW consider the home range of the great crested newt from breeding or natal ponds to be 500m though this may be extended to over 1500m if, for example, more favourable habitat is present at greater distances from ponds. The applicant has undertaken limited surveys (eDNA and Habitat Suitability Index assessments) for the purposes of informing the planning process, which failed to confirm the presence of GCN. NRW understand that only one pond was surveyed using the eDNA technique on 23 June 2020. The result from this survey was negative. NRW note that access was not available to access one pond.
- 7.13 NRW does not consider these surveys to be satisfactory for the purposes of evidencing the absence for the species. They therefore advise that the species can be considered likely to be present owing to factors including, extant records of GCNs (4 records of great crested newts within 250m of the development site), the density of ponds within the wider environs of the application site; and timing and limited range of survey techniques undertaken to complete survey. NRW note that no surveys were carried out between April and Mid May. It is during this period that individuals are far more likely to be encountered.
- 7.14 NRW is therefore of the view that GCN is considered likely to be present at the application site. Whilst the application site itself may not be used for breeding, it could functionally be used by the species for foraging, dispersal or sheltering purposes. NRW have opined that the scheme must be revised to include measures to ensure that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.
- 7.15 The applicants do not agree with the NRW consultation response and in fact have made a case that NRW have incorrectly advised the Council with regard to this development. They contend that there is precedent to suggest that the Council need only have regard to the Habitat Regulations and can grant planning consent regardless of other concerns which fall outside of the direct jurisdiction of the Planning system, and they note that NRW only raise the 'possibility' or 'potential' of the proposed development impacting upon GCNs. However, In consultation with the County Ecologist, and in light of

NRW maintaining their objection, I consider the objections raised to be valid and of material concern to the acceptability, from a technical point of view, of the specifics of this development proposal, notwithstanding the rebuttal received from the applicant. In TAN5: Nature Conservation, Para 6.3.6 it states that:

- 7.16 *“It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 licence are likely to be satisfied. To do otherwise would be to risk breaching the requirements of the Habitats Directive and regulation 3(4). It would also present the very real danger that the developer of the site would be unable to make practical use of the planning permission which had been granted, because no regulation 44 licence would be forthcoming.”*
- 7.17 Without adequate evidence to support the applicants position that GCNs are not present at the site the precautionary principle must be adopted, and without the requested revisions I consider that, in the absence of sufficient evidence to the contrary, the proposal would cause have a significant adverse effect on an important species and their habitat. As such the proposal would be contrary to policies GEN1 and WB1 of the Flintshire Unitary Development Plan, as well as the advice within TAN5: Nature Conservation and Planning as well as Para 6.4.3 of Planning Policy Wales 10.
- 7.18 There is an area of wetland on site, this was not highlighted by the Preliminary Ecological assessment, which did not note this area. Concern has been raised by the County Ecologist regarding the loss of this area. No information has been given as to how the SUDs area, which replaces this area of wetland, will be managed or provide mitigation for the loss of this habitat.
- 7.19 It is unclear, because no application has been submitted to the SAB regarding the proposed sustainable drainage system what the details of the proposed drainage system will be and if it is compatible with this wetland habitat, whether it will drain the site sufficiently and if the level of drainage encouraged will in turn adversely affect the wetland habitat.
- 7.20 This is another area of concern with regard to the protection of the ecology of the site and the mitigation for any loss of habitat that may occur as a result of the development.
- 7.21 Overall there will be a loss in habitats in particular the semi improved marshy and neutral grasslands. However, there is an opportunity to create wetland and associated grassland habitats through SUDS and

while the proposed area is smaller than the existing wetland, enhancement of this habitat would help to mitigate for the loss of existing wetland. The actual value of the SUDS for biodiversity in the long term and whether an enhanced wetland habitat can develop will depend on water levels and long term management which is currently unknown.

7.22 **Public Open Space**

In accordance with policy SR5 of the Flintshire Unitary Development Plan. This policy seeks to ensure that future development is suitably catered for in the provision of outdoor playing space. The minimum amount of outdoor playing space required by the policy relates to the number and size of the dwellings proposed and is based on the standard of 2.4ha of outdoor playing space for every 1,000 residents. It is split into two types of land: children's playing space at 0.8 ha per 1,000 population, and sports grounds for use by all at 1.6 ha per 1,000 population. In accordance with the advice within the Draft Supplementary Guidance Note 13: Outdoor Playing Spaces and New Development, it would be expected that a development of the size of the proposal would provide onsite provision.

- 7.23 The proposal provides 0.21 of a hectare of onsite public open space provision in the form of a children's play area to the west and a landscaped area along the southern boundary. Aura Leisure, in their consultation response, opined that the LAP and the recreation space in the proposed layout is too small for the number of dwellings on this development, and that there should be 56m² per dwelling of play and recreation space, and there is also a need to provide a more suitable buffer zone for a LEAP play facility to the nearest dwellings. As such there is a shortfall of approximately 3000 m² of public open space provided by the application.
- 7.24 The LEAP (Local Equipped Area for Play) play area should provide a range of age specific play items which conform to the latest BS/EN 1176 AND BS/EN 1177 standards for play equipment and safer surfacing. These individual play items have to be supplied with individual certificated proof of compliance to BS/EN 1176 and to be supplied prior to an approval by the Authority.
- 7.25 The play area requires link pathways for inclusive access, seating areas and information/ advisory signs stipulating who manages the site; all of which would need to be in accordance to a specification approved by the Authority. If permission was granted for the development then it would be necessary to secure full details of the LEAP, including its ongoing management and maintenance, through a legal agreement.

7.26 **Highways**

The proposed internal highways layout of the scheme has been subject to consultation with Highways Development Control and there is no concerns raised with the estate layout as proposed, or the parking provision provided by the development, which accords with relevant maximum standards across the site.

7.27 Where the development meets the highways network, however, a significant amount of concern has been raised locally from third parties given the close proximity of the crossroad junction, as well as existing traffic on the road networks. The New Brighton road to Sychdyn, which the access to the development opens onto, has previously been considered hazardous by a Streetscene assessment of potential Safe Routes to School. This is of particular concern when it has been assessed that Sychdyn Primary school is the nearest primary school to the development.

7.28 Education have assessed that Sychdyn school is the closest, most affected school, and it has been requested that a Transport Assessment be carried out to look at the impacts upon the road network between the site and this school. The applicant has maintained their position that Mynydd Isa school is the relevant school and more appropriately linked to the site than Sychdyn and have not amended their Transport Assessment accordingly, nor produced a further assessment looking at the Sychdyn school and the implications of travel to this school as a result of the development.

7.29 It should be noted that the assessment of distance from the site entrance to the relevant schools is measured, in the case of Mynydd Isa, to the Infant school campus, which is a further distance than Sychdyn. In addition it should be recognised that parental choice should also be taken into consideration and parents may wish to send their children to Sychdyn school in any case. In the absence of any sort of assessment of the risks, it has not been possible to demonstrate that the current proposal has taken full account of potential road safety issues arising as a result of this proposal, particularly as the route to Sychdyn has previously been assessed as hazardous. It is acknowledged by Highways Development control that it may be possible to negotiate a fairly simple scheme or measures that overcomes these concerns but at present no such details have been agreed with the developer. As this matter could be resolved without requiring a fundamental amendment of the proposed development this matter is not been progressed as a reason for refusal.

7.30 **Character and Appearance**

There is a mixture of house types in the immediate vicinity of the site, of different periods and styles. The development proposed largely 2 storey detached and semi detached dwellings faced in brick with grey tile roofs. Brick is the predominant finish in the vicinity and I consider this to be acceptable for this location. Roof heights are consistent throughout the development, although there is some slight variety, which helps to break up the visual impact of the Streetscene.

- 7.31 The development provides a mix of house types and sizes within the scheme, with mews type, 3, 4 and 5 bed dwellings mixed within the proposal. The layout ensures that adequate interface distances and amenity space, according with the Councils SPGN2: Space Around Dwellings, are provided between the proposed dwellings.
- 7.32 The site is relatively flat and has been laid out to minimise any direct impacts upon existing dwelling located on the site periphery. The trees and hedge located on the western site boundary, alongside Argoed avenue, is to be retained, and dwellings in this area are either facing away from the Argoed avenue dwellings, retaining an adequate interface to ensure that there would be no concerns over a loss of privacy, or gable on to the road. The existing screening protects the existing dwellings from any detrimental impact arising from the development.
- 7.33 The existing development at Cae Issa either backs onto the existing SUDs area, with only the gable of one dwelling close to the existing houses, and I do not consider that the proposed development would adversely impact upon these dwellings.
- 7.34 The area of development site that adjoins the rear boundaries of dwellings on the A5119 Mold road has a footpath and area of informal Public Open Space as a buffer between this area and proposed dwellings. Again I have no concerns regarding the location of the new development and existing residential amenity.
- 7.35 The proposal is for 92 dwellings upon a site with a developable area of 2.56 hectare. This equates to a density of 38 dwellings per hectare. This is considered to be appropriate to the location.
- 7.36 **Planning Obligations**

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

It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of

a development, if the obligation does not meet all of the following regulation 122 tests;

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

7.37 Whilst the recommendation for this proposal is currently one of Refusal, it should be noted that should the development be granted planning permission then it would be necessary to enter into a Section 106 Legal agreement to secure planning contributions with regard to Education provision, Public Open Space and Affordable housing, as described below.

7.38 **Education**

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

Primary School: Sychdyn, Ysgol Sychdyn

- The required Section 106 contribution would be £269,654.00
- The contribution would be spent on Accommodation Improvements.

Secondary School: Mynydd Isa, Argoed High School

- The required Section 106 contribution would be £129,283.00
- The contribution will be spent on a specific project for the development of the educational facilities on the school site

7.39 Please note that whilst the original calculations, provided in the responses section above, were derived from the originally submitted number of dwellings (97) the contribution amounts are adjusted due to existing pupil numbers and the requested contribution number is unchanged even when adjusted to 92.

7.40 It is considered that the education contributions would meet the regulation 122 tests. Ysgol Sychdyn does not appear to have received more than 5 contributions and therefore the limitations of regulation 123 does not apply. Argoed High School requires the contribution in relation to a specific project, and is therefore also compliant with the regulations.

7.41 **Affordable dwellings**

The provision of affordable housing is a material planning consideration which attracts significant weight in the overall planning

balance. The proposal provides 30% affordable housing units across the development, in the form of 28 affordable dwellings, of which 10 are 2-bedroom properties and 18 are 3-bedroom dwellings. This mix accords with the identified local housing need as shown in the Local Housing Market Assessment for Flintshire, and on this basis the proposal is supported by Flintshire County Council Housing Options. Should planning permission be granted for the development a Section 106 agreement would be required to ensure that these units are retained as affordable in their lifetime, and that their specific terms of tenure meet the requirements of the local need.

7.42 Whilst this affordable housing provision is a significant positive in support of the development, I do not consider that it overcomes the objections previously discussed, in the planning balance.

7.43 **Other Matters**

The site lies within 3 KM of a number of designated heritage assets, including scheduled monuments and registered parks and gardens. CADW have confirmed that intervening topography, buildings and vegetation ensure that the proposed development will not impact any of these assets. A Heritage assessment was commissioned by the developer to consider the impact of the development upon Wats Dyke, which is the closest Scheduled Ancient Monument to the site. On the basis of this submitted information CADW have confirmed that it is not considered that the development would impact upon the SAM itself or its setting, and as such they have no objection to the proposal.

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

7.45 Some concerns have been raised over the possible loss of ancient and important hedgerows, which currently exist on the site perimeters, given the proximity of some of the proposed elements of the development to the hedges. It should be noted that no hedgerow removal is proposed by the development. Were planning approval to be granted for the scheme then it would be necessary to condition protection measures for the hedgerows during the construction phase of the development.

8.00 CONCLUSION

The site is an allocated housing site in the Deposit LDP and I consider this to be a material factor in favour of the development. Similarly the nature of the site as a logical rounding off of the urban form of New Brighton, as well as the sustainable nature of the development and its location, that would also provide the full compliment of affordable housing in accordance with the relevant policy requirement, suggest that the development is acceptable in principle.

Balanced against this are the issues regarding the impact of the proposal on protected species and their habitats, the inadequate public open space, as well as the unanswered queries regarding the impact of the proposal on the wider highway network, particularly in regard to safe routes to schools.

Taking all the issues together, and weighing them against each other in the planning balance, my recommendation to the Planning committee is that the application should be refused for the reasons identified 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.

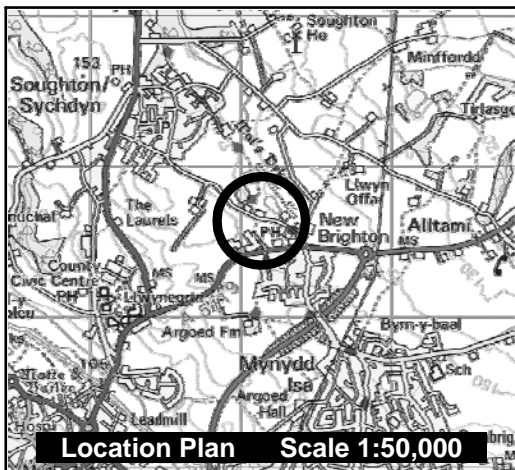
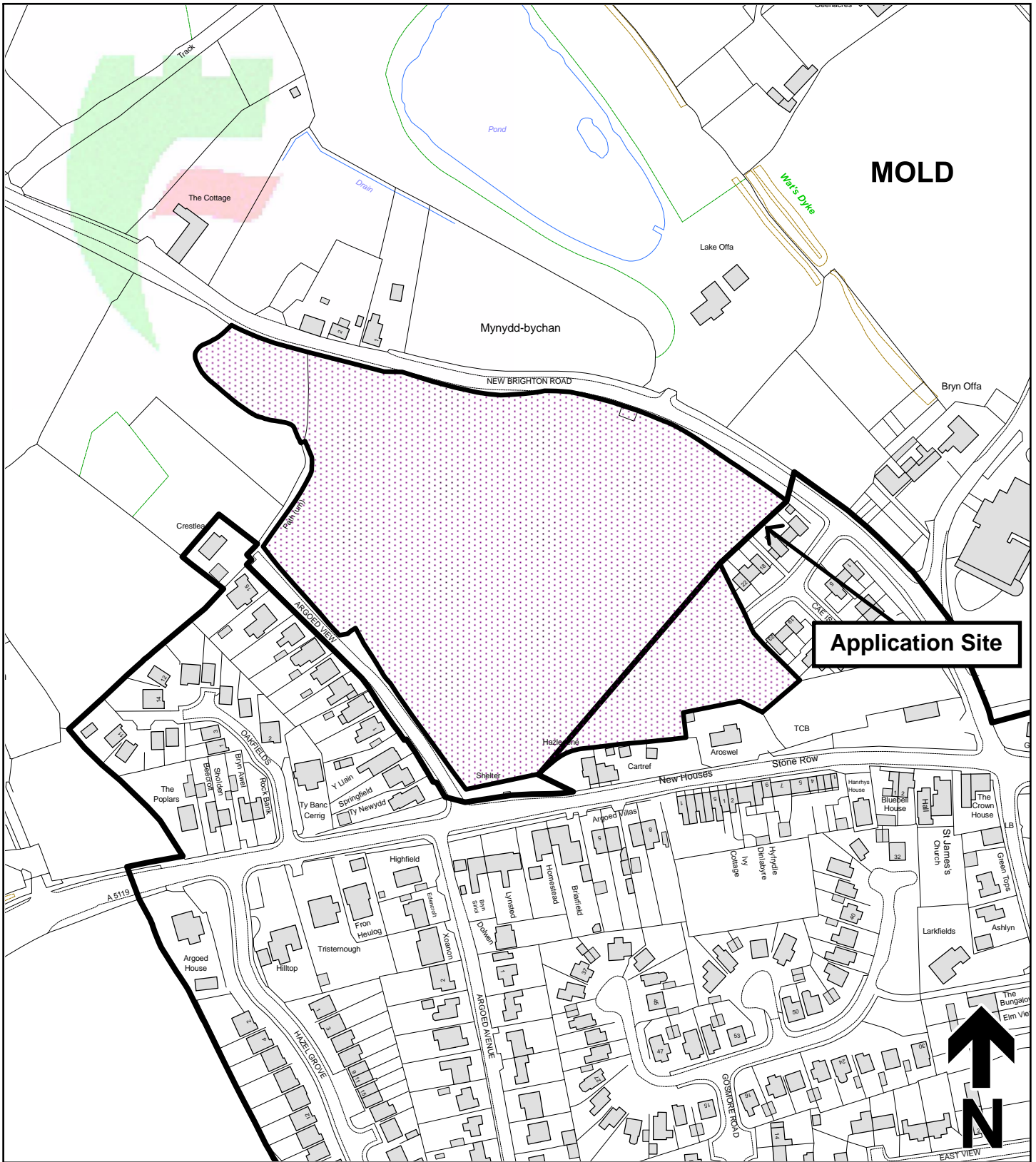
LIST OF BACKGROUND DOCUMENTS

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

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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2565

Planning Application **60220**

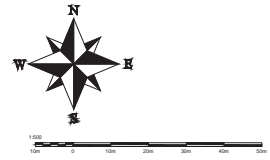
Argoed View, Nr Mold

Hard Landscaping Layout - 1:500

Hard Landscaping Ledges

-  **Hard Landscaping Material A**
Tarmac surface to main carriageway.
-  **Hard Landscaping Material B**
Tarmac surface to footpaths.
-  **Hard Landscaping Material C**
Tarmac surface to private driveways and access.
-  **Hard Landscaping Material D**
Herringbone laid block paving to private drive and access ways.
Colour - Burnt Orcher
-  **Hard Landscaping Material E**
Alternative covering to carriageway and shared surface areas.
Colour - Red
-  **Soft Landscaping Areas - Private**
Privately developed/managed soft landscaping areas.
(Refer to Landscaping plan for detail and schedule)
-  **Soft Landscaping Areas - POS**
Publicly managed soft landscaping areas.
(Refer to Landscaping plan for detail and schedule)

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C	Updated to suit latest planning layout Rev Q	14.08.20	CMc
B	Updated to suit latest planning layout Rev L	19.06.19	CMc
A	Updated to suit latest planning layout Rev K	24.04.19	CMc
Rev	Details	Date	By

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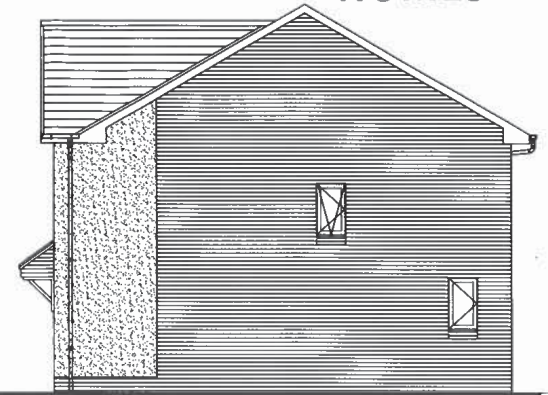
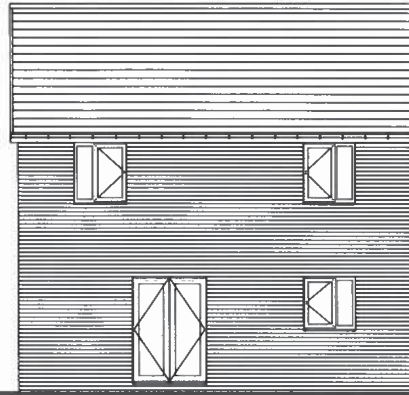
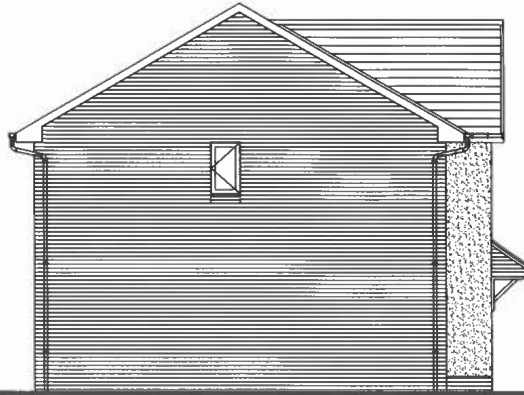
Argoed View, Nr Mold

Hard Landscaping Layout

Dwg No	SK296/NBM/HLL01	Rev	C
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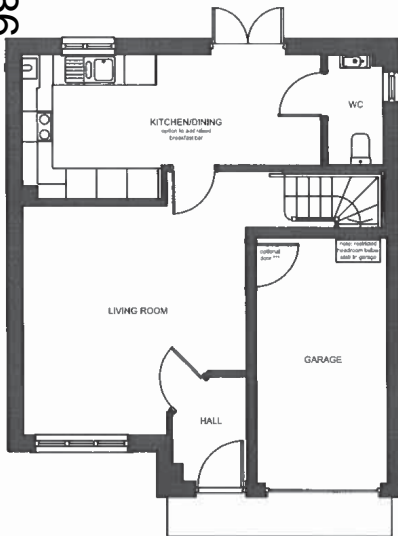
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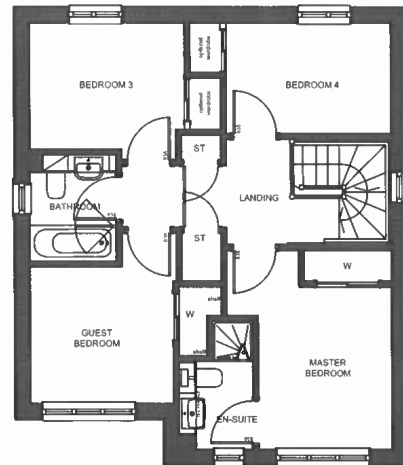
REAR ELEVATION

SIDE ELEVATION

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GROUND FLOOR PLAN



FIRST FLOOR PLAN

10 JUL 2019

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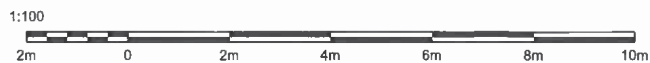
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Planning Drawings
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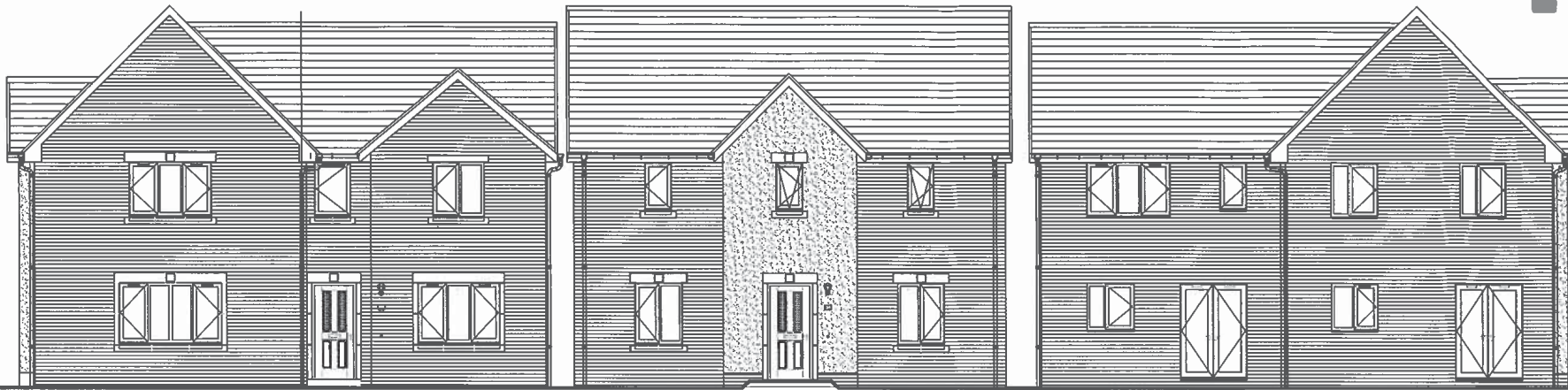
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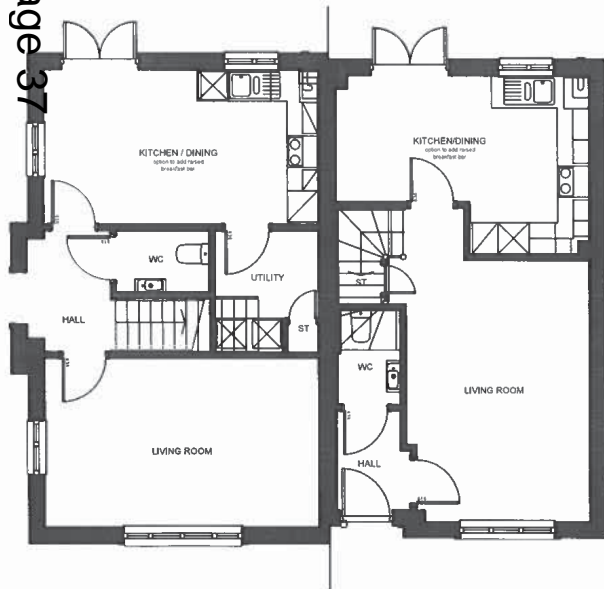


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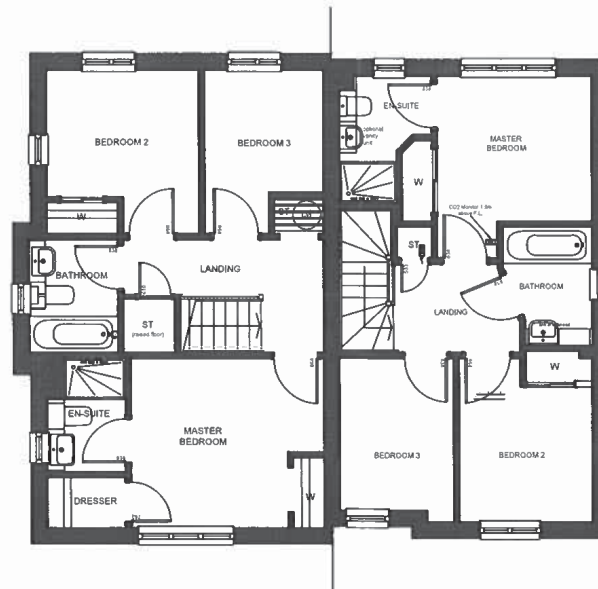
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REAR ELEVATION

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GROUND FLOOR PLAN



FIRST FLOOR PLAN

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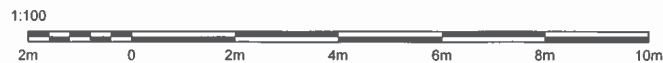
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Planning Drawings
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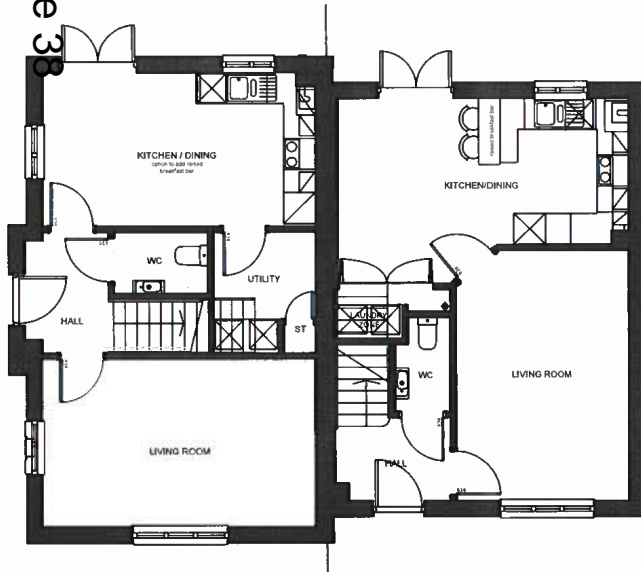




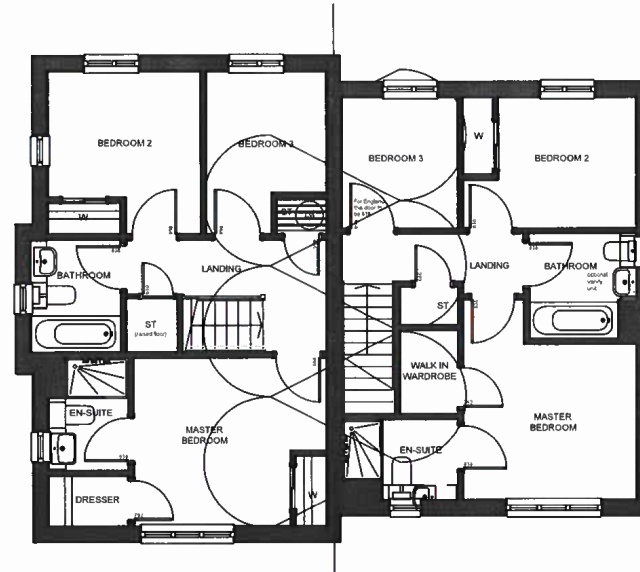
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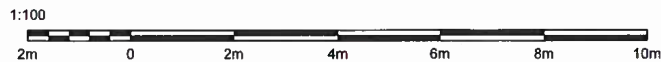
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



Rev	Details	Date	By	CHK
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The Castlewellen x
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Planning Drawings
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HOMES

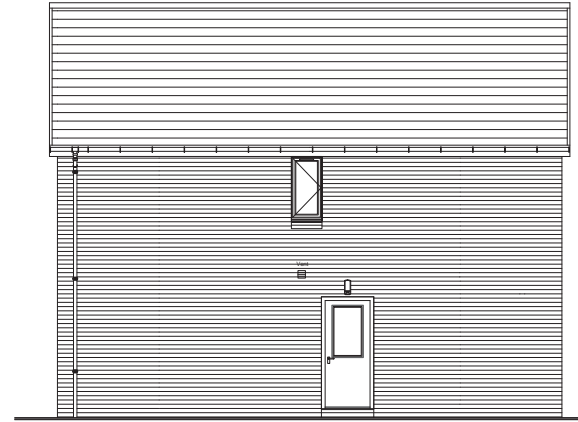
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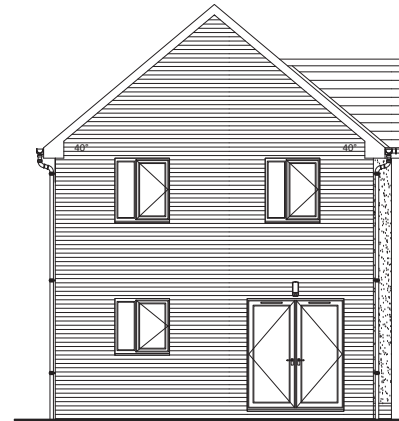
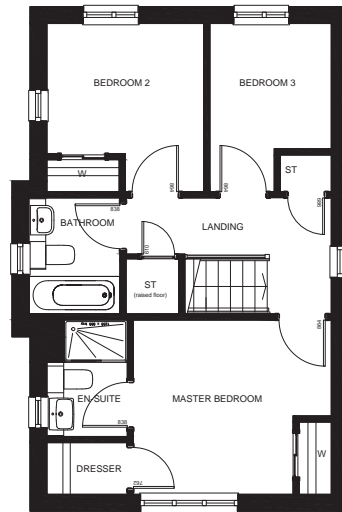
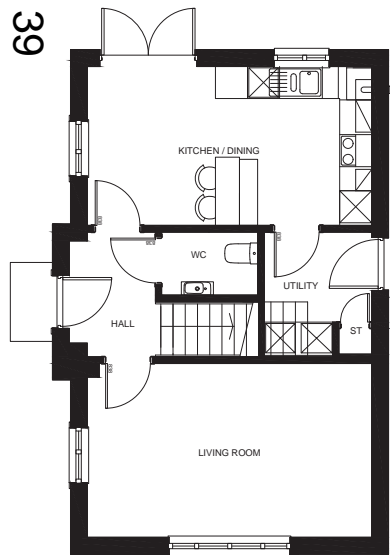
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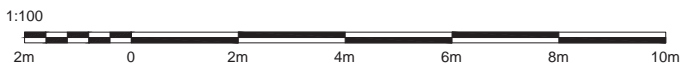
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SIDE ELEVATION



REAR ELEVATION



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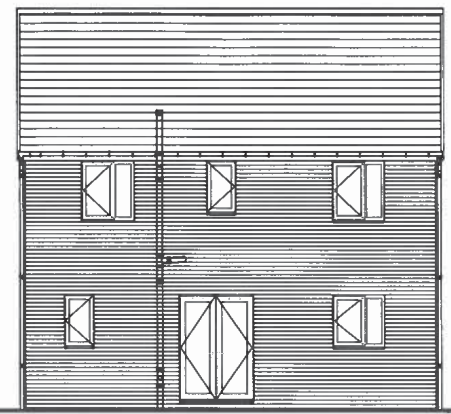
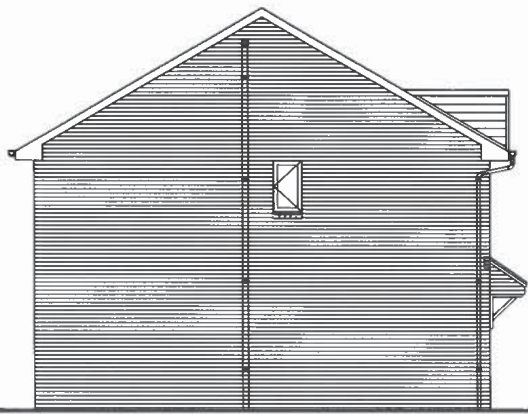
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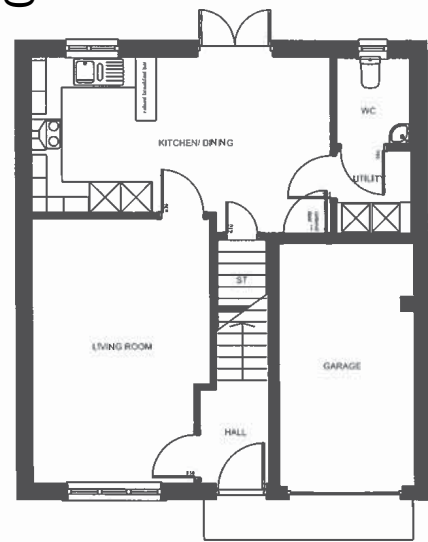


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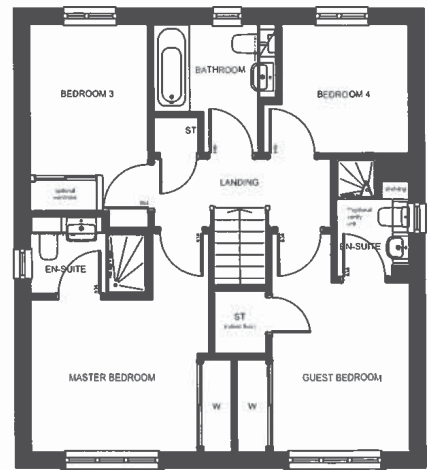
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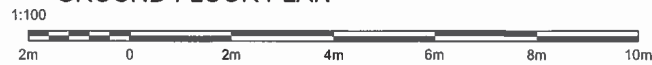
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



10 JUL 2019

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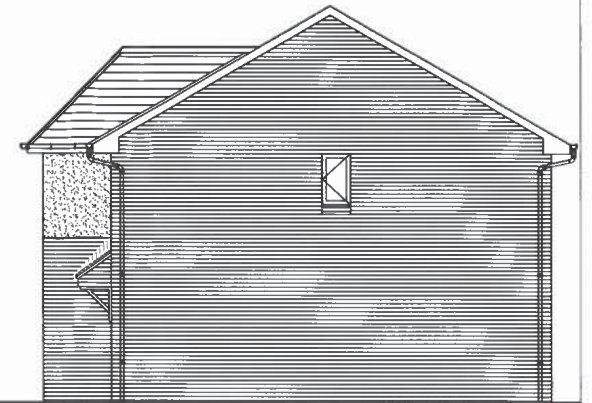
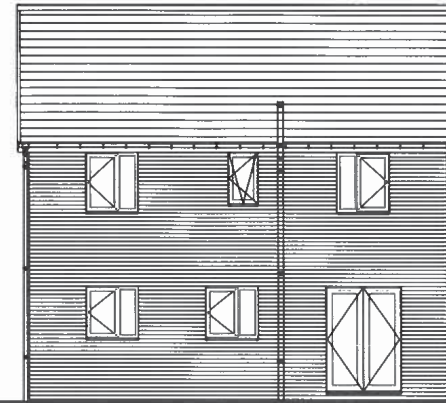
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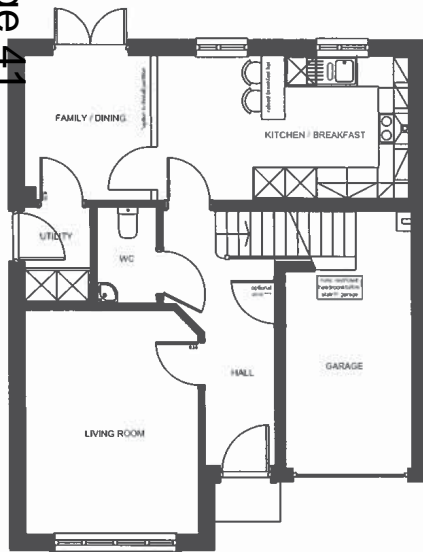
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SIDE ELEVATION

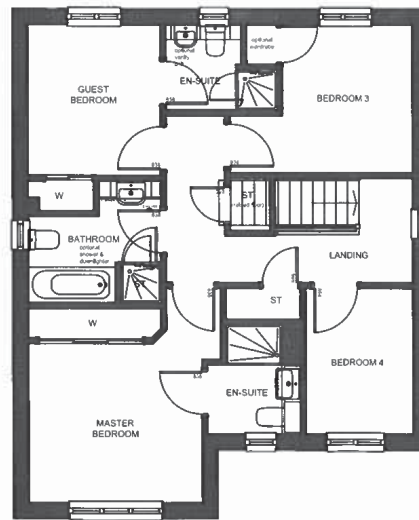
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SIDE ELEVATION

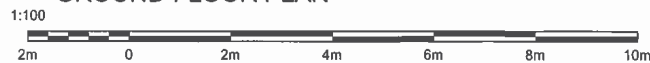
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



10 JUL 2019

DATE	December 2018	DRAWN	CMc
SCALE	1:100	CHK	CMc

The Dukeswood

Planning Drawings
 Style 2

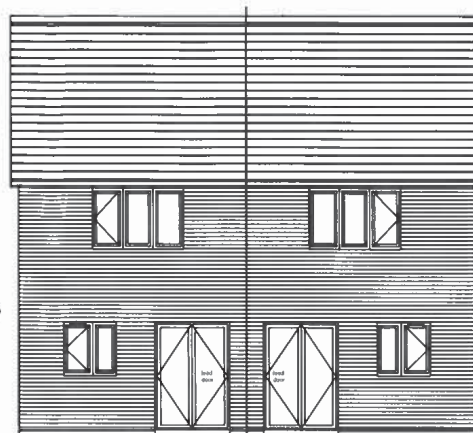
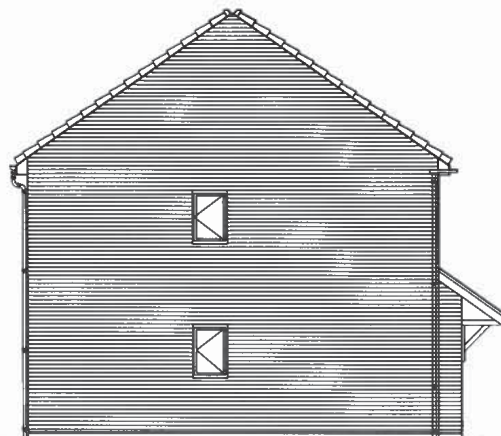
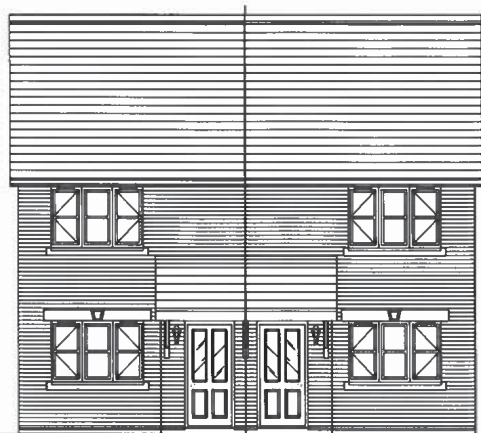
Dwg No	SK296-DUW22-P01	Rev	Ø
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STEWART
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STEWART
Milne
HOMES

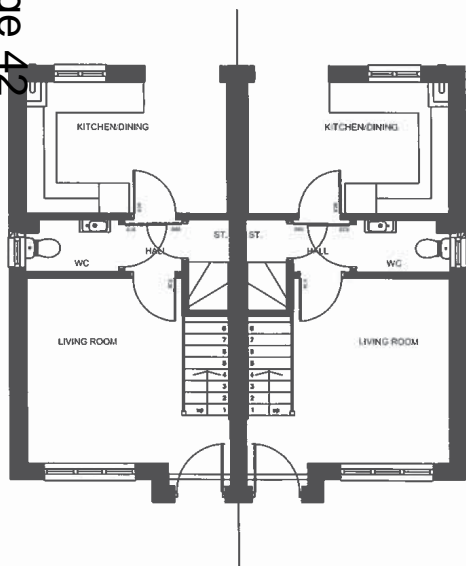


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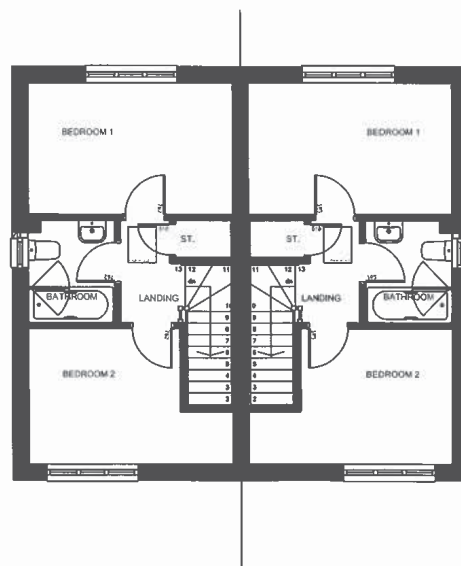
SIDE ELEVATION

REAR ELEVATION

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GROUND FLOOR PLAN



FIRST FLOOR PLAN

10 JUL 2019

Rev	Details	Date	By	CHK
		December 2018	DRAWN	CMc
		1:100	CHK	CMc

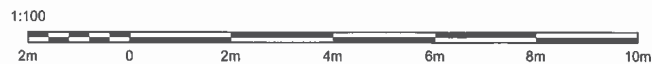
The Esthwaite

Planning Drawings
Style 1

Dwg No SK296-ESW22-P01 Rev Ø

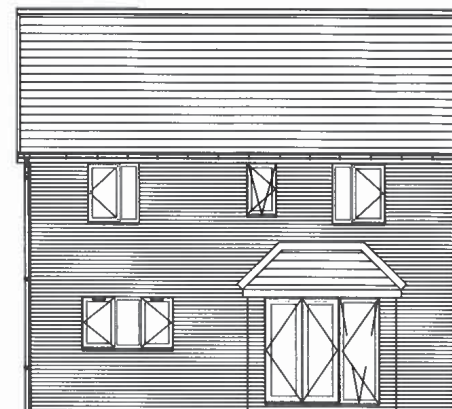
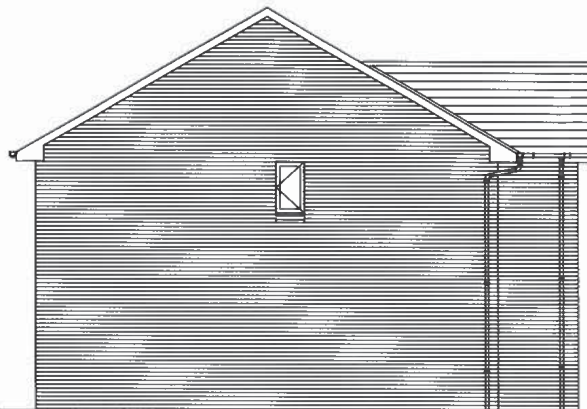
STEWART
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HOMES

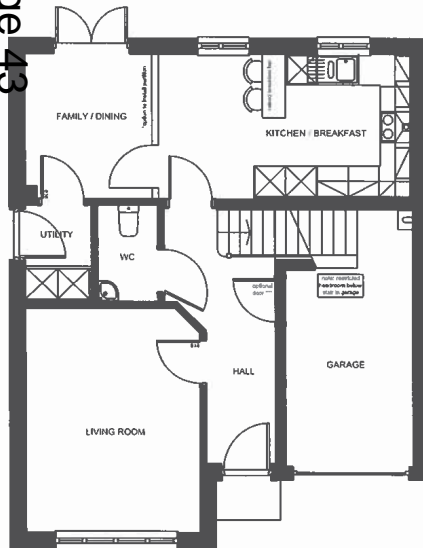


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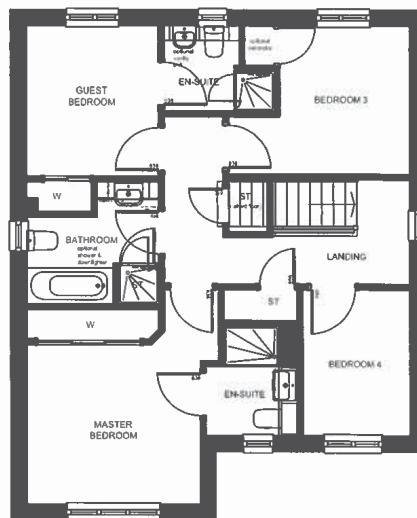
SIDE ELEVATION

REAR ELEVATION

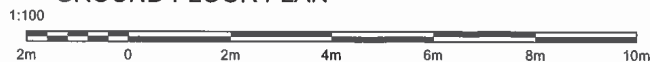
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



10 JUL 2019

Rev. Details		Date	By	CHK
DATE	December 2018	DRAWN	CMc	
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The Glenmore

Planning Drawings
Style 2

Dwg No	SK296-GLW22-P01	Rev	Ø
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STEWART
Milne
HOMES

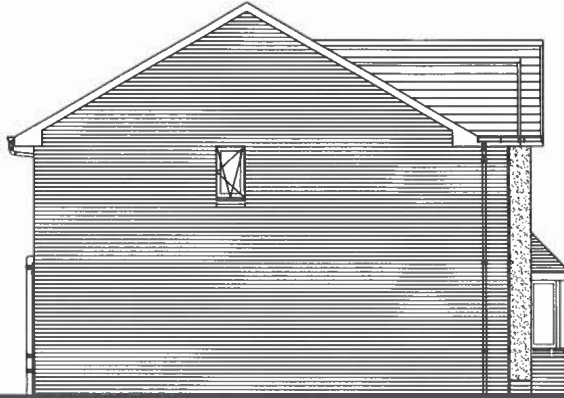
Stewart Milne Homes
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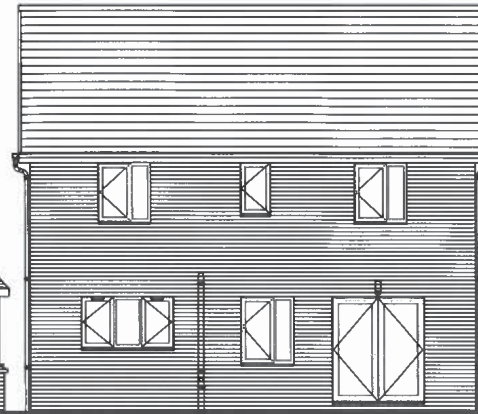
STEWART
Milne
HOMES



FRONT ELEVATION



SIDE ELEVATION

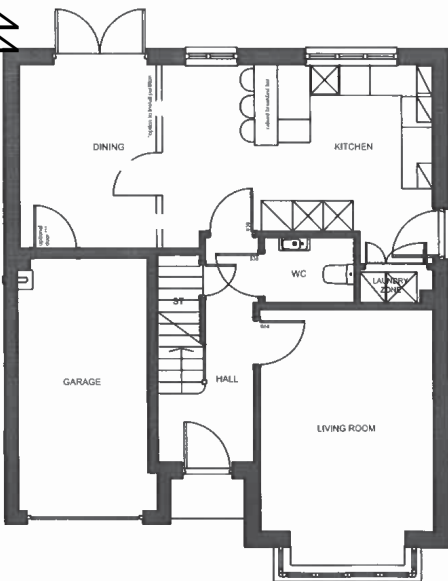


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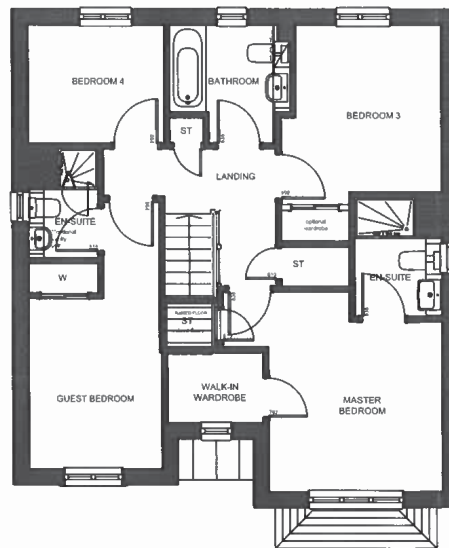


SIDE ELEVATION

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GROUND FLOOR PLAN



FIRST FLOOR PLAN

10 JUL 2019

Rev	Details	Date	By	CHK
DATE	December 2018	DRAWN	CMc	
SCALE	1:100	CHK	CMc	

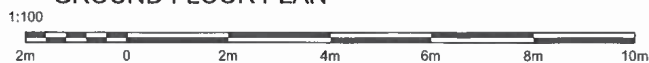
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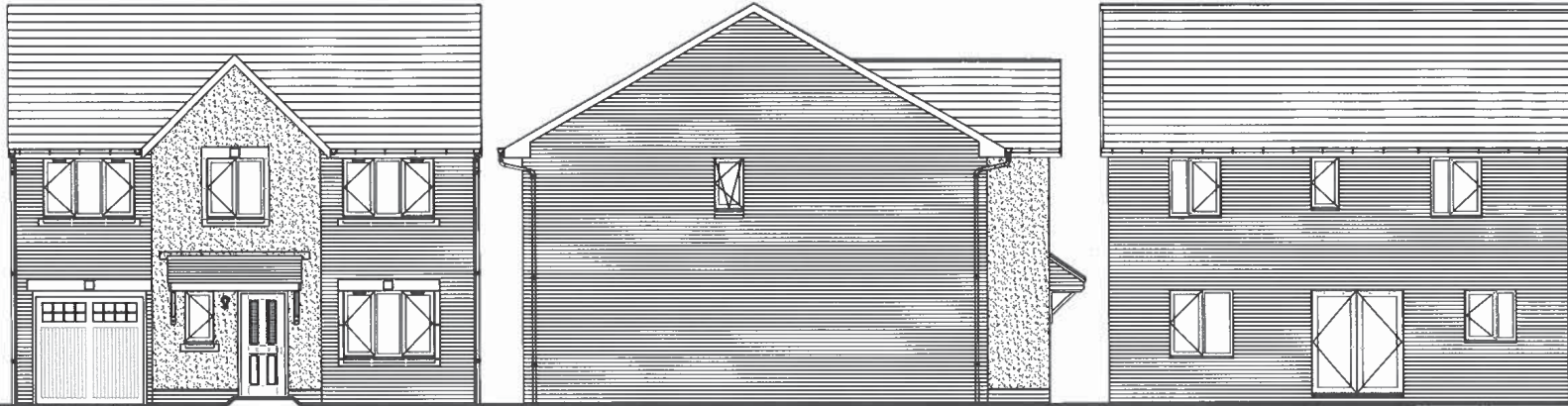
Planning Drawings
Style 2

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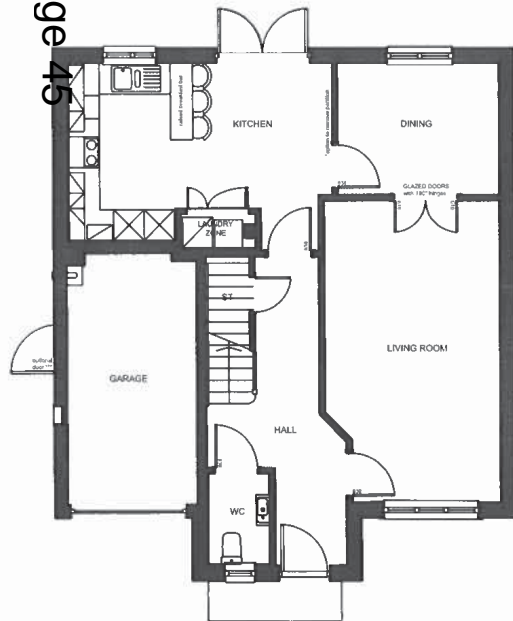


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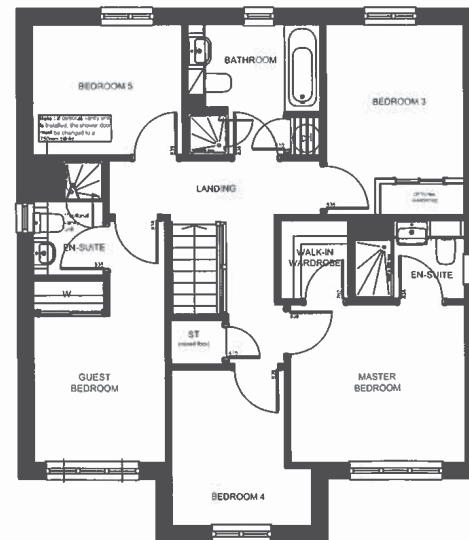
SIDE ELEVATION

REAR ELEVATION

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GROUND FLOOR PLAN



FIRST FLOOR PLAN



10 JUL 2019

Rev	Details	Date	By	CHK
DATE	December 2018	DRAWN	CMc	
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The Heddon

Planning Drawings
Style 2

Dwg No	SK296-HEW22-P01	Rev	Ø
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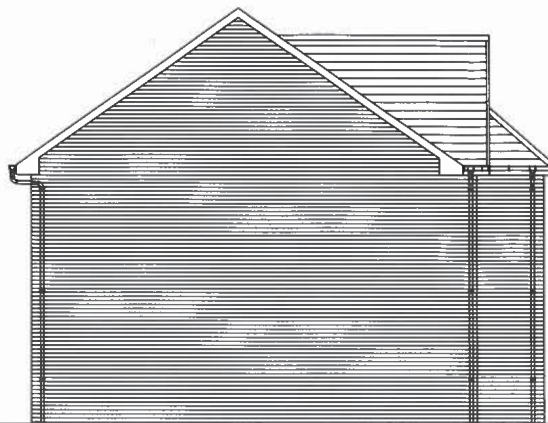
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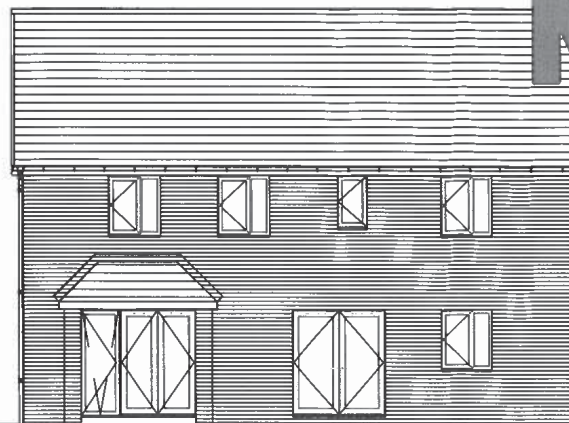
10 JUL 2019



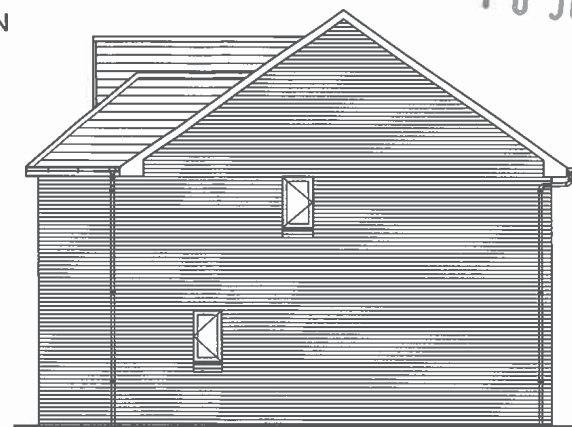
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SIDE ELEVATION

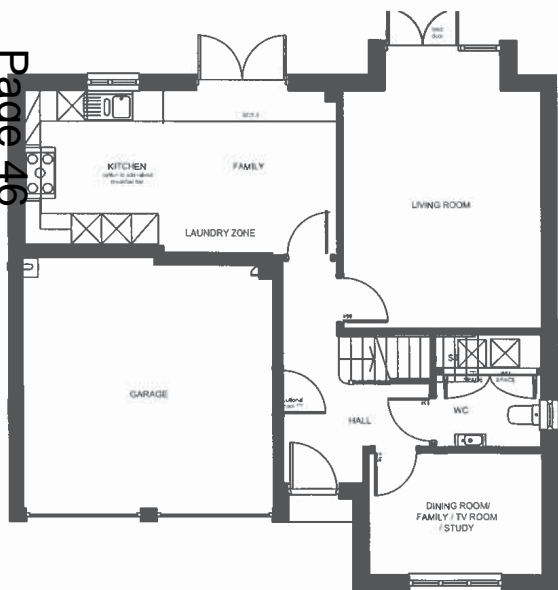


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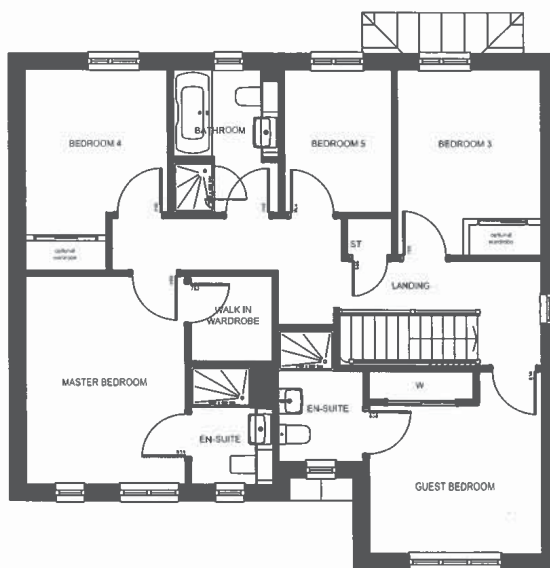


SIDE ELEVATION

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GROUND FLOOR PLAN



FIRST FLOOR PLAN

Rev Details Date By CHK

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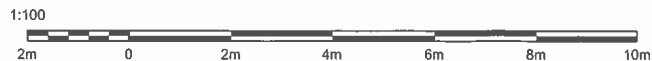
The Kingsmoor

Planning Drawings
Style 1

Dwg No	SK296-KIW22-P01	Rev	Ø
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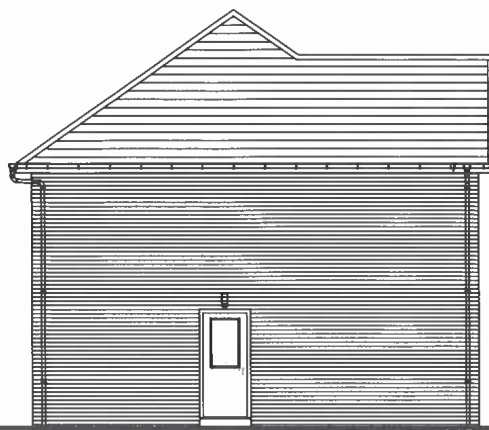


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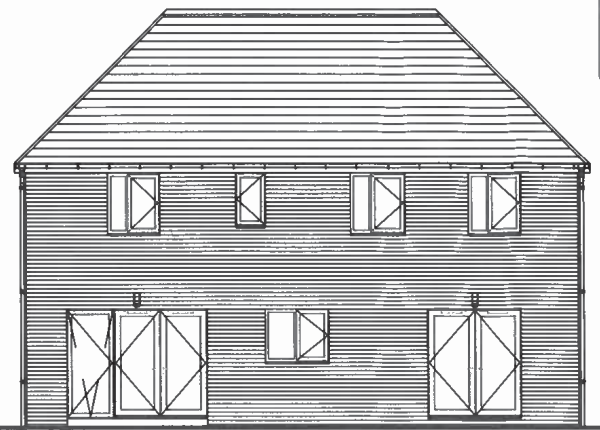
STEWART
Milne
HOMES



FRONT ELEVATION



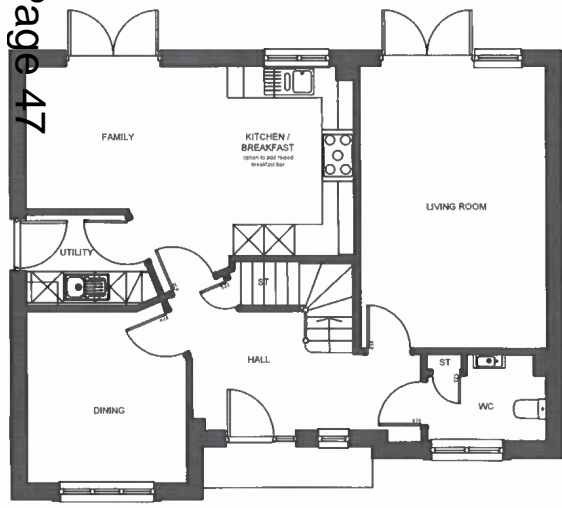
SIDE ELEVATION



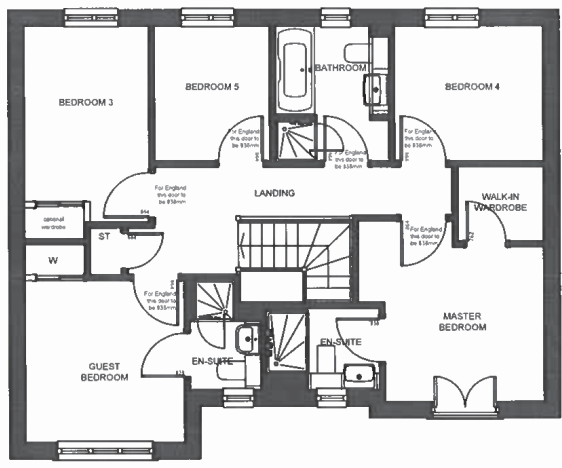
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10 JUL 2019

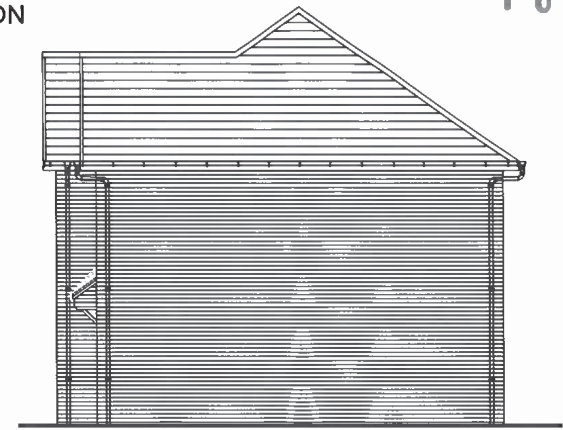
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION

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	DATE	December 2018	DRAWN	CMc
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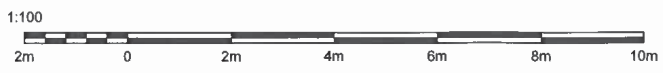
The Laurieston

Planning Drawings
Style 1

Dwg No	SK296-LAW22-P01	Rev	Ø
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Stewart Milne Homes
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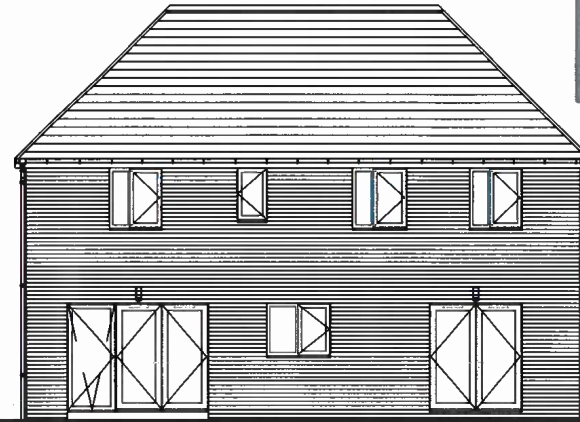




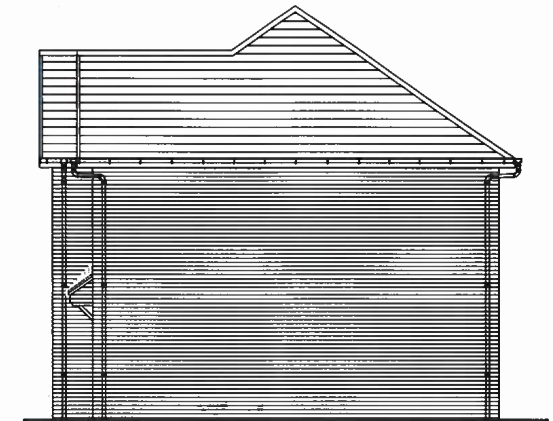
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SIDE ELEVATION

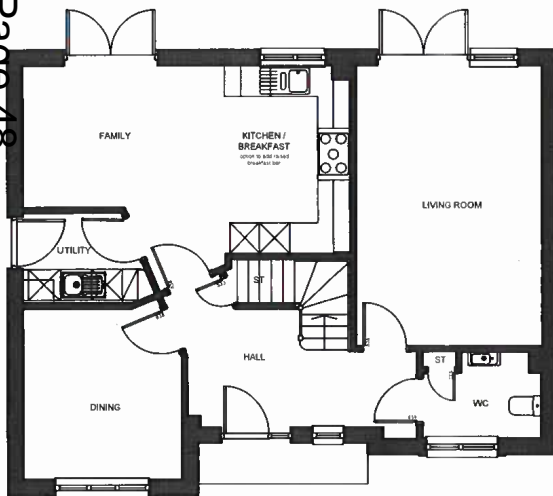


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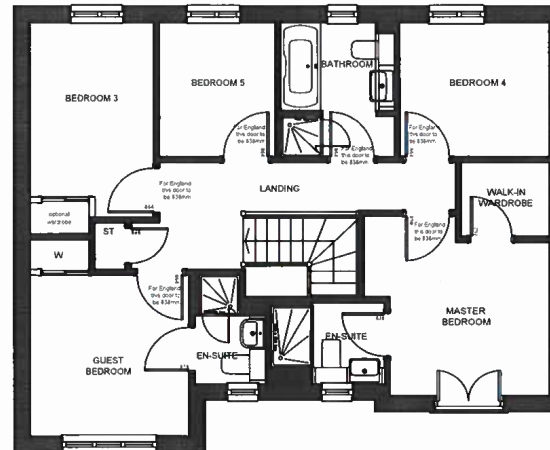


SIDE ELEVATION

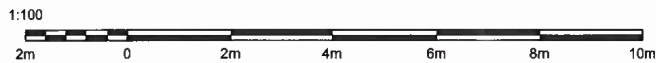
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



Rev	Details	Date	By	CHK
DATE	December 2018	DRAWN	CMc	
SCALE	1:100	CHK	CMc	

The Laurieston

Planning Drawings
Style 2

Dwg No SK296-LAW22-P02

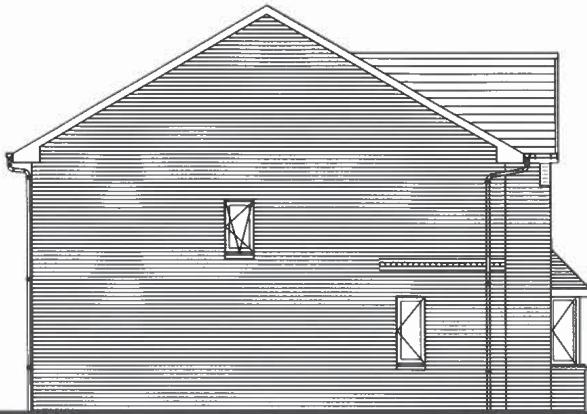
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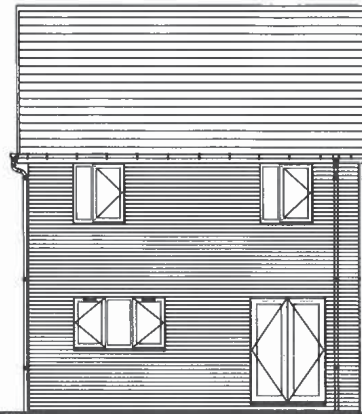
STEWART
Milne
HOMES



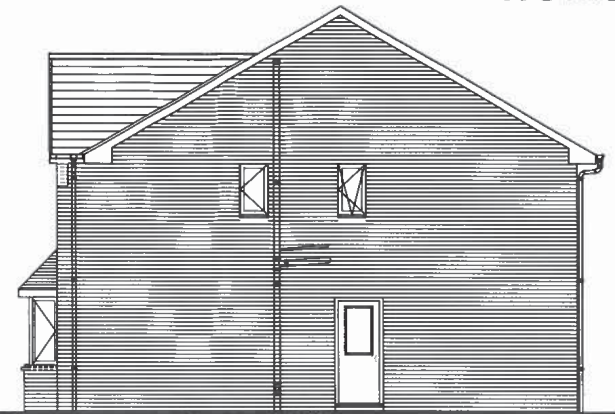
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SIDE ELEVATION

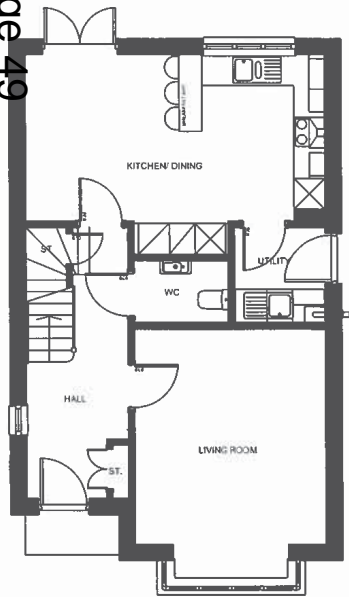


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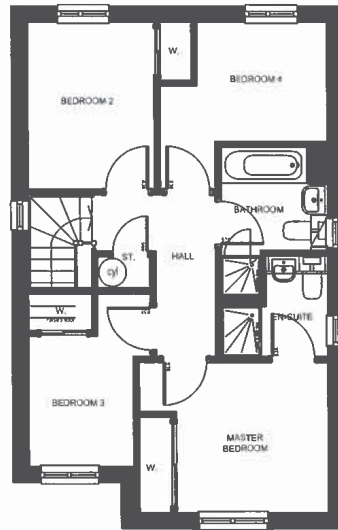


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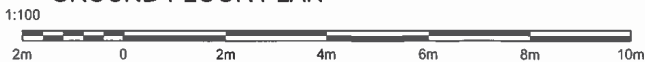
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



10 JUL 2019

Rev Details Date By Ck

DATE	December 2018	DRAWN	CMc
SCALE	1:100	CHK	CMc

The parkwood

Planning Drawings
Style 1

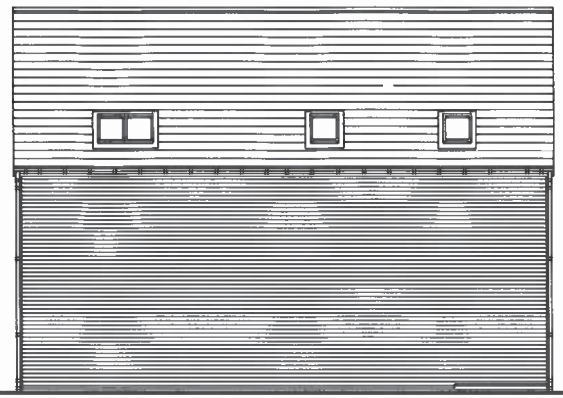
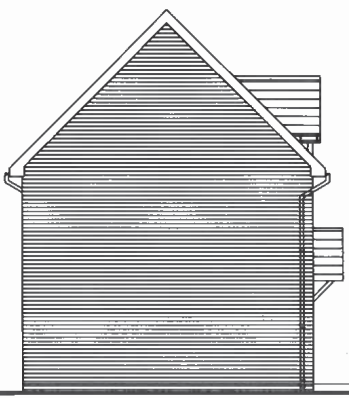
Dwg No	SK296-PWW22-P01	Rev	Ø
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Milne
HOMES



FRONT ELEVATION

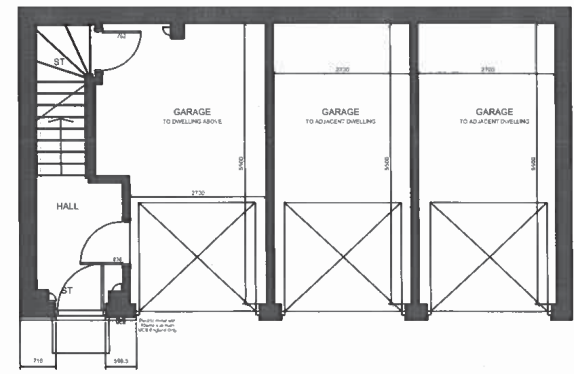
SIDE ELEVATION

REAR ELEVATION

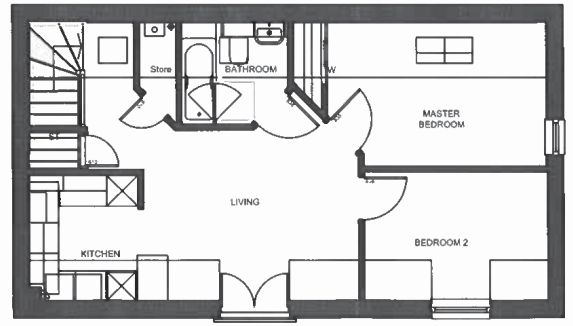
SIDE ELEVATION

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10 JUL 2019



GROUND FLOOR PLAN



FIRST FLOOR PLAN

DATE	December 2018	DRAWN	CMc
SCALE	1:100	CHK	CMc

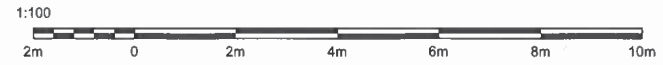
The Rydal

Planning Drawings
Style 1

Dwg No	SK296-RYDW22-P01	Rev	Ø
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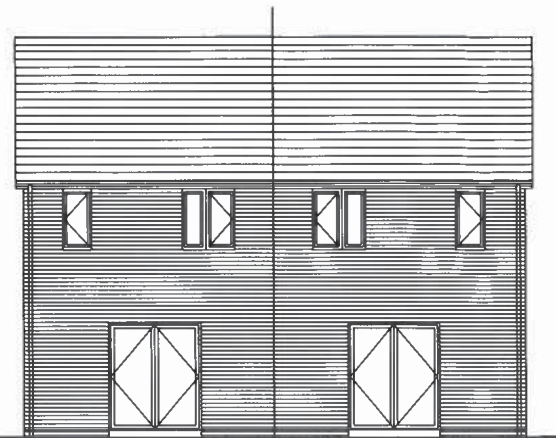
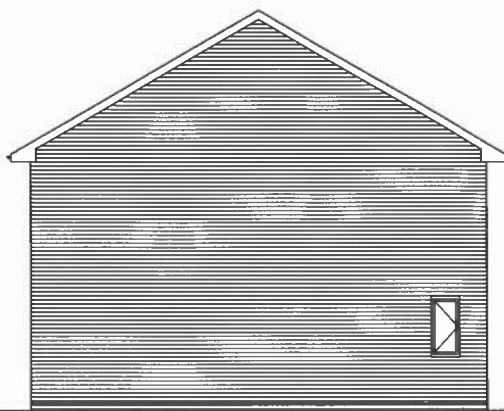
STEWART
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STEWART
Milne
HOMES

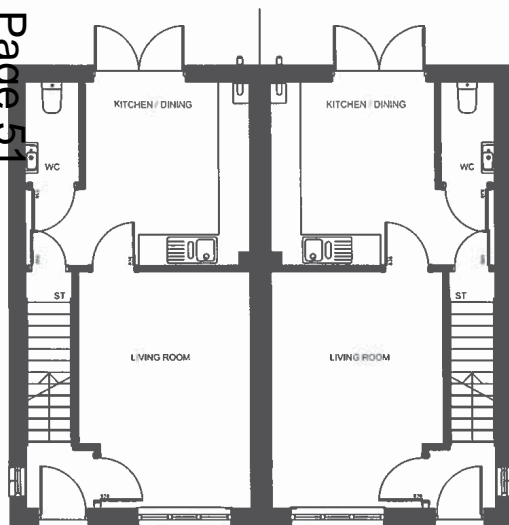


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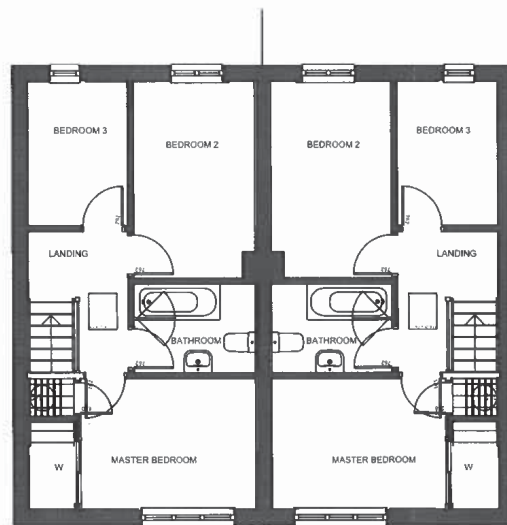
SIDE ELEVATION

REAR ELEVATION

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GROUND FLOOR PLAN



FIRST FLOOR PLAN

10 JUL 2019

Rev Details Date By DN

DATE	December 2018	DRAWN	CMc
SCALE	1:100	CHK	CMc

The Torver

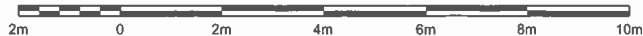
Planning Drawings
Style 1

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STEWART
Milne
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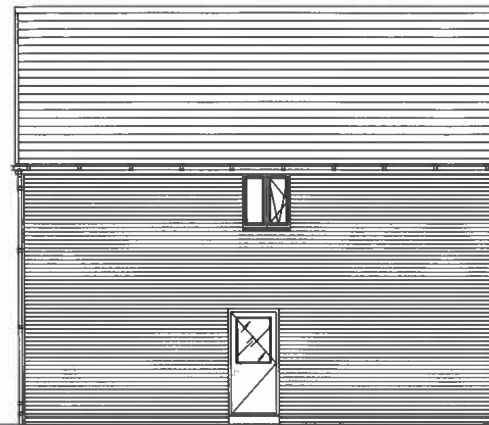
Stewart Milne Homes
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STEWART
Milne
HOMES



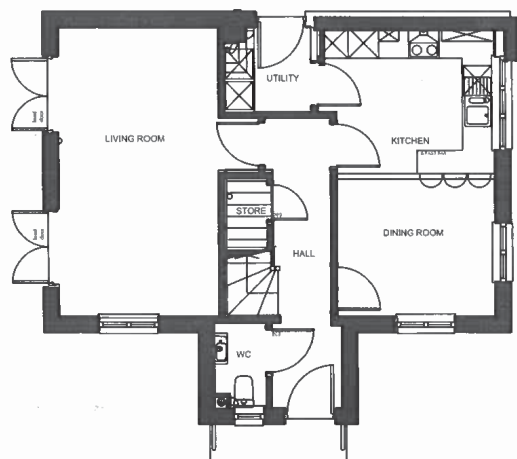
FRONT ELEVATION

SIDE ELEVATION

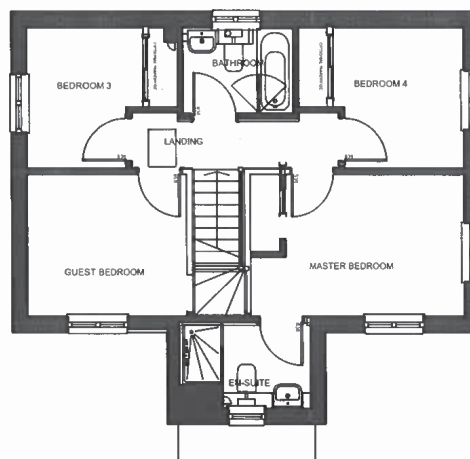
REAR ELEVATION

SIDE ELEVATION

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GROUND FLOOR PLAN



FIRST FLOOR PLAN

10 JUL 2019

Rev	Details	Date	By	CHK
DATE	December 2018	DRAWN	CMc	
SCALE	1:100	CHK	CMc	

The Westwood

Planning Drawings
Style 2

Dwg No SK296-WESW22-P01

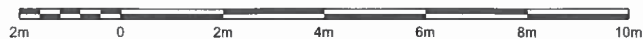
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1:100



Statement from Local Ward member

There are a number of issues I have in relation to this planning application, some of which are summarised below:

1. Ancient hedgerows abound this site. It is not acceptable for them to be destroyed with a view to being replanted – they cannot be made good and replaced if destroyed and must be protected against development and any works that may be permitted under Part 4 Class A of the Town and Country (General Permitted Development) Order 1995. The Wat's Dyke Heritage Trail also needs to be protected.
2. The proposal provides an inadequate level of onsite play and recreational space, contravening policy SR5 in the FUDP.
3. Utilising the usual methodology, Sychdyn has been identified by Education as being the relevant primary school for contributions. New Brighton Road has been assessed by Highways as being hazardous – it is an unlit lane, with no pavement or walkable verge. It has fast moving traffic, being a 60mph zone. Neither Highways nor the developer has been either willing or able to put forward a scheme of work to facilitate a safe route to school. If granted, the Authority will be liable to fund free transport to Sychdyn Primary School. The proposal fails to comply with GEN1 and AC2 of the FUDP.
4. Concerns continue about the drainage available on this site. Following a hydraulic modelling assessment, Welsh Water have put forward some solutions which must be implemented before the existing drains can accommodate the number of proposed dwellings.
5. This site has previously been before the WG Planning Inspector and was rejected due to concerns about drainage issues.
6. NRW reports state that the proposal has the potential to cause disturbance to Great Crested Newts and/or loss or damage to their resting places. The developer is in breach of GEN1 and WB1 of the FUDP in that it has not demonstrated proper account of the European protected species.

Part of this proposed site is within the green barrier under the FUDP. It is also a candidate site under FLDP. Taking a holistic approach, I voted for the FLDP to proceed to the next stage of consideration by the WG Planning Inspector. Should this committee now accept this application in anticipation of a favourable decision on the FLDP, which is not guaranteed, they would deny residents their right to make representations at an independent inquiry, undermine the statutory process and make me question the integrity of the entire process.

Northop Ward has read and supports this statement.

Statement form the Local Residents Group

Statement

Highway Safety.

FCC have stated New Brighton Road has failed the safe routes to school assessment and cannot be considered as a suitable walking route, yet this proposed development will give 92 families direct access to this dangerous road which has no footpath between Sychdyn and New Brighton, vehicles regularly exceed the 30mph speed limit and is used by vehicles above the 7.5t weight limit.

Ecology

Removal of trees and hedgerows

Disturbance of wild animals/destruction of bat breeding and roost site.

Possible disturbance of Great Crested Newts in close proximity to site

The above are non-compliant with Legislative Acts and Regulations (as detailed in New Brighton Residents Group objections submitted 19/09/2019)

Overdevelopment.

Massive over development on land the majority of which is outside the settlement boundary (UDP).

November 2014 Settlement Audit states New Brighton has 328 dwellings, since this date we have had an 11% increase due to new builds, an extra 92 houses would be in total a 39% increase, in a village that has limited facilities.

Active Travel Wales Act 2013

New Brighton not included in Active Travel Route Maps, no safe way to walk or cycle, 92 households forced to travel by car, contrary to the Councils green credentials and the Active Travel Act

Drainage

No detailed drainage plans for foul or surface water identifying that sufficient capacity exists.

Natural Resource Wales – Application site is high risk for surface water flooding

Site Disruption

Disruption for 3 to 4 years, giving highway safety concerns.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28th OCTOBER 2020**

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

SUBJECT: **RESERVED MATTERS APPLICATION- RESIDENTIAL DEVELOPMENT INCLUDING ACCESS, OPEN SPACE AND ALL ASSOCIATED WORKS**

APPLICATION NUMBER: **060855**

APPLICANT: **MACBRYDE HOMES LTD**

SITE: **LAND AT WOODSIDE COTTAGES, DRURY**

APPLICATION VALID DATE: **20TH DECEMBER 2019**

LOCAL MEMBERS: **COUNCILLOR M PEERS AND COUNCILLOR D HUTCHINSON**

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST TO CONSIDER THE HOUSING MIX UNDER POLICY HSG9 AND AFFORDABLE HOUSING PROVISION UNDER POLICY HSG10 BASED ON LOCAL NEED.**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a reserved matters application for 24 dwellings at land at Woodside Cottages, Drury. The matters being put forward for consideration are appearance, landscaping, layout and scale.

Members will recall that the Outline consent was granted on appeal in December 2018.

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

- 2.01 The conditional Reserved Matters permission be granted subject to the applicant either entering into a Section 106 Obligation or Unilateral Undertaking to provide the;
1. affordable dwellings, at the tenures identified by the approved documents, remain affordable in perpetuity.
 2. An agreement ensuring the establishment of a suitable body to ensure adequate maintenance of the non standard highways features and that future residents are not able to seek adoption of the road by the highway authority.

Conditions

1. In accordance with approved plans
2. Materials
3. Landscape implementation
4. Submission of an Environmental Management Plan
5. Existing and proposed levels

3.00 CONSULTATIONS

3.01 Local Member

Councillor D Hutchinson
Councillor M Peers

The Councillors have given a joint response:

- The planning proposal is for 24 houses and is made up of: 2 x 2 Bed Mid terraced properties (8.33% of total), 2 x 3 Bed End Terrace properties (8.33%), 2 x 3 Bed Semi Detached properties (8.33%), 13 x 3 Bed Detached properties (54.10%), and 5 X 4 Bed Detached properties (20.83%).
- The Housing mix put forward in this application we consider conflicts with Policy HSG9. There is also a demonstrated need for affordable housing in this area evidenced in a recent local planning application.
- Analysis of the housing mix concludes that 2 bedroomed properties account for only 8.33% of the total , whereas 3 & 4 Bedroom Detached properties account for 75.00% of the total. A clear conflict of Policy HSG9, where there is not an appropriate housing mix under this application.

Further joint response from Councillor Peer and Councillor Hutchinson received 22.09.20

Summarised below by Councillor Peers;

The housing mix is totally inadequate and requested that be amended during the consultation process.

No details of the 100% affordable scheme, the tenure and the persons eligible have been provided as requested.

No response to the S106 requirement for a footpath for the benefit and the safety of Mount Pleasant Road pedestrians.

Buckley Town Council

The Town Councils preliminary views on the application is as follows:

1. The site density requires review
2. There appears to be an artificial reduction in the large open space
3. The large open space could be used to link the site to Bank Lane
4. Consideration needs to be given to the nature reserve adjacent to the site
5. No affordable housing appears to be included on the planning application

Highways Development Control

It is common practice to limit the number of properties served from a drive to 5 no; plots 8-15 and 19-24 are served by shared private drives. Manual For Streets, Section 11.6, suggests that it is possible for streets to remain private but that a properly constituted body with defined legal responsibilities will need to be established to maintain the streets to the common benefit of residents. Any planning consent should be subject to an agreement ensuring the establishment of a suitable body and to ensure adequate maintenance and that future residents are not able to seek adoption of the road by the highway authority.

Information submitted with the application goes beyond that that is required to satisfy the requirements of condition no.2; the submitted Construction Traffic Management Plan appears suitable to satisfy the requirement of condition no. 8. There is however insufficient detail to satisfy the highway requirements of conditions 5 or 9.

Community and Business Protection

No adverse comments

Housing Strategy

Housing Strategy is aware of this development and supports this planning application.

Housing Strategy have been consulted on the development by Adra Housing Association who have been approached by the developer to purchase the properties for affordable housing.

The mix of units as above has been developed by Adra to provide an equally balanced number of social/ intermediate/ low cost home ownership and market housing to create a true mixed tenure community and various housing options.

The housing need on SARTH and Tai Teg demonstrates there is need for these tenures/ property types in this area and the Council has given the support for this scheme to receive Welsh Government social housing grant funding via the PDP which has been approved.

Natural Resources Wales

Requests conditions

Dwr Cymru/Welsh Water

Raise no objections to the proposal.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

9 letters of Objection received

- Site too small for number of dwellings
- Inadequate existing road network- traffic issues
- Noise pollution
- Pressure on local schools and services
- Construction traffic disruption

5.00 SITE HISTORY

5.01 058212- Outline application for residential development, including access, open space and all associated works. Refused 17th September 2018

Planning Appeal allowed 21st December 2018

Full Award of Costs made to the appellant 14th January 2019

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1- New Development

STR4- Housing

GEN1- General Requirement for Development

GEN2- Development Inside Settlement Boundaries

D1- Design Quality, Location and Layout

D2 – Design

D3 - Landscaping

TWH1- Development Affecting Trees and Hedgerows

TWH2- Protection of Hedgerows
WB1- Species Protection
WB2- Sites of International Importance
WB3- Statutory Sites of National Importance
WB6- Enhancement of Nature Conservation Interests
AC2- Pedestrian Provision and Public Rights of Way
AC13- Access and Traffic Impact
AC18- Parking Provision
HSG8 – Density of Development
HSG9 – Housing Mix and Type
HSG10– Affordable Housing within Settlement Boundaries
SR5 – Outdoor Playing Space and New Residential Development
EWP14- Derelict and Contaminated Land
EWP15- Development of Unstable Land

Planning Policy Wales 10 (PPW10)
Technical Advice Note 5- Nature Conservation and Planning
Technical Advice Note 18- Transport
Local Planning Guidance Note 2 – Space About Dwellings
Local Planning Guidance Note 3- Landscaping
Local Planning Guidance Note 8-Nature Conservation and Development
Local Planning Guidance Note 9 – Affordable Housing
Local Planning Guidance Note 14- Open Space Contributions
Local Planning Guidance Note 23- Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 Proposal

This is a reserved matters application for the residential development of 24 dwellings at Land at Woodside Cottages, Drury. This application considers the matters of appearance, landscaping, layout and scale.

7.02 Whilst originally the site was envisioned as a market housing site, and was submitted for 24 such dwellings, with no affordable houses on site, this application has been amended and now represents a majority affordable scheme to be managed by Adra Housing Association, a registered social landlord.

7.03 Site

The application site is 0.85 hectares, with 1 and 2 Woodside Cottages in the centre of the site and a parcel of agricultural land to the southern portion of the site. Due to existing site constraints the developable area of the site is approximately 0.581 Hectares. The application site is surrounded by residential development. To the southern boundary are semi-detached properties off Pen y Coed Road and Hillside Cottages, to the east a terrace of properties know

as Hawarden View, to the north and north east residential development at Dinghouse Wood and Burntwood house and west the Burntwood public house and further residential properties off Burntwood Road. A public footpath runs adjacent to the northern and eastern boundary of the site. There are a number of trees and hedgerows around the perimeter of the site and a hedgerow along the driveway to Woodside Cottages in the centre of the site. The site is located within the settlement of Drury & Burntwood in the Flintshire Unitary Development Plan

7.04 **Planning History**

This site is subject to planning permission, in outline, for residential development. The outline permission gave details of the Access only. All other matters were reserved and are subject to this application.

7.05 The outline planning application, reference 058212 was subject to a planning appeal. This appeal was allowed on the 21st December 2018. In the Inspectors report the principle of development was considered, as well as specific consideration of the proposed highways access to the development, as well as the proposed density of development, which were the main reasons that Members considered that the proposal was not acceptable.

7.06 The Inspector found that the proposed development would not have a detrimental effect on highway safety and would make efficient use of the land within the appeal site.

7.07 The Inspector considered that the proposed development would not have a significant and uncertain environmental, social, economic or cultural impact and did not consider it necessary to adopt Policy STR1's precautionary approach. In making the most efficient use of available land the Inspector considered that the proposed development would comply with UDP Policy HSG8.

7.08 With regards to the highways access to the site the Inspector considered that the approach roads to the site are of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and amenity, and safe vehicular access can be provided by the developer both to and from the main highway network. They considered that in all these respects the proposed development would comply with Policies STR1, STR2, GEN1 and AC13 of the Flintshire Unitary Development Plan.

7.09 **Affordable Housing**

The scheme is now being proposed as an affordable scheme, of a variety of tenures. The Registered Social Landlord Adra have been in

consultation with the Housing options team at Flintshire County Council, who support the scheme.

7.10 The Local Housing Market Assessment 2018 for Flintshire, in its February 2020 addendum, identifies an annual shortfall of 238 affordable units. The assessment recommends a need for the following property types:

- 1/ 2 bedroom (45.6%)
- 3 bedroom (28.3%)
- 4+ bedroom (12%)
- Older persons stock (14.1%)

To be split between the following tenures:

- Social rented (30%),
- Intermediate rent (30%)
- Affordable ownership (40%)

In terms of the Drury/Dobshill area general housing need, as identified by the SARTH waiting list (as of July 2020), the requirements were:

7.11 **Social Rent**

1 bed bungalow– 19
2 bed bungalow – 8
1 bed flat- 83
2 bed flat- 38
2 bed house- 67
3 bed house-14
4+ bed house 14

7.12 **Affordable Rent**

1 bed flat– 1
2 bed bungalow – 1
2 bed house-16
3 bed house-20
4+ bed house 1

7.13 **Low Cost Home Ownership
Drury/ Dobshill area**

1 bed flat 1
2 bed bungalow 3
2 bed house 13
3 bed house 16
4+ bed house 0

- 7.14 Housing has identified the following mix to be appropriate for the site to meet the identified need:

3-bed dwellings

8 social rented
4 intermediate rent
4 Low Cost Housing on the rent to own scheme

2-bed dwellings

2 Low Cost Housing on the rent to own scheme

The remaining 6 dwellings are to be market rent, managed on a rent to own basis.

- 7.15 As this site was allowed for a maximum of 24 units, this would normally set it outside of the requirements for affordable housing provision within the UDP policy HSG10. As such the fact that this site is now proposed to be developed in conjunction with a Registered Social Landlord, and will provide affordable units that may not otherwise have been available to the community of Drury should be seen as a considerable community benefit. As can be seen by the comments and support from the Housing Strategy team, this development meets an identified need. The exact tenure mix will be established by the Legal agreement to be signed prior to planning permission being granted. The legal agreement will also protect the affordable houses as affordable, in perpetuity.

- 7.16 I consider that the fact that this site now represents a majority affordable housing scheme, whereas the Outline permission did not have any provision for affordable housing, represents a significant community benefit to both Drury as well as to Flintshire as a whole.

7.17 **Layout, Scale and Housing Mix**

The overall level of housing provided by this development was considered at outline stage, albeit on an illustrative basis. The Outline consent showed 24 dwellings in the indicative layout. At the time of the Outline application concern was raised by Members that the density of the site was being artificially reduced to avoid the need to provide affordable housing provision. The Inspector considered this point at the appeal. She noted how the appeal site has several constraints including drainage easements; protection zones around the trees and hedgerows to be retained; a buffer around the existing dwelling, Burntwood House; public open space (POS) and nature reserve; and a suspected mine shaft. The buffers required were considered by the Inspector to be necessary and of an appropriate extent and that the suggested layout makes good use of the available space.

- 7.18 Whilst the layout has slightly changed in the reserved matters submission it follows the principles established in the outline. The layout as proposed is, in my opinion, an improvement with regard to neighbouring amenity, as the spine road is located further away from the rear of dwellings on Pen y Coed Road.
- 7.19 Concerns have been raised over the proposed housing mix as there is considered to be a predominance of 3-bedroom dwellings on the site to the detriment of providing 2-bedroom dwellings, identified in the Housing need register as being in high demand. As previously discussed the dwellings proposed meet a specific need as there remains an identified need for 3-bedroomed dwellings which this development meets, notwithstanding a general need for 2-bedroom properties on the Housing register. With this in mind I consider that the development would be compliant with the requirements of policies HSG8, HSG9 and HSG 10.
- 7.20 Policy HSG 9- Housing Mix and Type describes how ‘To ensure that mixed and balanced communities are created, new housing developments should avoid the creation of large areas of housing of similar characteristics. Through careful design and layout it should be possible to avoid a distinction between different types of housing and tenures.’
- 7.21 Housing mix does not simply mean that the houses on a development provide a variety of 2, or 3 or more bedroom properties, which is simply a case of differing floorspace provided. True housing mix is derived by utilising a variation of tenures, designs and sizes to create a development that does not simply provides a bland palette of the same visual characteristics, yet provides a balance of types of dwelling, not necessarily limited to looking at their sizes.
- 7.22 The development contains a mixture of tenures throughout the site and in this way creates a cohesive development in accordance with the above policy. The use of a diverse range of housetype designs also assists in ensuring the development meets the requirements of the policy. Furthermore, as discussed above, the numbers of bedrooms provided by the dwellings meet a specific identified need, and is supported by Housing Strategy Colleagues.
- 7.23 **Design, Neighbouring and Residential Amenity**

The site has been laid out in such a way as to avoid impacting upon exiting neighbouring amenity to any great extent. Plots 1-5 are the only new dwellings which have a rear to rear interface, in this case with dwellings on Pen y Coed road which have fairly shallow rear gardens. The interface between the existing and proposed dwellings are at an oblique angle with no direct overlooking and in every case the minimum acceptable distance as set out in SPGN2- Space

7.24 Around Dwellings are met or exceeded. Elsewhere on site the proposed dwellings offer blank gables towards existing dwellings. Again the minimum acceptable separation distances are exceeded for side to rear interfaces. Garden sizes are suitable for the respective dwelling sizes and offer an acceptable standard of amenity across the site.

7.25 The proposal includes a mix of house types, with a blend of materials and styles across the site. External materials are predominantly brick and tile with rendered panels being utilised on a number of the houses to present a varied and attractive development. The designs are considered to be suitable for use in this location. The use of the 7 different housetypes throughout the development assists in creating the mix in house appearance discussed above.

7.26 **Access, Highways and Parking**

The Access arrangements were previously considered at Outline stage and considered to be acceptable by the Planning Inspector. In their decision the Inspector commented that: "There is no evidence that the proposed development would fail to create a safe, healthy and secure environment or that it would not make the best use of existing roads. It has been found that no mitigation measures are required and thus traffic management and calming are not necessary." And goes on to say that "The approach roads to the site are of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and amenity, and safe vehicular access can be provided by the developer both to and from the main highway network. In all these respects the proposed development would comply with Policies STR1, STR2, GEN1 and AC13 of the Flintshire Unitary Development Plan which was adopted in 2011." The access provision has been granted permission.

7.27 Conditions on the Outline permission require full highways details to be submitted and agreed prior to the commencement of development.

7.28 Local Members have put forward a suggested alternate entrance to the scheme at its northern end. As the access point was agreed at Outline stage this is not an applicable consideration for this proposal. The Local Planning Authority can only consider the particulars of the proposal as submitted. It is worth reiterating that the Planning Inspector found no fault with the access point as submitted, and the Highways Authority have raised no objection at any point during this submission, or indeed the Outline application.

7.29 Local Members have also stated they wish a S106 to be imposed to require a footpath to be provided for the benefit and safety of the users of Mount Pleasant Road as it joins Drury Lane. It is important to note that this is a reserved matters planning application to

consider matters of appearance, landscaping, layout and scale. Matters related to access in all its forms have been approved as part of the outline application as outlined above. It is also important to note that this matter falls outside the control of the applicant so this is not a matter that the developer can exercise any control over. As such it would not be a lawful request to require a planning obligation to cover this footpath link as it would fail the relevant legal tests, nor would it be appropriate to condition such a link, for the same reason.

7.30 **Landscaping**

An extensive landscaping plan has been proposed throughout the site, with green areas and new areas of planting proposed. There is a centrally located nature reserve, which was part of the conditions of the outline proposal, as well as informal areas of open space and planting in communal areas to the front of the dwellings.

7.31 Whilst the majority of trees in the centre of the site have to be removed, a large number of trees and hedges on the site boundaries are to be retained.

7.32 I consider that the landscaping proposed is appropriate to the development, and in accordance with the relevant development plan policies.

7.33 **Planning Obligations**

A Unilateral Undertaking was submitted with the appeal which covered planning obligations required to cover Education contributions, Open space and the Nature reserve on the site. Given the details provided with this submission a further legal agreement is required to cover detailed matters not previously considered on the Outline permission.

7.34 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.

7.35 As the proposal is now being put forward as a scheme of primarily Affordable housing, it would be appropriate to require an agreement to be entered into in order to retain the units as affordable dwellings in perpetuity.

7.36 In addition, as the proposal provides some areas of shared drives that would not be suitable for adoption by the Local Authority, it is necessary for an agreement to be undertaken which would specify the future management of these areas as well as ensure that they are not intended for adoption in the future.

7.37 I consider that these requests are in compliance with the above regulation 22 tests and can be applied in this instance.

7.38 **Other Matters**

As this is a Reserved Matters application, it should be noted that a great deal of the issues have been previously considered and are covered by conditions imposed upon the development by the Planning Inspector. Conditions precedent are in place covering issues of contaminated land, historic shallow mine workings on site, archaeology, site ecology, drainage and construction traffic management.

7.39 The Nature reserve located in the centre of the site was required given the ecology concerns raised at the time of the appeal over the Outline planning application. Details of the management of this area has been provided within the preliminary ecological appraisal and following negotiations with the County Ecologist, Natural Resources Wales and the developer. I consider that this information, along with information required for the discharge of condition 13 of the Outline planning permission, is sufficient to deal with this issue satisfactorily.

8.00 CONCLUSION

The principle of development is established by the Outline planning permission. In the Inspector's decision questions of scale and access were discussed and accepted. The current submission provides a level of affordable housing that would not be possible for the Authority to insist upon, as there would be no policy basis to do so, and represents an opportunity to add a positive contribution to local housing options that would not normally be the case if 24 market houses were to be constructed on the site. For these reasons I recommend that the proposal is approved.

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.

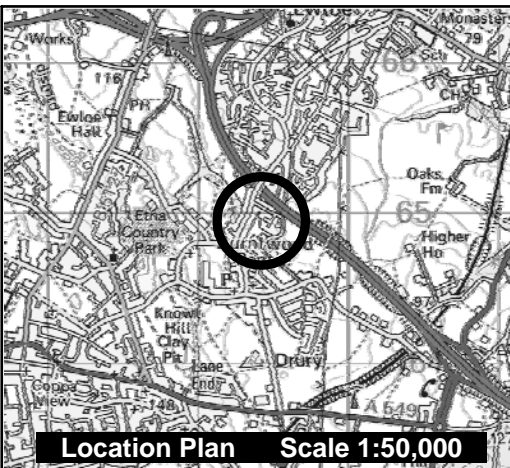
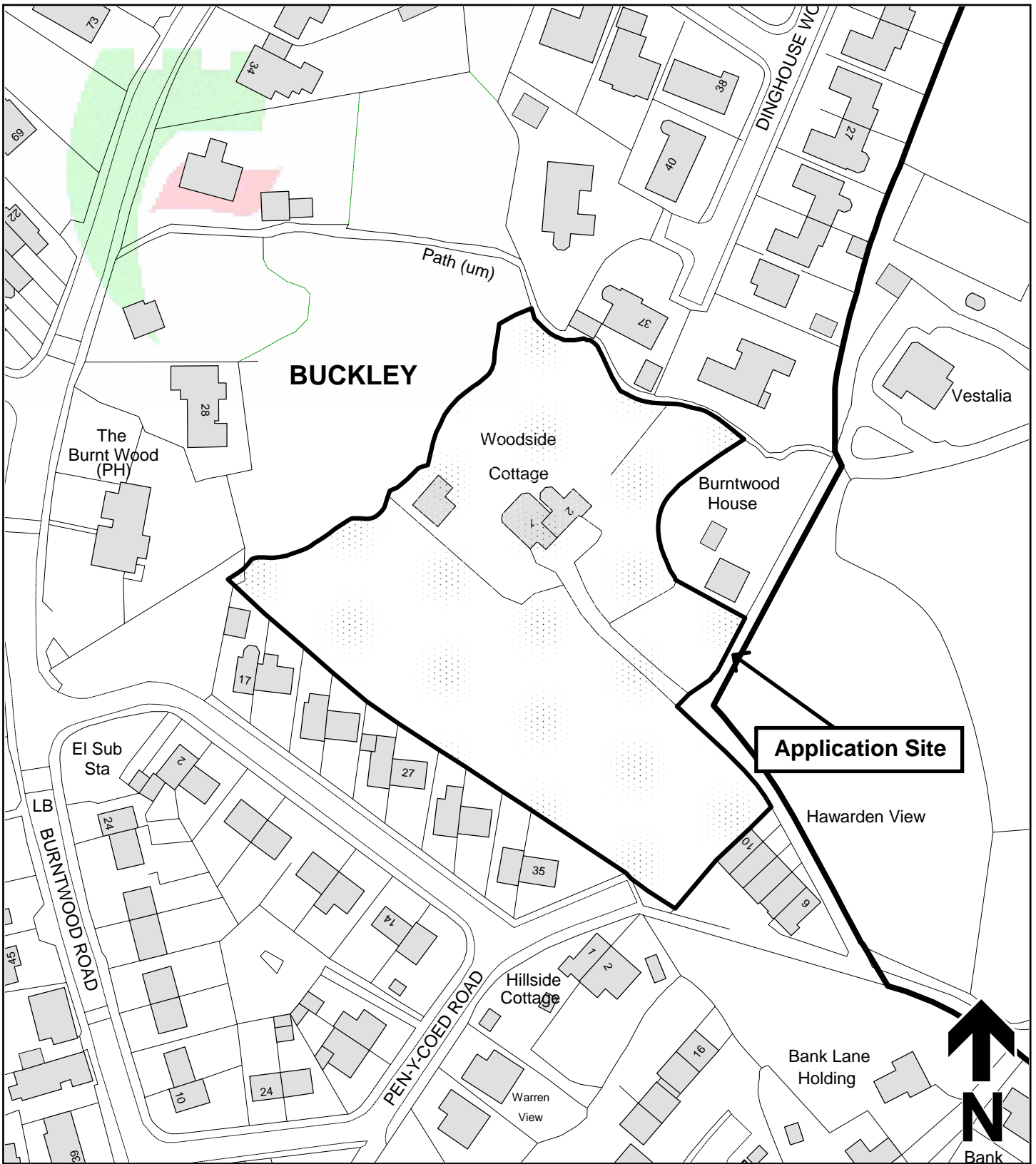
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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Telephone: (01352) 703262
Email: james.beattie@flinthshire.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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Map Scale 1:1250

OS Map ref SJ 2964

Planning Application **60855**



SCHEDULE OF ACCOMMODATION

HOUSETYPE	DESCRIPTION	SQFT	NUMBER	PERCENTAGE
SPB	3 Bed, 2 Storey, Mid End Terrace	199 SQFT	6	23.33
Osley	2 Bed, 2 Storey, Mid Terrace	106 SQFT	2	8.33
Warwick	3 Bed, 2 Storey, End Terrace	862 SQFT	2	8.33
Melrose	3 Bed, 2 Storey	979 SQFT	2	8.33
Horley	3 Bed, 2 Storey	1040 SQFT	2	8.33
Eastham	3 Bed, 2 Storey	1126 SQFT	5	20.83
Beaumont	3 Bed, 2 Storey	1139 SQFT	3	12.50
TOTAL		24294 SQFT	24	
Gross Site Area	2.00 Acres	0.85	Hectares	
P.O.S	0.22 Acres	0.09	Hectares	
Undevelopable: Single-Sided Road & Existing Drain Easement	0.16 Acres	0.06	Hectares	
NETT SITE AREA:	1.71 ACRES	0.69	HECTARES	
Gross Density:	11.48 Units/Acre	28.38	Units/Hectare	
NETT DENSITY:	14.84 UNITS/ACRE	34.83	UNITS/HECTARE	
Gross Footage:	11591.82 SQFT/Acre	2658.79	SQM/Hectare	
NETT FOOTAGE:	14155.56 SQFT/ACRE	3249.84	SQM/HECTARE	

- Key:**
- Site Boundary
 - 1.8m high boundary fence
 - 1.8m high screen wall fence
 - Private Drive
 - Indicative Landscaping
 - Number of parking spaces proposed to Semi-Detached and Detached Dwellings
 - Parking space allocation to Terraced Dwellings
 - Knee rails to parking bays to Mid-Terraced Dwellings
 - Existing combined Section Easement
 - Approximate mine shaft location

Rev.	Description:	Date:
A	Terrace blocks added, new house types amended & Drainage Easement added.	18.07.19
B	Mine shaft location updated & Road amended to suit	12.08.19
C	Plot Substitutions & Detached Garages removed	03.09.19
D	Plot Substitutions & minor amendments	14.10.19
E	Plot Substitutions & minor amendments	13.11.19
F	Amended in line with Highways comments	04.03.20
G	Amendments to housing mix.	20.05.20
H	Parking to Plots 11 & 12 amended.	05.06.20



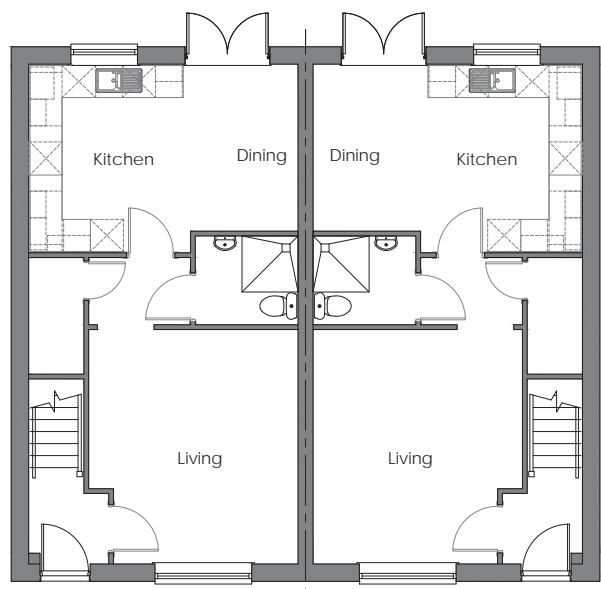
Macbryde Homes Limited,
 Macbryde House, Unit 28,
 St. Asaph Business Park,
 Forrd Richard Davies, St Asaph,
 Denbighshire. LL17 0LJ.
 Tel. 01745 536677
 Fax. 01745 536688

Site:	Land at Woodside Cottages, Buckley	
Title:	Proposed Site Plan	
Scale:	1:500@A1	Date: 20.05.19
Ref:	WSCT-SP01	Rev: H

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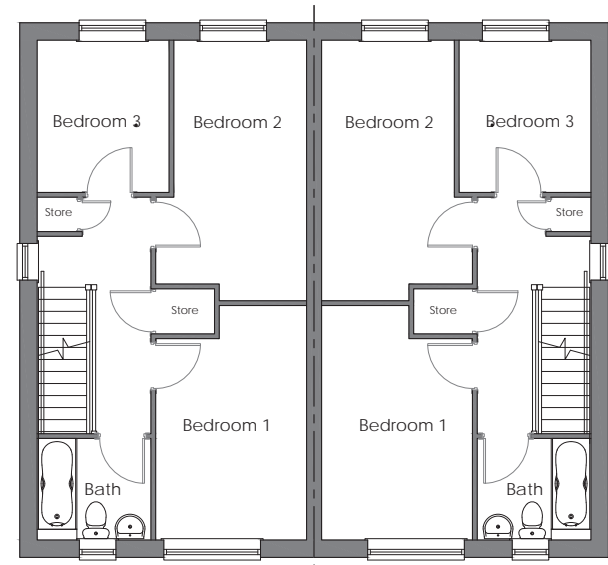
Rev:	Description:	Date:

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GROUND FLOOR
PLOT 19 & 21 - (5P3B)

GROUND FLOOR
PLOT 20 & 22 - (5P3B)



FIRST FLOOR
PLOT 19 & 21 - (5P3B)

FIRST FLOOR
PLOT 20 & 22 - (5P3B)



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Tel. 01745 536677
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Site: Land at Woodside Cottages, Buckley

Title: 5P3B - Semi - Floor Plans

Scale: 1:100 @ A3

Date: 24.06.20

Ref: WSCT - 5P3B S. PL01

Rev: -

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COMMENCING WORK OR MAKING ANY SHOP DRAWINGS.

Rev:	Description:	Date:



FRONT ELEVATION [AS] □
PLOT 19 & 21 - (5P3B)

FRONT ELEVATION [OPP] □
PLOT 20 & 22 - (5P3B)



SIDE ELEVATION
PLOT 19 & 21



REAR ELEVATION [OPP] □
PLOT 20 & 22 - (5P3B)

REAR ELEVATION [AS] □
PLOT 19 & 21 - (5P3B)



SIDE ELEVATION
PLOT 20 & 22

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Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

Title: 5P3B - Semi - Elevations

Scale: 1:100 @ A3

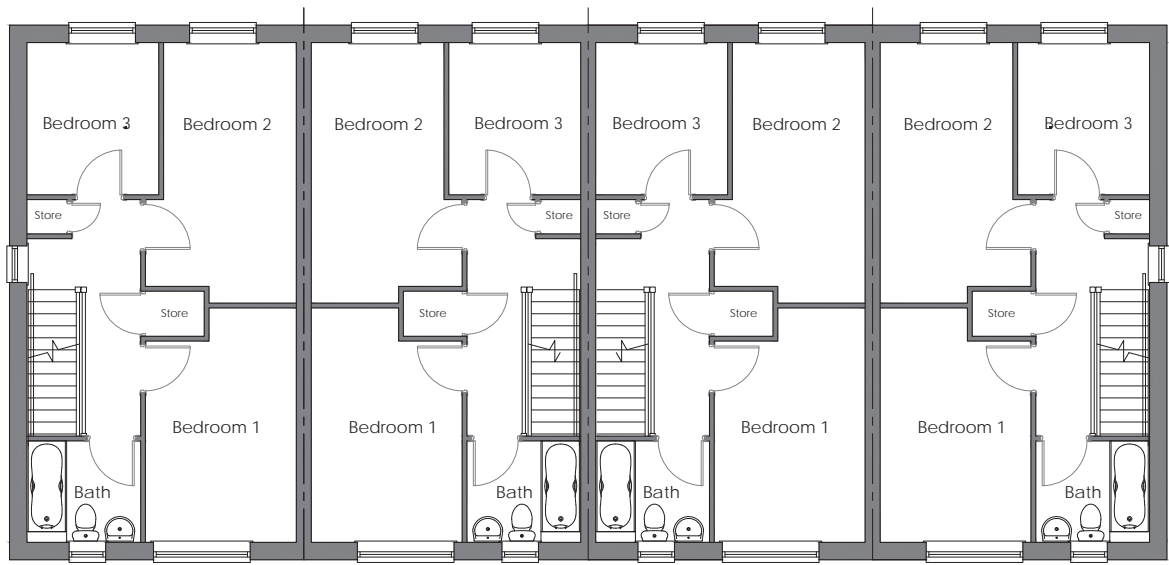
Date: 24.06.20

Ref: WSCT - 5P3B S. PL02

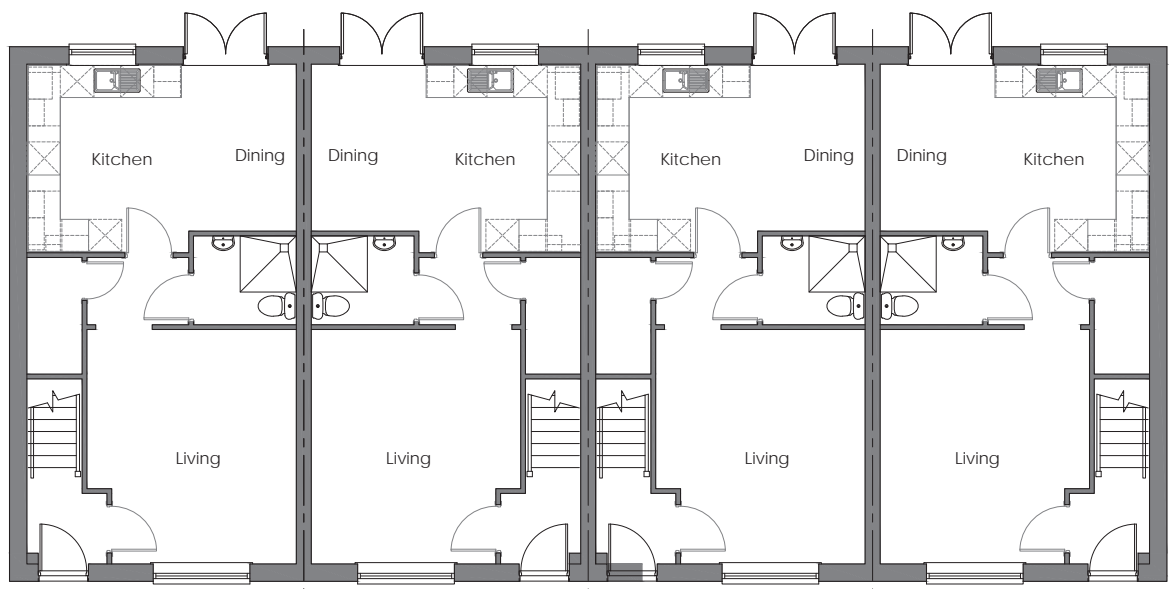
Rev: -

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COMMENCING WORK OR MAKING ANY SHOP DRAWINGS.

Rev:	Description:	Date:



FIRST FLOOR
PLOT 12 - (5P3B) PLOT 13 - (5P3B) PLOT 14 - (5P3B) PLOT 15 - (5P3B)



GROUND FLOOR
PLOT 12 - (5P3B) PLOT 13 - (5P3B) PLOT 14 - (5P3B) PLOT 15 - (5P3B)



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Macbryde House, Unit 28,
St. Asaph Business Park,
Ffordd Richard Davies, St Asaph,
Denbighshire. LL17 0LJ.
Tel. 01745 536677
Fax. 01745 536688

Site:	Land at Woodside Cottages, Buckley	
Title:	5P3B - 4 Block Floor Plans	
Scale:	1:100 @ A3	Date: 24.06.20
Ref:	WSCT - 5P3B B. PL01	Rev: -

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Rev:	Description:	Date:



FRONT ELEVATION [AS]

PLOT 12

PLOT 13

PLOT 14

PLOT 15



REAR ELEVATION [OPP]

PLOT 15

PLOT 14

PLOT 13

PLOT 12

Page 74



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Denbighshire. LL17 0LJ.
Tel. 01745 536677
Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

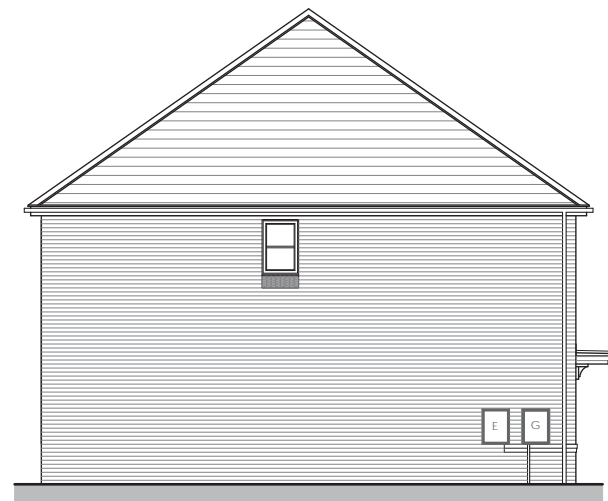
Title: 5P3B - 4 Block Front & Rear Elevations

Scale: 1:100 @ A3 Date: 24.06.20

Ref: WSCT - 5P3B B. PL02 Rev: -

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Rev:	Description:	Date:



SIDE ELEVATION
PLOT 12



SIDE ELEVATION
PLOT 15



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Ffordd Richard Davies, St Asaph,
Denbighshire. LL17 0LJ.
Tel. 01745 536677
Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

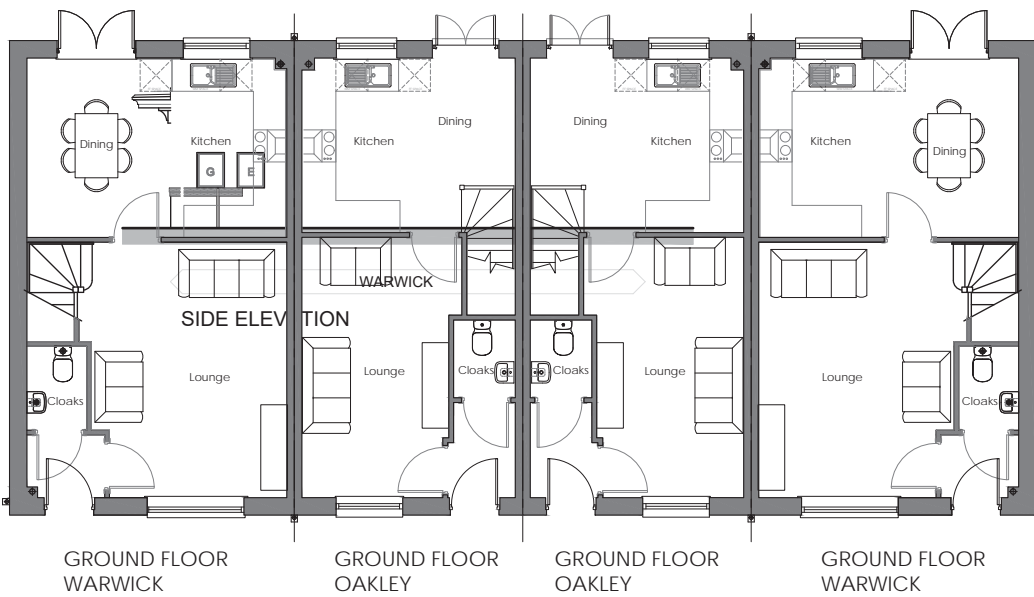
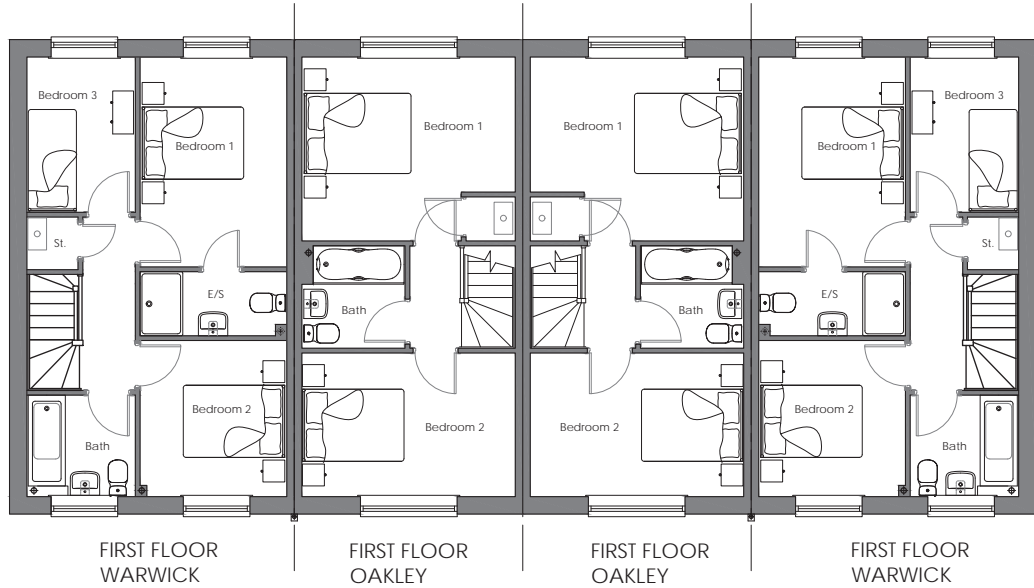
Title: 5P3B - 4 Block Side Elevations

Scale: 1:100 @ A3 Date: 24.06.20

Ref: WSCT - 5P3B B. PL03 Rev: -

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Tel. 01745 536677
Fax. 01745 536688

Site: **Land at Woodside Cottages, Buckley**

Title: **Warwick - Oakley Floor Plans**

Scale: **1:100 @ A3**

Date: **24.06.20**

Ref: **WSCT - WAROAK. PL01**

Rev: **-**

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Rev:	Description:	Date:

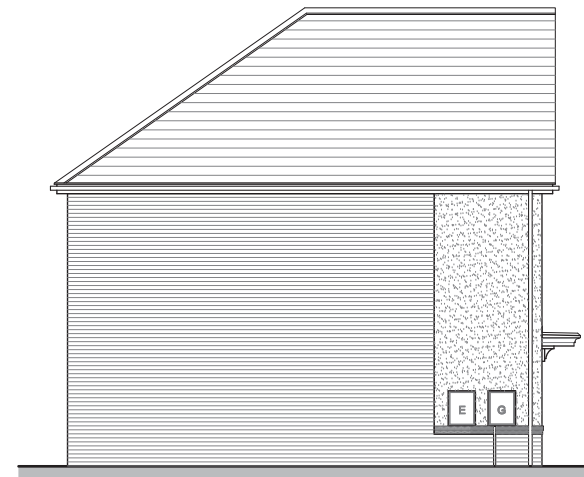


FRONT ELEVATION
WARWICK (GR2)

FRONT ELEVATION
OAKLEY (R2)

FRONT ELEVATION
OAKLEY (R2)

FRONT ELEVATION
WARWICK (GR2)



SIDE ELEVATION
WARWICK (GR2)

Page 77

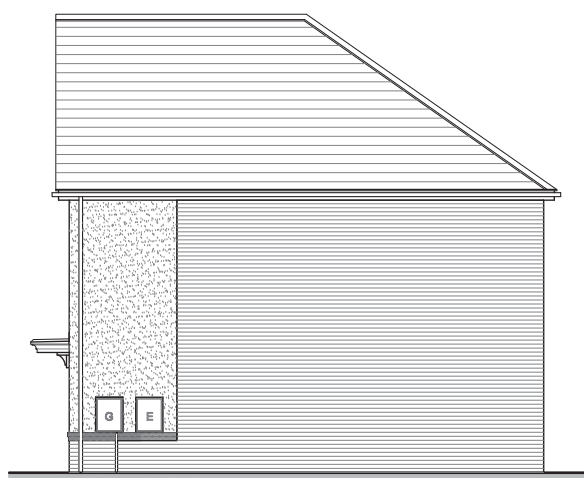


REAR ELEVATION
WARWICK

REAR ELEVATION
OAKLEY

REAR ELEVATION
OAKLEY

REAR ELEVATION
WARWICK



SIDE ELEVATION
WARWICK (GR2)



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Tel. 01745 536677
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Site: Land at Woodside Cottages, Buckley

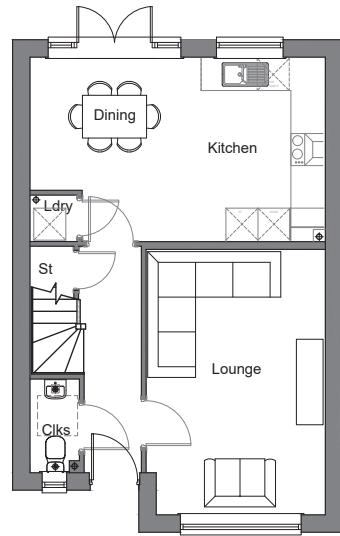
Title: Warwick - Oakley Elevations

Scale: 1:100 @ A3

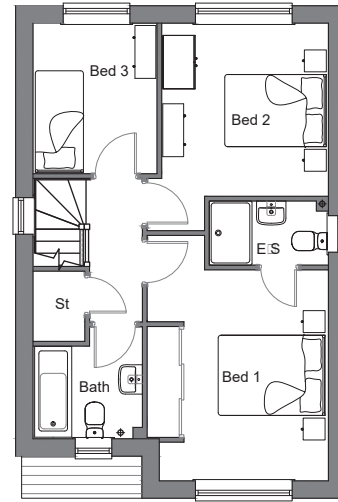
Date: 24.06.120

Ref: WSCT - WAROAK. PL02

Rev: -



GROUND FLOOR



FIRST FLOOR

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Rev:	Description:	Date:



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Tel. 01745 536677
Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

Title: Marlo Floor Plans

Scale: 1:100 @ A3

Date: 24.06.20

Ref: WSCT - MAR. PL01

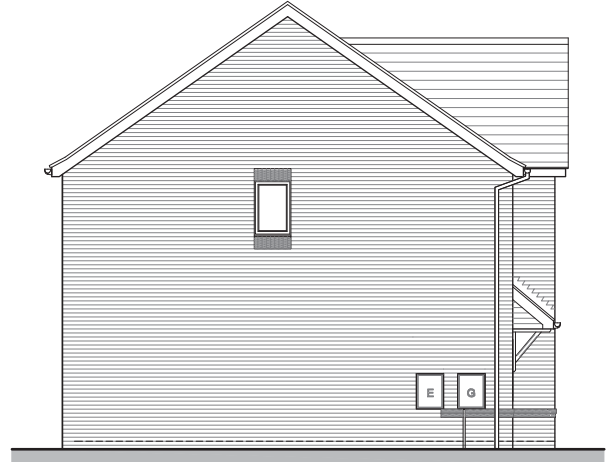
Rev: -

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Rev:	Description:	Date:



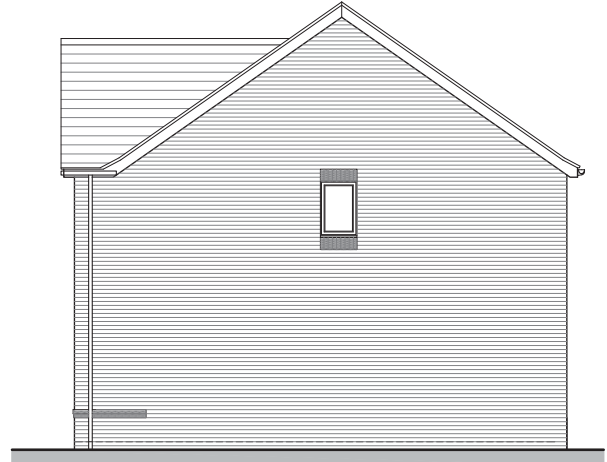
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Page 79



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Ffordd Richard Davies, St Asaph,
Denbighshire. LL17 0LJ.
Tel. 01745 536677
Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

Title: Marlo Brick Elevations

Scale: 1:100 @ A3

Date: 24.06.20

Ref: WSCT - MAR. PL02

Rev: -

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Rev:	Description:	Date:



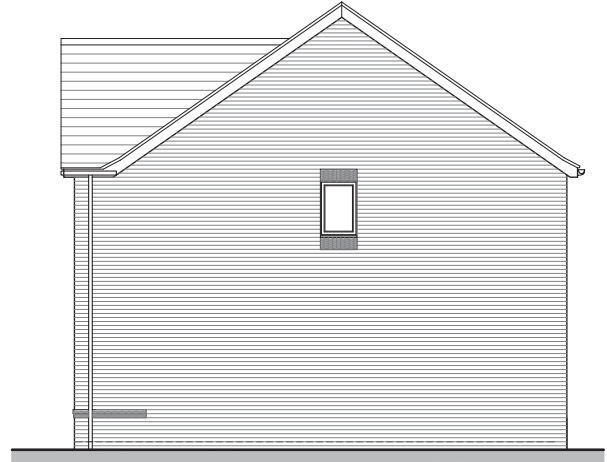
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



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Ffordd Richard Davies, St Asaph,
Denbighshire. LL17 0LJ.
Tel. 01745 536677
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Site: _____
Land at Woodside Cottages, Buckley

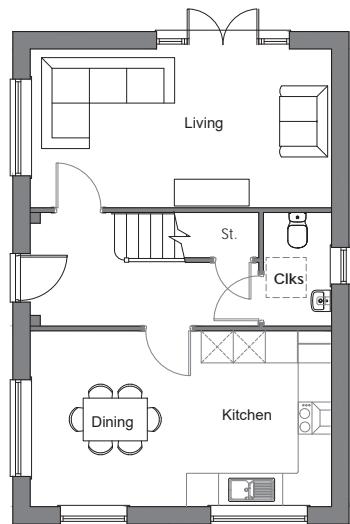
Title: _____
Marlo Semi Elevations Render

Scale: _____
1:100 @ A3

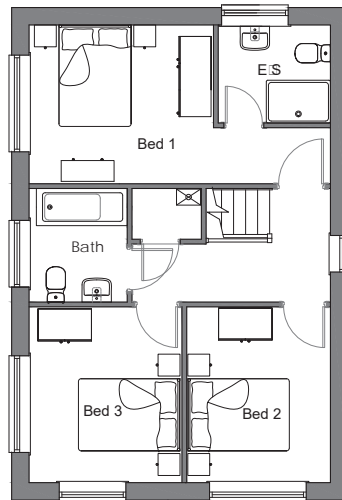
Date: _____
24.06.20

Ref: _____
WSCT - MAR. PL03

Rev: _____
-



GROUND FLOOR



FIRST FLOOR

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Denbighshire. LL17 0LJ.
Tel. 01745 536677
Fax. 01745 536688

Site: _____
Land at Woodside Cottages, Buckley

Title: _____
Henley Floor Plans

Scale: _____ Date: _____
1:100 @ A3 24.06.20

Ref: _____ Rev: _____
WSCT - HENL. PL0 -

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Rev:	Description:	Date:



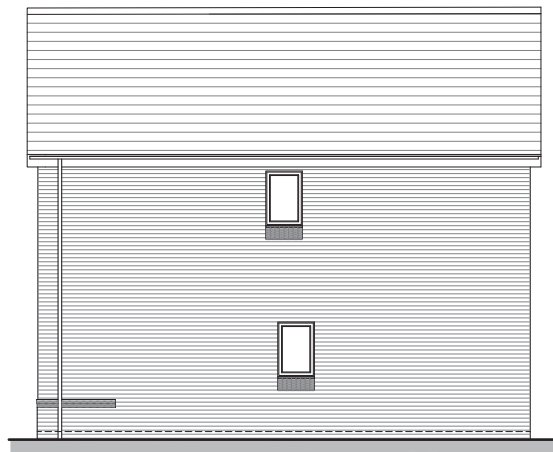
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



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Denbighshire. LL17 0LJ.
Tel. 01745 536677
Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

Title: Henley Elevations (Brick)

Scale: 1:100 @ A3

Date: 24.06.20

Ref: WSCT - HENL. PL02

Rev: -

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Rev:	Description:	Date:



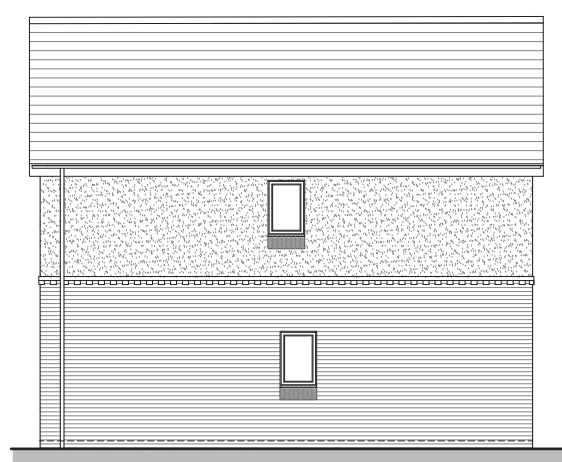
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



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Denbighshire. LL17 0LJ.
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Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

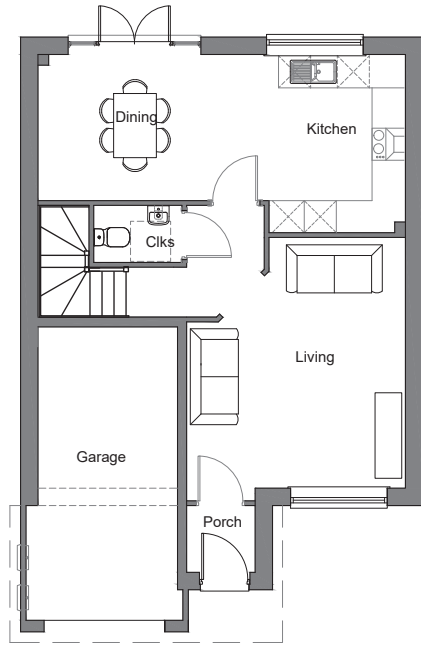
Title: Henley Elevations (Full Render)

Scale: 1:100 @ A3

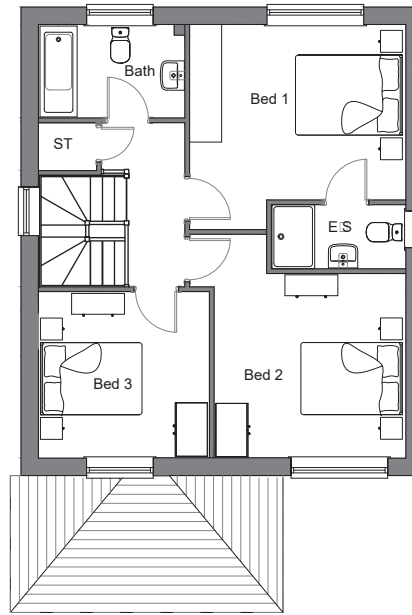
Date: 24.06.20

Ref: WSCT - HENL. PL03

Rev: -



GROUND FLOOR



FIRST FLOOR

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Denbighshire. LL17 0LJ.
Tel. 01745 536677
Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

Title: Evesham Floor Plans

Scale: 1:100 @ A3

Date: 24.06.20

Ref: WSCT - EVE. PL01

Rev: -

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Rev:	Description:	Date:



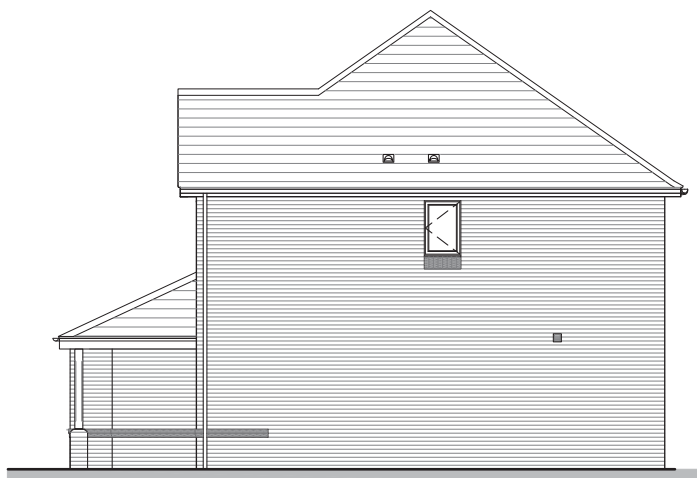
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



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Denbighshire. LL17 0LJ.
Tel. 01745 536677
Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

Title: Evesham Elevations [Brick]

Scale: 1:100 @ A3

Date: 24.06.20

Ref: WSCT - EVE. PL02

Rev: -

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Rev:	Description:	Date:



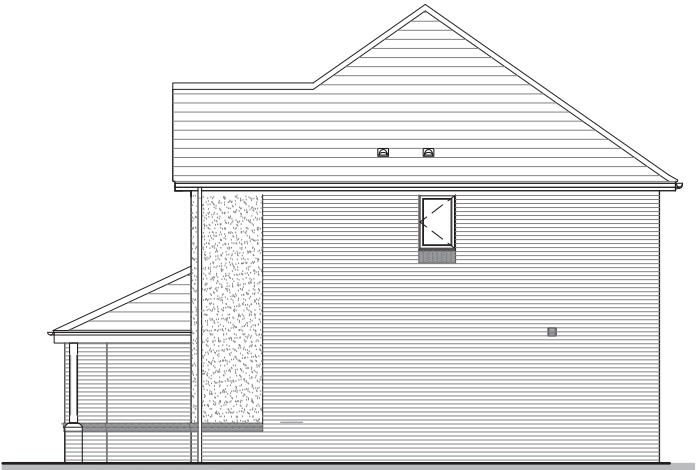
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



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 Tel. 01745 536677
 Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

Title: Evesham Elevations [Render]

Scale: 1:100 @ A3

Date: 24.06.20

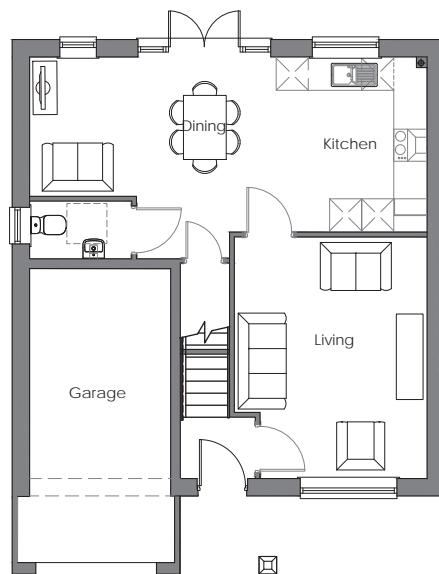
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Rev: -

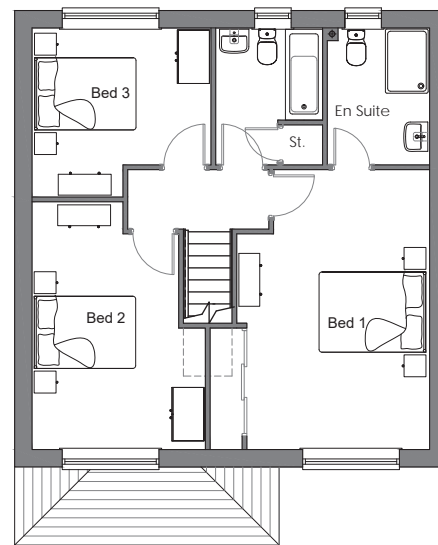
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Rev:	Description:	Date:

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GROUND FLOOR



FIRST FLOOR



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Tel. 01745 536677
Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

Title: Beaumont Floor Plans

Scale: 1:100 @ A3 Date: 24.06.20

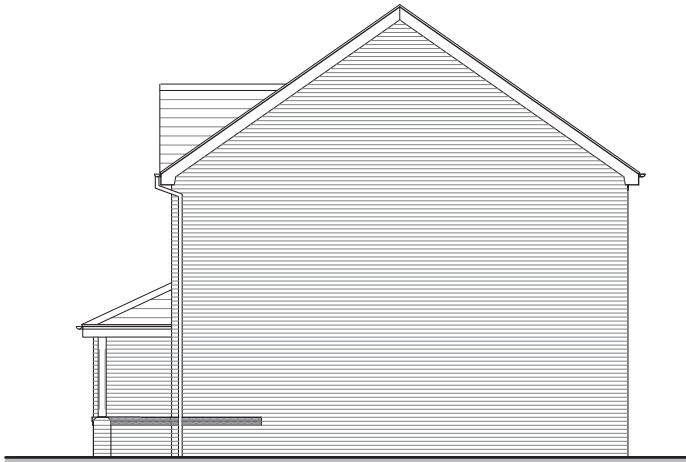
Ref: WSCT - BEA. PL01 Rev: -

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Rev:	Description:	Date:



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



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Ffordd Richard Davies, St Asaph,
Denbighshire. LL17 0LJ.
Tel. 01745 536677
Fax. 01745 536688

Site: _____
Land at Woodside Cottages, Buckley

Title: _____
Beaumont Elevations Brick

Scale: _____
1:100 @ A3

Date: _____
24.06.20

Ref: _____
WSCT - BEA. PL02

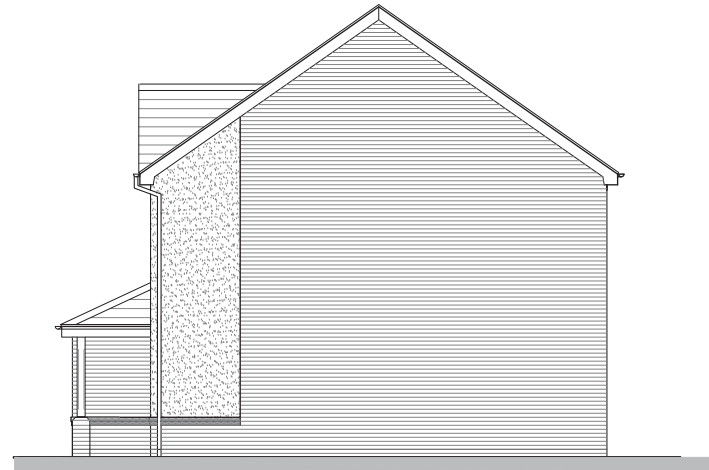
Rev: _____
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Rev:	Description:	Date:



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



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Ffordd Richard Davies, St Asaph,
Denbighshire. LL17 0LJ.
Tel. 01745 536677
Fax. 01745 536688

Site: Land at Woodside Cottages, Buckley

Title: Beaumont Elevations Render

Scale: 1:100 @ A3

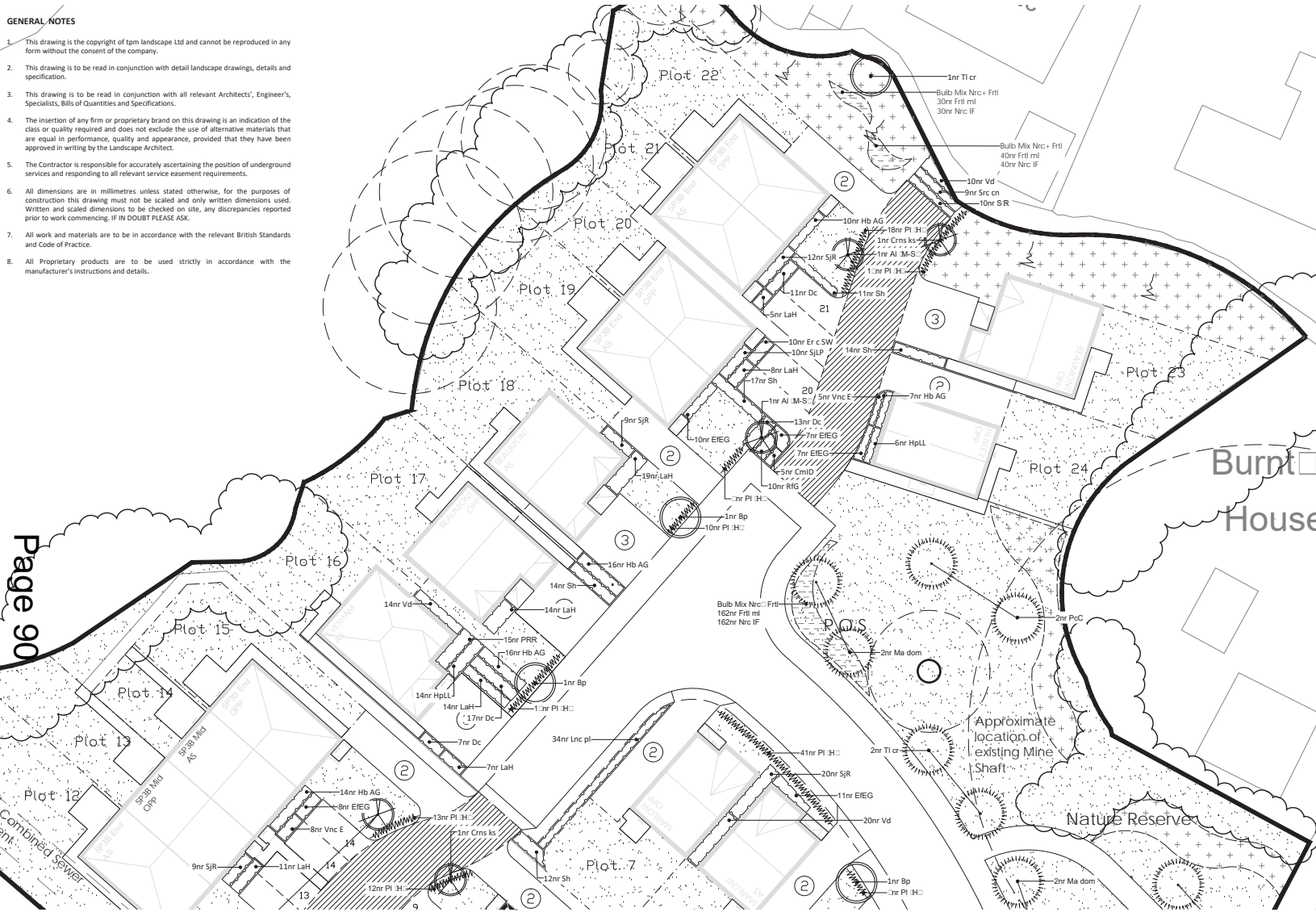
Date: 24.06.20

Ref: WSCT - BEA. PL03

Rev: -

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- This drawing is to be read in conjunction with all relevant Architects', Engineer's, Specialists, Bills of Quantities and Specifications.
- The insertion of any firm or proprietary brand on this drawing is an indication of the class or quality required and does not exclude the use of alternative materials that are equal in performance, quality and appearance, provided that they have been approved in writing by the Landscape Architect.
- The Contractor is responsible for accurately ascertaining the position of underground services and responding to all relevant service easement requirements.
- All dimensions are in millimetres unless stated otherwise, for the purposes of construction this drawing must not be scaled and only written dimensions used. Written and scaled dimensions to be checked on site, any discrepancies reported prior to work commencing. IF IN DOUBT PLEASE ASK.
- All work and materials are to be in accordance with the relevant British Standards and Code of Practice.
- All Proprietary products are to be used strictly in accordance with the manufacturer's instructions and details.



Page 90

Combined Sewer
tent

For the rest of the drawing refer to 3454 - 202

3454 Planting Plan										
Herbaceous										
Nr	Code	Plant Name	Height/Spread/Grade	Girth	Age	Root	Container	Habit	Form	Density/m2
5	Cmtd	Carex morrowii 'Ice Dance'	25-30cm			C	3L			5.00
78	Dc	Deschampsia cespitosa	30-40cm			C	3L			4.00
10	RIG	Rudbeckia fulgida 'Goldsturm'	30-40cm			C	3L			5.00
Shrub										
Nr	Code	Plant Name	Height/Spread/Grade	Girth	Age	Root	Container	Habit	Form	Density/m2
80	EIEG	Euonymus fortunei 'Emerald Gaiety'	30-40cm			C	3L	Bushy		4.00
10	Er c SW	Erica carnea 'Springwood White'	30-40cm			C	2L	Bushy		5.00
107	Hb AG	Hebe 'Autumn Glory'	30-40cm			C	3L			4.00
43	HPL	Hydrangea paniculata 'Little Lime'	30-40cm			C	3L	Branched		4.00
130	Lah	Lavandula angustifolia 'Hidcote'	30-40cm			C	3L	Bushy		4.00
14	Lnc pl	Lawsonia alata	30-40cm			C	3L	Bushy		4.00
207	PI (H)	Prunus laurocerasus (Hedge)	100-125cm			C	5L	Bushy		3.00
40	PRR	Phytolmia x Fraseri 'Yed Robin'	30-40cm		1/2	C	3L			4.00
89	Sh	Sarcococca humilis	25-30cm			C	3L			4.00
37	SJR	Spiraea japonica 'Little Princess'	30-40cm			C	3L	Bushy		4.00
74	SJR	Skimmia japonica 'Rubella'	30-40cm			C	3L	Bushy		4.00
15	Sk KG	Skimmia japonica 'New Green'	30-40cm			C	3L	Bushy		4.00

Nr	Code	Plant Name	Height/Spread/Grade	Girth	Age	Root	Container	Habit	Form	Density/m2
9	Src cn	Sarcococca confusa	20-25cm			C	3L	Bushy		3.00
52	Vd	Viburnum davidii	30-40cm			C	3L	Bushy		4.00
31	Vnc E	Vinca 'Elegantissima'	30-40cm			C	3L			4.00
Tree										
Nr	Code	Plant Name	Height/Spread/Grade	Girth	Age	Root	Container	Habit	Form	Density/m2
4	AI (M+S)	Amelanchier lamarckii (multi-stem)	200-250cm			C	30-50L		Multi-stem	
5	Bp	Betula pendula	350-425cm	12-14cm	3x	RB			Standard (Heavy)	
3	Cms ks	Cornus kousa	125-150cm			C	30L		Multi-stem	
4	Ma dom	Malus domestica	450-600cm	14-16cm	3x	RB			Standard (Extra-Heavy)	
4	PcC	Pyrus calleryana 'Chanticleer'	450-600cm	14-16cm	3x	RB			Standard (Extra-Heavy)	
5	Ti cr	Tilia cordata	450-600cm	14-16cm	3x	RB			Standard (extra-heavy)	

3454 Mixes Planting Schedule											
Nr	Code	Plant Name	Mix%	Height/Spread/Grade	Girth	Age	Root	Container	Habit	Form	Density/m2
232	Fritl ml	Fritillaria meleagris	50.00%	5-6cm			C				16.00
232	Nrc if	Narcissus 'Ice Follies'	50.00%	10-15cm			C	3L	Bushy	Bulb	16.00



LEGEND

- Site Boundary
- Existing Trees and Hedges to be retained
Refer to arboricultural report for more information.
- Proposed Tree in POS
Extra Heavy Standard, 14-16cm girth, 4.5-6.25m high to be planted with a double timber stake secured with a rubber tree tie.
- Proposed Ornamental Tree
Heavy Standard, 12-14cm girth, 3.5-4.25m high to be planted with a double timber stake secured with a rubber tree tie.
- Proposed Small Ornamental Tree/Large Shrub
Low hedge to be planted at 100-120cm root ball stock at 3 per lin.m
- Proposed Formal Hedge
Low hedge to be planted at 100-120cm root ball stock at 3 per lin.m
- Proposed Ornamental Planting
Mixed shrub planting 3L pots. Planting beds to receive 75mm depth ornamental bark mulch.
- Proposed Wildflower Meadow Mix
To be Emorgate EM2 Standard General Purpose Meadow Mix, supply by Emorgate or similar approved. Sowing rate 4/gm2.
- Proposed Bulb Flower Mix
- Proposed Grass and Top Soil
Grass within POS to be seeded with heard wearing grass mix.
Grass in front and back gardens to be turfed.

REVISION NOTES

Rev	By	Description	Date
B	TJ	Layout revised following comments	12.06.20
A	EG	Easement updated	03.12.19

Client
Macbrides Homes

Project
Woodside, Drury

Description
Planting Plan (Page 1 of 2)

Status
For Approval

Scale @ A1
1:250

Drawn
GJC

Checked
EG

Date
27.11.19

Job number
3454

Drawing number
201

Revision
B

tpm landscape
chartered landscape architects

address: 4th Floor Studio 30 Little Lever St Manchester M1 1HR
tel: 0161 235 0600 fax 0601 email info@tpmlandscape.co.uk

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28 OCTOBER 2020**

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

SUBJECT: **DEMOLITION OF CONSERVATORY AND ERECTION OF SINGLE STOREY FRONT EXTENSION**

APPLICATION NUMBER: **061229**

APPLICANT: **Mr C WILLIAMS**

SITE: **MARWIN , DOLFECHLAS ROAD , RHYDYMWYN, FLINTSHIRE**

APPLICATION VALID DATE: **07.04.20**

LOCAL MEMBER: **Cllr W O THOMAS**

CILCAIN COMMUNITY COUNCIL: **OBJECT DUE TO SCALE OF DEVELOPMENT PROPOSED.**

REASON FOR COMMITTEE: **COUNCILLOR REQUEST GIVEN CONCERNS ABOUT THE SCALE OF DEVELOPMENT PROPOSED AND IMPACT ON CHARACTER OF SITE AND SURROUNDINGS.**

SITE VISIT **YES.**

1.00 SUMMARY

This application seeks consent for the demolition of an existing front conservatory and erection of new single storey extension to the frontage of an existing bungalow, "Marwin", Dolfechlas Road, Rhydymwyn.

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

2.01 Proposed conditions

1. Time on commencement of development
2. In accordance with approved plans
3. Materials to be match existing

3.00 Consultation responses

3.01 Local Member Cllr. O. Thomas

Requests committee determination and site visit due to there already being a large extension to the rear of the property, and this in conjunction with the proposed front extension will take the development on the site over 100%. Considers that the extension will be out of keeping with adjacent housing.

Cilcain Community Council

Objects to the proposal as the development would exceed 100% of the original footprint of the dwelling, which is beyond the 50% guidance. Considers that, due to the existing extension to the rear of the dwelling, the recreational area to the rear is extremely small. Also considers that the increase in the amount of living space is inappropriate and extends the frontage of the dwelling beyond the neighbouring building line, and will infringe views

Community and Business Protection

No adverse comments to make regarding this proposal.

Airbus

No aerodrome safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 Neighbour Notification

5 letters of objection received, the main points of which are summarised as follows:-

- Overdevelopment of the site given previous extensions to the property
- Scale of development would result in an increase of over 50% of the original bungalow contrary to policy / guidance
- Detrimental impact on character of existing bungalow and wider surroundings
- Detrimental impact on the living conditions of occupiers of an adjacent property.by way of overshadowing and chimney pollution.

5.00 SITE HISTORY

- 5.01 **033692**
Erection of conservatory
Approved 22nd April 2002

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
GEN1 - General Requirements for Development
GEN2- Development Inside Settlement Boundaries
HSG12 - House Extensions and Alterations
D1- Design Quality, Location and Layout
D2 Design

Additional Guidance

Supplementary Planning Guidance Note 1 Extensions and Alterations
Supplementary Planning Guidance Note 2 Space Around Dwellings

7.00 PLANNING APPRAISAL

- 7.01 Introduction
This full application seeks planning consent for the demolition of an existing conservatory sited at the front of an existing bungalow Marwin, Dolfechlas Road, Rhydymwyn and the erection of a new single storey extension across to its frontage.
- 7.02 The application site is within the settlement boundary of Rhydymwyn, within a row of established detached dwellings, each on a different plot size and of individual design. As such the street scene has no specific defined character of appearance with a mix of plot sizes and or house types / designs.
- 7.03 Proposed Development
This application proposes demolition of the existing pitched roof conservatory, which projects from the front of the dwelling by approximately 4m, is 3.4m wide and 3.6m high. The existing conservatory only extends over part of the existing buildings frontage.
- 7.04 By comparison, the proposed new extension is L shaped in its form and is proposed to extend over the full frontage width of the existing bungalow (approximately 8.8m) and project forward from the existing bungalow by approximately 7.4m on the western boundary, and 5.2m on the eastern boundary.
- 7.05 Policy HSG12 of the adopted Flintshire Unitary Development Plan permits extension or alterations to existing dwellings, provided that the proposal accords with the criteria as set out within the policy, and has regard to guidance set out in the Council's Supplementary Planning

Guidance Notes 1 and 2. Therefore the principle of the proposal is acceptable.

I will consider the three criteria set out in Policy HSG12 in turn below;

7.06 Scale and Form

Supplementary Planning Guidance Note 1 paragraph 2.2 and the justification and explanation to Policy HSG12, state that as a general guide, house extensions should not be more than 50% of the original floor space and extensions that are out of scale and character will not be permitted.

7.07 It is acknowledged that the property has had both front /rear single storey extensions added to it, since it was originally built with:

a) that at the rear being built under permitted development rights; and
b) that at the front under 033692 as referenced in paragraph 5.00, of this report.

7.08 The existing building on site occupies a footprint of approximately 113m², with the original dwelling comprising approximately 81m² of this total. In comparison, the new building when extended, would occupy a total footprint of approximately 148m², representing a 35m² increase from that which currently exists on site, and a 67% increase in comparison to the original dwelling.

7.09 Whilst this increase is greater than the 50% specified, it is considered that the extensions are viewed independent of each other. The associated linear curtilage is physically capable of accommodating the extension proposed, whilst retaining a frontage area some 16m in depth from the road. This helps to assimilate the development into the site and its wider surroundings. In this context, it is considered that the proposal is acceptable in scale relative to the existing bungalow and does not represent over development of the site.

7.10 The acceptability of this proposed scale of development however, needs to be considered in conjunction with its proposed design and impact on the living conditions of occupiers of adjacent properties, which are referenced in detail below.

Design

7.11 The extension is proposed to provide a living room and additional bedroom and en-suite for the property. Its proposed design incorporates the use of render and a large area of glazing to the front elevation. This forms the main design feature of the extension, and helps to break up its proposed massing. The materials proposed are a common feature in the locality.

7.12 The proposal will facilitate a visual improvement to the dwelling through removal of the existing conservatory. Whilst this similarly has a large

area of glazing, it is my view that this is not formally integrated into the wider design of the bungalow, appearing in visual terms as a distinct later addition. The scheme as proposed will secure an improved design through removal of this feature and securing an improvement and consistency in the bungalows appearance.

- 7.13 This it is considered would be sympathetic not only to the existing bungalow, but the wider street scene which is made up of a variety of individual designs and scales, with no one particular scale /design dominating the areas character .

Impact on living conditions

- 7.14 The property Marwin is located in a central position between two existing dwellings, named "Tall Cedars" adjacent to the western boundary, and "Bell Air" on the eastern. The impact of the proposed development on the occupiers of these dwellings, are of fundamental importance in the consideration of the application.
- 7.15 The proposed extension as referenced would be L shaped in nature, and extend from the frontage of the existing bungalow by approximately 7.4m relative to "Tall Cedars", and 5.2m to "Bell Air".
- 7.16 The distance relative to the common site boundaries with each property would be approximately 1.4m and 2.8m respectively. The dwellings are designed so that "Tall Cedars", has an integral garage closest to the boundary and the configuration of "Bell Air" is such that the habitable element of this property is set back from the common site boundary. In addition the site is approximately 0.9m lower than the adjacent property "Tall Cedars".
- 7.17 Due to the position of habitable windows on "Tall Cedars" the proposed extension will not intercept the 45 degree horizontal and 25 degree vertical emphasis parameters within Supplementary Planning Guidance Note No 1. As such there would be no detrimental impact upon residential amenity.
- 7.18 In addition the height of the proposed extension would be approx. 2.7m to the eaves and incorporate a ridged roof, the apex being approx. 5.2m on that part of the dwelling that is relative to "Tall Cedars" and 4.9m relative to "Bell Air".
- 7.19 As the ridge of the roof of the new extension would run at 90 degrees relative to the existing property, this helps to reduce the overall massing. This it is considered in combination with it being single storey in design, would not have a detrimental impact on the living conditions by way of overshadowing on the occupiers of existing dwellings having regard to SPGN 2 - Space Around Dwellings.

8.00 CONCLUSION

The extension and alteration of the property in the manner proposed is considered to be of appropriate form and scale relative to the existing bungalow and existing development at this location which is characterised by a mix of house types, scales and designs. The proposal is reflective of the character of the existing property and offers an opportunity for an improvement to its existing form and design. It is my view that there is no detrimental impact on the living conditions of occupiers of existing properties from overlooking or overshadowing and is acceptable having regard to policies GEN1, HSG12 and D2 of the Flintshire Unitary Development Plan, and Supplementary Planning Guidance Notes 1 and 2.

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.

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

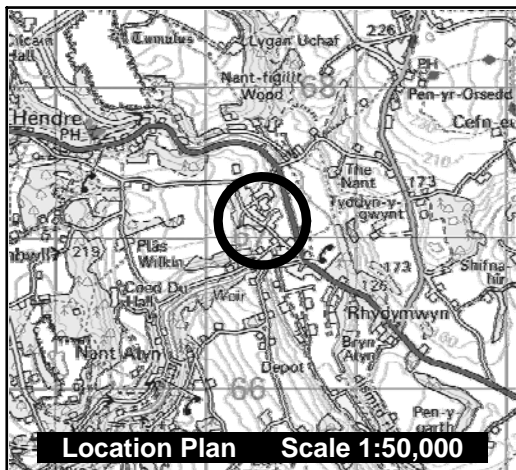
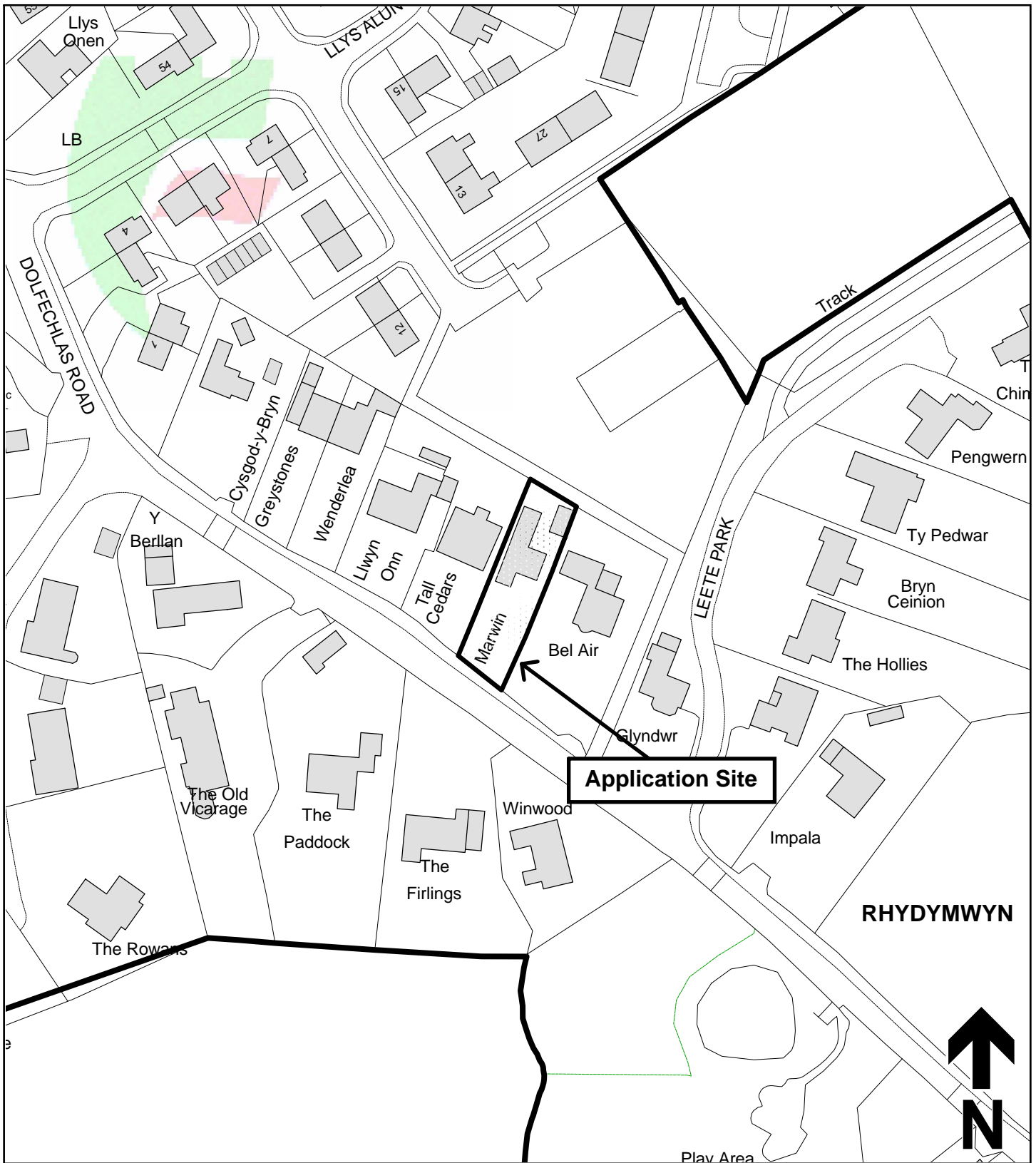
8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

8.04 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: Barbara Kinnear
Telephone: 01352 703260
Email: barbara.kinnear@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 2067

Planning Application **61229**

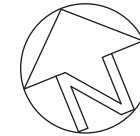
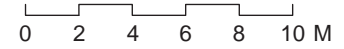
SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 320346, 367128



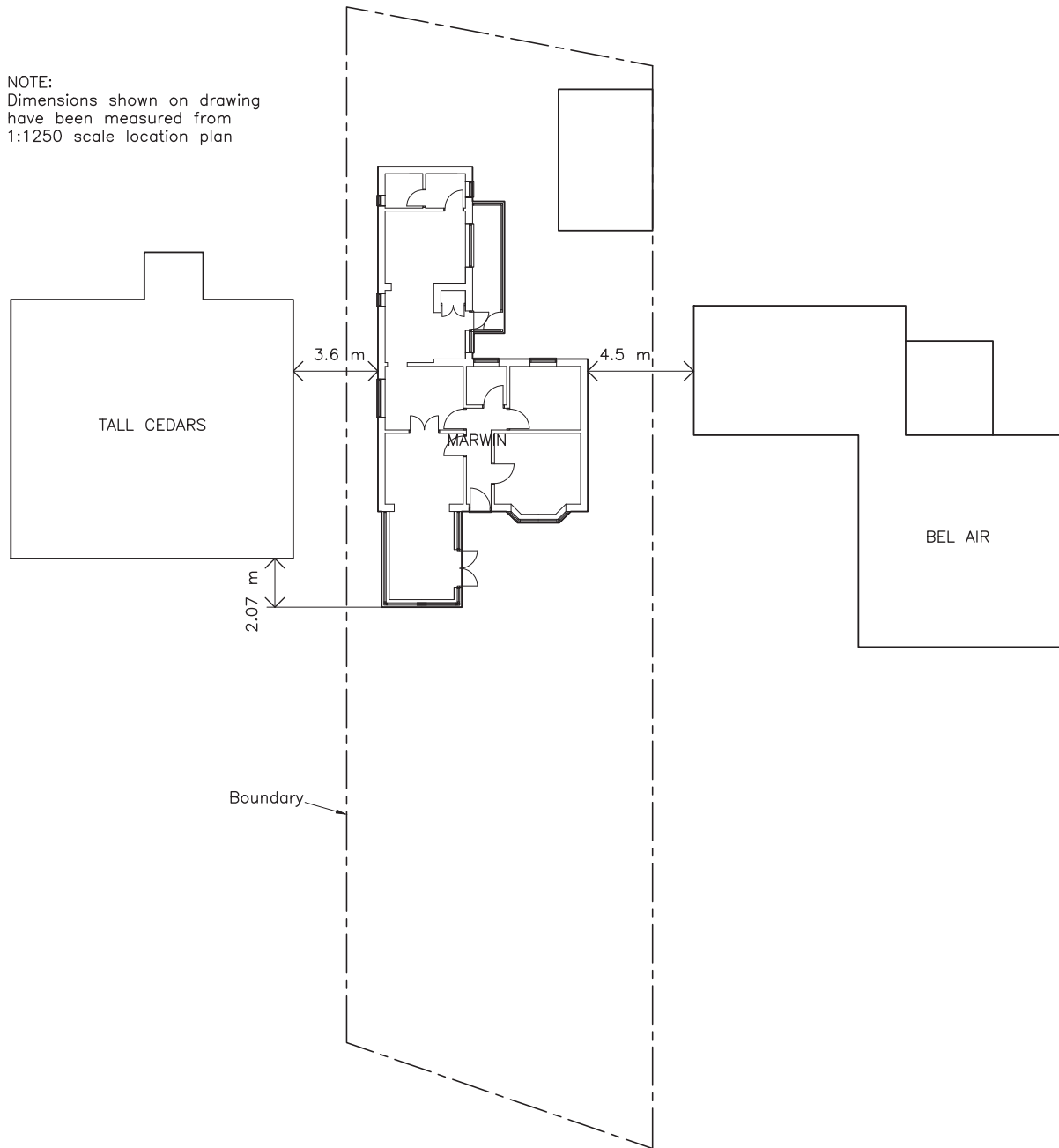
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Sketch scheme	
Planning Application	*
Building Regulations Application	



NOTE:
Dimensions shown on drawing
have been measured from
1:1250 scale location plan



EXISTING BLOCK PLAN

EDW Architecture Ltd.
THE RECTORY MEWS, WREXHAM ROAD, PULFORD,
CHESTER CH4 9DG. Tel: 01244 570765
E-Mail: edward@edwarchitecture.co.uk

CLIENT:
Mr. C. Williams.

PROJECT:
Marwin, Vicarage Road, Rhydymwyn,
Mold, Flintshire, CH7 5HL.

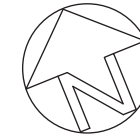
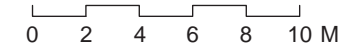
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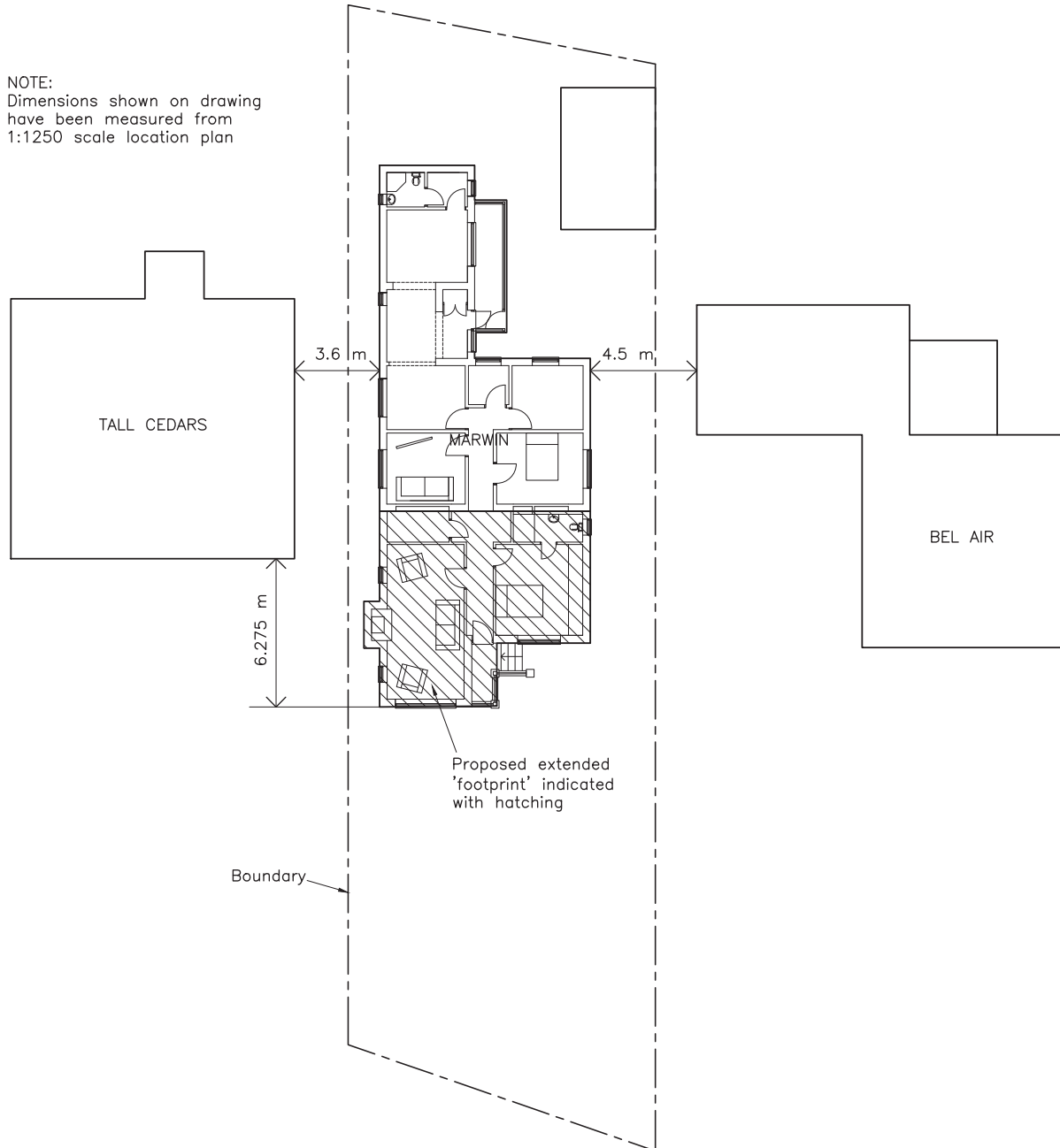
JOB NO.:	DWG. NO.:	REVISION:
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Sketch scheme	
Planning Application	*
Building Regulations Application	



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1:1250 scale location plan



PROPOSED BLOCK PLAN

EDW Architecture Ltd.
THE RECTORY MEWS, WREXHAM ROAD, PULFORD,
CHESTER CH4 9DG. Tel: 01244 570765
E-Mail: edward@edwarchitecture.co.uk

CLIENT:
Mr. C. Williams.

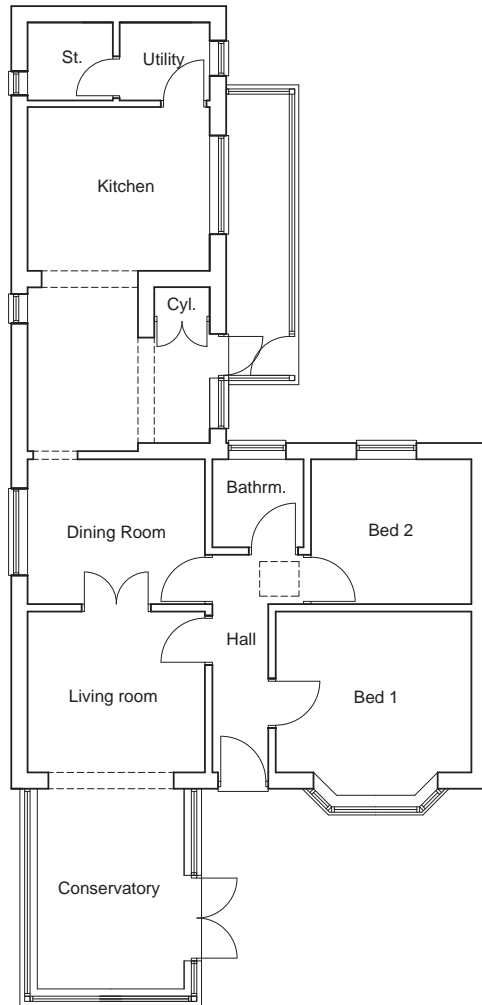
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Mold, Flintshire, CH7 5HL.

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DRAWN BY:	DATE:	SCALE:
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JOB NO.:	DWG. NO.:	REVISION:
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ELEVATION 3



ELEVATION 2



ELEVATION 4

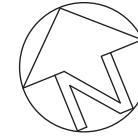
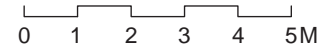


ELEVATION 1



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Sketch scheme	*
Planning Application	*
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 CHESTER CH4 9DG. Tel: 01244 570765
 E-Mail: edward@edwarchitecture.co.uk

CLIENT:
 Mr. C. Williams.

PROJECT:
 Marwin, Vicarage Road, Rhydymwyn,
 Mold, Flintshire, CH7 5HL.

DRAWING TITLE:
 Existing floor plan.

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160	01	-

ELEVATION 3



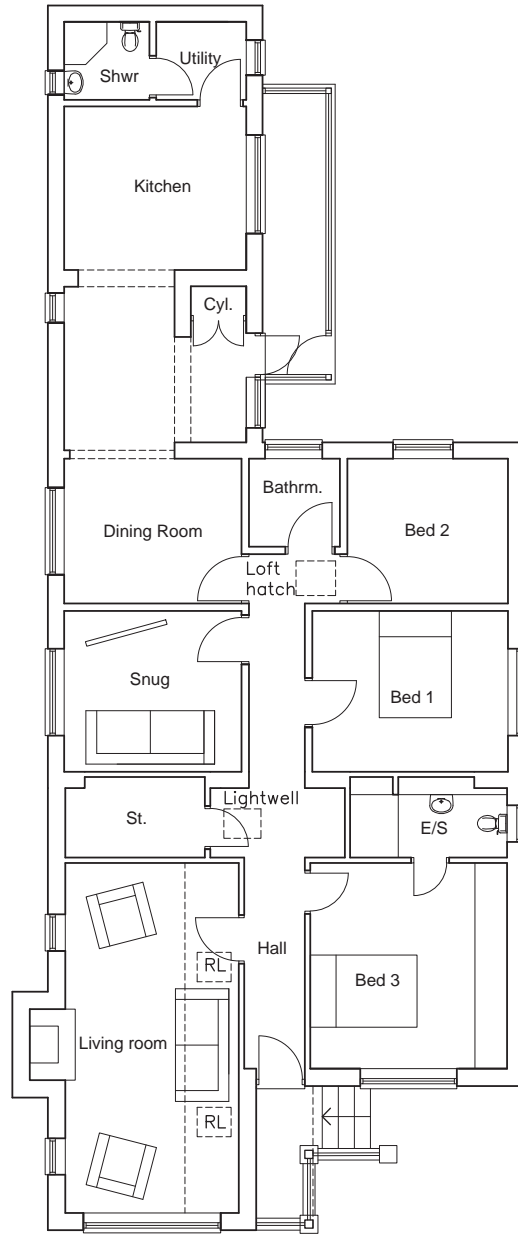
ELEVATION 2



ELEVATION 4

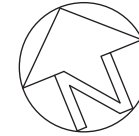
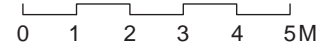


ELEVATION 1



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CLIENT:
 Mr. C. Williams.

PROJECT:
 Marwin, Vicarage Road, Rhydymwyn,
 Mold, Flintshire, CH7 5HL.

DRAWING TITLE:
 Proposed floor plan.

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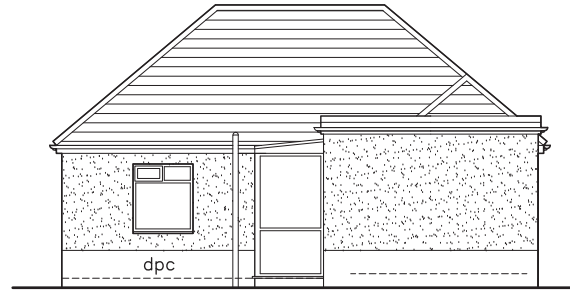
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Sketch scheme	*
Planning Application	*
Building Regulations Application	

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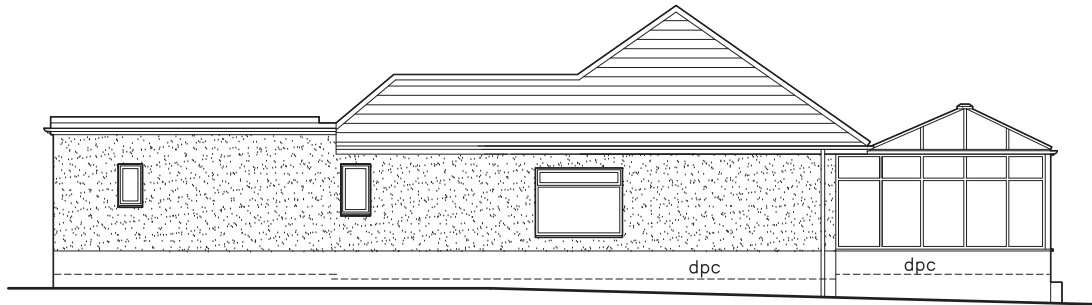


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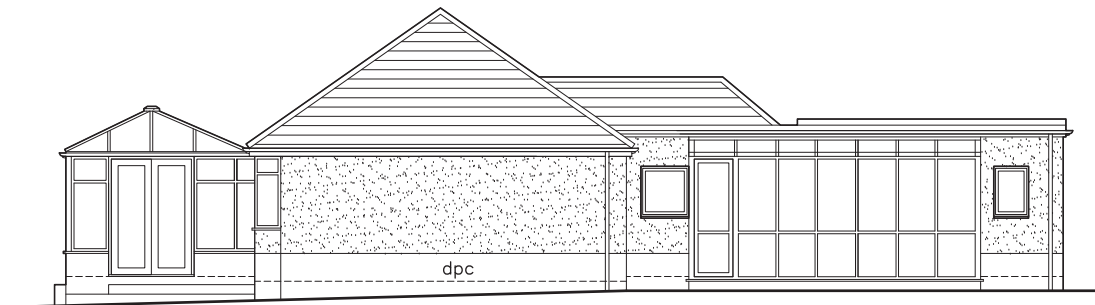


ELEVATION 3

EXISTING MATERIALS:
 Roof: Plain clay tiles.
 Walls: Clay facing brickwork and pebbledash.
 Windows and doors: Upvc.
 Rainwater goods: Pvc.



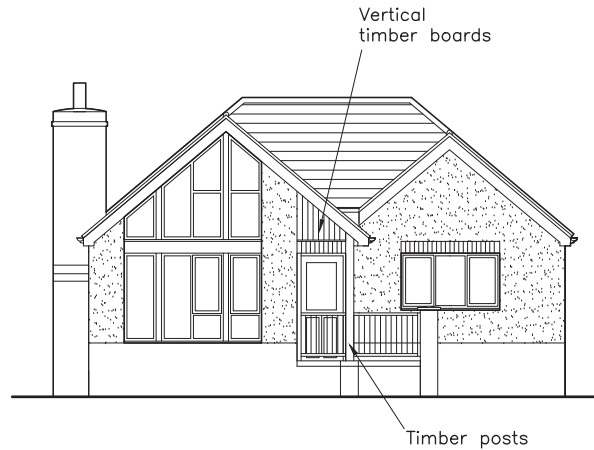
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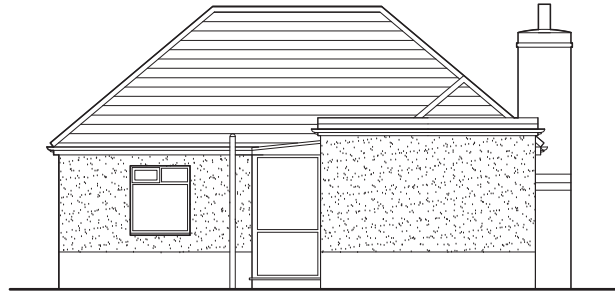
ELEVATION 4

EDW Architecture Ltd. THE RECTORY MEWS, WREXHAM ROAD, PULFORD, CHESTER CH4 9DG. Tel: 01244 570765 E-Mail: edward@edwarchitecture.co.uk		
CLIENT: Mr. C. Williams.		
PROJECT: Marwin, Vicarage Road, Rhydymwyn, Mold, Flintshire, CH7 5HL.		
DRAWING TITLE: Existing elevations.		
DRAWN BY: EDW	DATE: 04/03/20	SCALE: 1:100 @ A3
JOB NO.: 160	DWG. NO.: 02	REVISION: -

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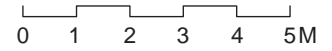


ELEVATION 1



ELEVATION 3

Sketch scheme	
Planning Application	*
Building Regulations Application	

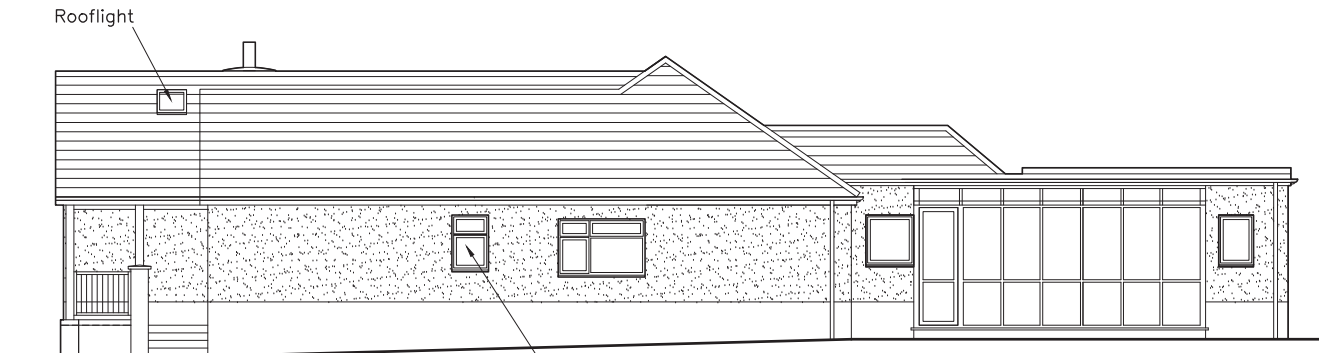


PROPOSED MATERIALS:
 Roof: Plain clay or concrete tiles.
 Walls: Clay facing brickwork and pebbledash to match existing.
 Windows and doors: Upvc.
 Rainwater goods: Pvc.

Page 104



ELEVATION 2



ELEVATION 4

■ ■ ■ EDW Architecture Ltd. ■ ■ ■
 THE RECTORY MEWS, WREXHAM ROAD, PULFORD,
 CHESTER CH4 9DG. Tel: 01244 570765
 E-Mail: edward@edwarchitecture.co.uk

CLIENT:
 Mr. C. Williams.

PROJECT:
 Marwin, Vicarage Road, Rhydymwyn,
 Mold, Flintshire, CH7 5HL.

DRAWING TITLE:
 Proposed elevations.

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Statement from Community Council

Written Statement to object to the Planning Application

(a) Application Reference Number - BMK/061229

(b) Statement by Cilcain Community Council

:

Proposal: Demolition of conservatory to front of bungalow, and erection of single storey front

Location: Marwin, Dolfechlas Road, Rhydymwyn, Flintshire

The Community Council **strongly objects** to the proposed development for the following reasons:

- (i) Having made local enquiries, the Community Council understands that the proposed development is closer to being 150% greater than the original footprint of the dwelling. On this basis the Council believes there is absolutely no point in having a '50% guideline' if the planning authority allows the footprint to be exceeded by 150%.
- (ii) The Council is concerned that information on the original footprint of this dwelling has not been provided with the application details. The Community Council should not have to make its own enquiries to establish the history of the site.
- (iii) A three bedroom proposed development of this size should have an appropriate size of recreational area at the rear of the dwelling. According to the block plan, the recreational area at the rear of this dwelling is extremely small. The proposal which increases the living space is not therefore appropriate.
- (iv) The Community Council objects to the frontage of the proposed extension protruding so far in front of the building line of the adjoining properties. The Council understands that the adjoining property (Tall Cedars) has a regulation right to an unimpeded side view of 45 degrees from the front window. The proposed development would contravene this regulation.

Yours faithfully

Statement from Local resident

Statement objecting to Planning Application 061229

Concerns relating to the direct impact the proposal would have on our neighbouring property and quality of life, in addition to the effect on the wider area.

Overdevelopment

This proposal would be the fourth extension to the property since 2000 and amounts to an approximate overall increase of 150% of the building's original footprint (see Appendix A). This level of development goes substantially beyond the 50% increase described in Council guidelines

This extensive development results in a dramatic increase in the density of buildings and a reduction in green space which is overwhelming, especially in relation to our neighbouring property.

Overdominance and loss of light

More specifically, the intention to build 28ft forwards from the principle elevation of other properties in the vicinity is inherently out-of-proportion and overly dominant in relation to the wider surroundings.

This would have a profound impact on our home and quality of life in particular, resulting in overshadowing and subsequent substantial loss of light to the front and side of our house, especially our main living area (see Appendix B). This is in addition to concerns around privacy, impact on air quality and the overall residential amenity of our property.

Overall impact

The over-development and over-dominance described would have a hugely adverse effect on the village more widely, especially due to its central location on the main highway. Reducing the existing open aspect of the area and the attractiveness and quality of life associated with the village.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28 OCTOBER 2020**

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

SUBJECT: **FULL APPLICATION – SITING OF LOG CABIN TO PROVIDE ANCILLARY USE TO THE MAIN RESIDENTIAL DWELLING AND SITING OF A STATIC CARAVAN TEMPORARY 12 MONTH PERIOD (RETROSPECTIVE) AT BRYNSHOLYN, CEFN ROAD, CILCAIN.**

APPLICATION NUMBER: **060372**

APPLICANT: **MRS FIONA KELLY**

SITE: **BRYNSHOLYN, CEFN ROAD, CILCAIN, CH7 5HR**

APPLICATION VALID DATE: **15/08/2019**

LOCAL MEMBERS: **COUNCILLOR W O THOMAS**

TOWN/COMMUNITY COUNCIL: **CILCAIN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **CALL IN FROM CLLR THOMAS ON THE BASIS THAT HE CONSIDERS THAT COMMITTEE MEMBERS NEED TO SEE THE SITE IN CONTEXT.**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 The is a full retrospective planning application timber log cabin and temporary siting of a static caravan at Brynsholyn, Cefn Road, Cilcain.
- 1.02 The cabin includes a timber decking area and exterior seating area and will provide an ancillary use to the main residential dwelling. The application also seeks a 12-month temporary consent for a static caravan.

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

2.01 Conditions:

1. Time limit on commencement
2. In accordance with approved plans
3. Ancillary use only and not a separate dwelling or holiday accommodation.
4. Details of sewage treatment to be agreed and implemented prior to occupation.
5. Removal of caravan either 12 months from date of decision or when the log cabin comes into use, whichever is sooner.
6. No outdoor lighting.

3.00 CONSULTATIONS

**3.01 Local Member
Councillor Owen Thomas**

Expresses concerns that it is difficult to not conclude that the lodge is not intended for use as a dwelling in open countryside. Requests committee site visit.

Cilcain Community Council

Objects. Considers that the location of the log cabin does not tally with the concept of an ancillary facility for the existing dwelling. The Council fails to understand why a log cabin to provide 'ancillary use' to an existing dwelling needs to have a newly constructed separate access and does not share facilities provided in the existing dwelling. The log cabin is also out of character in appearance with the existing dwelling.

The Community Council strongly suspects that the intention of the log cabin development is to eventually provide facilities for conversion to a separate dwelling in due course.

Highways Development Control

No objection.

Pollution Control

No comments.

Dwr Cymru Welsh Water

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

Natural Resources Wales

No objection. Notes that the application site is located partially within

and adjacent to the Alyn Valley Woods Special Area of Conservation (SAC). Considers that the information submitted demonstrates that the proposals are unlikely to impact upon SAC features. The development is also located partially within and adjacent to the Alyn Valley Woods and Alyn Gorge Caves Site of Special Scientific Interest (SSSI). NRW consider that the proposals are unlikely to affect any SSSI features.

Hanson Aggregate (North)

Consultation Letter sent. No response at time of writing.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

4.02 2 letters of objection received raising the following issues:

- If granted, it will set a precedence for other residents to erect wooden chalets in fields which do not form part of a property's garden.
- Impact on the area of outstanding natural beauty.
- Questioned the need for a new access road to the log cabin if the cabin is only to be used for ancillary use.

5.00 SITE HISTORY

5.01 No previous planning history.

Members should note that whilst the applicant references permission for siting of 5 tents that expired 2018, there is no record of such a planning permission to reflect this. This is likely to have been an activity permitted by virtue of the provisions of Schedule 2, Part 5, Class B of The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR 1 New Development

Policy STR7 Natural Environment

Policy GEN1 General Requirements for Development

Policy GEN3 Development in the Open Countryside

Policy D1 Design Quality, Location and Layout

Policy D2 Design

Policy D4 Outdoor Lighting

Policy WB2 Sites of International Importance

Policy WB3 Statutory Sites of National Importance

HSG4 New dwellings outside settlement boundaries

HSG7 Change of use to residential outside settlement boundaries

HSG13 Annex accommodation

6.02 Supplementary Planning Guidance
SPG No. 8 Nature Conservation and Development

6.03 National: Guidance
Planning Policy Wales Edition 10 December 2018.

7.00 PLANNING APPRAISAL

7.01 The Site & Surroundings

The application site is located within an area of open countryside which is wooded in character. The site forms part of the curtilage to the property known as "Brynsholyn". The main dwelling fronts onto Cefn Road and access to the upper level of the site on the western boundary lies 25m south of the entrance to the nearby dwelling, "Beryndor. To the rear of the site on the eastern boundary is open countryside, to the south & south east is open countryside and a sewage treatment works. To the north lies a disused quarry.

7.02 The Proposals

The application is retrospective as works in connection with the siting and erection of the lodge building have commenced prior to the submission of the application and the caravan is presently sited upon the site.

7.03 The seeks consent for a timber lodge and temporary siting of a static caravan. It is intended that the lodge is to be used as a workshop and hobby area to be subservient to the main dwelling and used only as an auxiliary accommodation to provide extra space for the occupant's teenage daughter, having regard to her particular circumstances which are set out in the 'Other Material Considerations' section within this report.

7.04 During the period of the site works and completion of the lodge, it is requested that temporary permission for the static caravan which is sited adjacent to the south elevation of the main dwelling be granted. This is currently being used as an auxiliary to the main dwelling for the purpose of a temporary workshop and hobby area for the occupant's daughter.

7.05 The Main Issues

I consider the main issues in relation to this application to be:

1. The principle of development having regard to the development plan;
2. Other material considerations;
3. Impacts upon the character and appearance of the area; and
4. Ecological impacts

7.06 The Principle of Development

Policy HSG13 of the Flintshire Unitary Development plan addresses the issue of annex accommodation where it is ancillary to the

residential use of the existing dwelling. It acknowledges that usually such annexes are used to augment the living or sleeping accommodation of the main house where the main residential rooms will remain. In this case, the proposed annex accommodation is serving the purposes as outlined in para. 7.03 above.

7.07 Concern has been raised in response to consultation that the proposal does not appear to be ancillary, rather taking the form of separate accommodation with a separate access. The proposed access has been removed during the course of this application, reinforcing the functional link between the lodge and the existing dwelling. As such, I am satisfied that the lodge is sited within the curtilage of and is ancillary to the main dwelling.

7.08 For the avoidance of doubt, should the use of the lodge be anything other than for hobby purposes ancillary to the main dwelling, with only associated modest facilities for convenience and if the lodge becomes/is used as self-contained accommodation, Policy HSG13 makes clear that this would be a material change of use that would, nonetheless, require a further grant of planning permission. Accordingly, I am content that this proposed use accords with Policy HSG13.

7.09 Other Material Considerations

I have had regard to the particular and personal circumstances of the applicant in coming to my recommendation in this matter and have noted that the applicant acknowledges within the application particulars that her daughter suffers severely from Obsessive Compulsive Behaviour which is driven by severe anxiety. The lodge is intended to provide space for workshop and hobby areas which will provide an important space where the daughter will be able to freely express herself without the stress and strain that can trigger these attacks arising from her diagnosed condition.

7.10 Whilst I note these particulars, and they are material personal circumstances than would weigh heavily into the balance were I not satisfied that, in itself, the proposal was not acceptable as a matter of principle, as I set out above, I conclude that the proposals would be acceptable as a matter of policy principle in themselves. Accordingly, this issue has not attracted significant weight in my arriving at this recommendation, although it remains material.

7.11 Impacts upon Character and Appearance

As outlined above, the site is located within a wooded landscape within the open countryside. The character of built form within this landscape is limited to small pockets of development (save for the extensive quarrying activities in the wider landscape) which punctuate this woodland mosaic.

- 7.12 The lodge is currently sited north east of the main dwelling within the wooded area. Whilst close to trees, no trees are being removed as part of this proposal. Given its siting, nestled in wooded area, the site is very well screened from views into the site and is contained by the landscape within which it is located. The same is true of the current location of the caravan for which temporary consent is sought. The wooden material and cabin style helps the lodge to blend in to its surrounds.
- 7.13 Concerns have been raised in relation to the impact of the proposals upon the nearby Area of Outstanding natural Beauty. However, the site is not within this area and given the visually contained nature of the site, I am satisfied that the AONB will not be adversely affected in respect of views from the AONB of the site.
- 7.14 Consultation responses raised concerns that the proposal does not appear to be ancillary but rather taking the form of separate accommodation with a separate access. The proposed access has been removed reinforcing the functional link between the lodge and the existing dwelling. As such, I am satisfied that the lodge is sited within the curtilage of, and is ancillary, to the main dwelling.
- 7.15 This is a retrospective application as work has commenced. Appropriate conditions are required to ensure that the caravan is removed in a timely manner either before use of the lodge commences or within 12 months of this decision, whichever is sooner.
- 7.16 Ecological Impacts
The application site is located partially within and adjacent to the Alyn Valley Woods Special Area of Conservation (SAC). The development is also located partially within and adjacent to the Alyn Valley Woods and Alyn Gorge Caves Site of Special Scientific Interest (SSSI).
- 7.17 Additional information has been submitted by the developer including specification of the package treatment plant, soakaway structure (Drainage mound) and the location of these elements in relation to the SAC. NRW have reviewed this information and consider it to satisfactorily demonstrate that the proposals are unlikely to impact upon SAC features in the vicinity and as such, would not object to the proposals. Having met the requirements in regards to the SAC, NRW consider that the proposals are also unlikely to affect any SSSI features.
- 8.00 CONCLUSION**
On balance, the proposed siting and use of the log cabin can be supported subject to conditions restricting its use as living accommodation in the form of a holiday let. The case for the caravan is accepted and subject to it being for a temporary period can be supported. I am therefore satisfied there are no adverse impacts and,

subject to appropriate conditions, recommend planning permission is granted.

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.

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

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

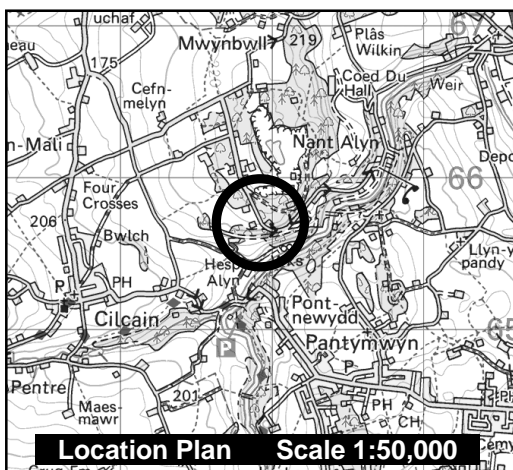
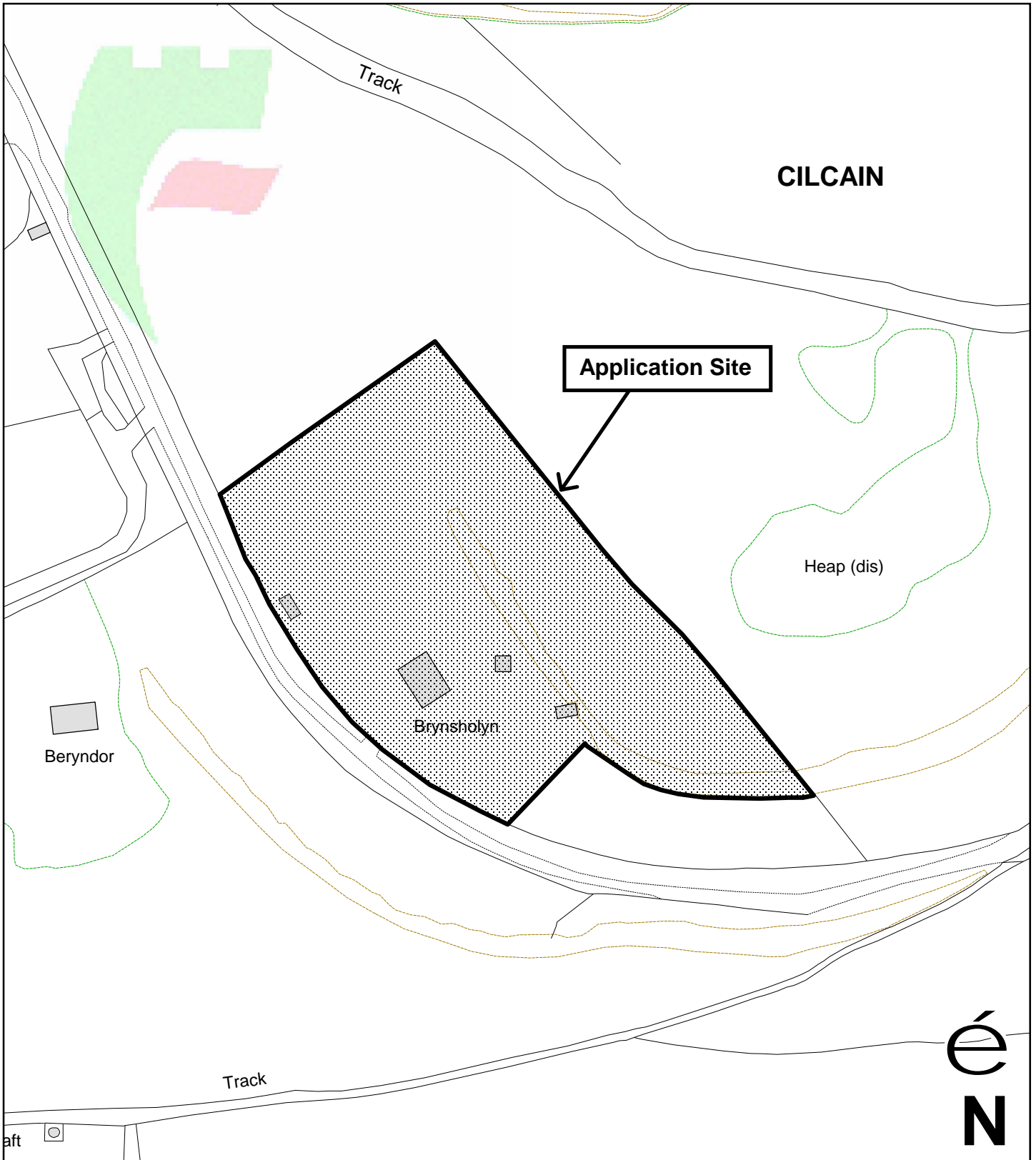
8.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: David Glyn Jones MRTPI
Tel: 01352 703281
Email: david.glyn.jones@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

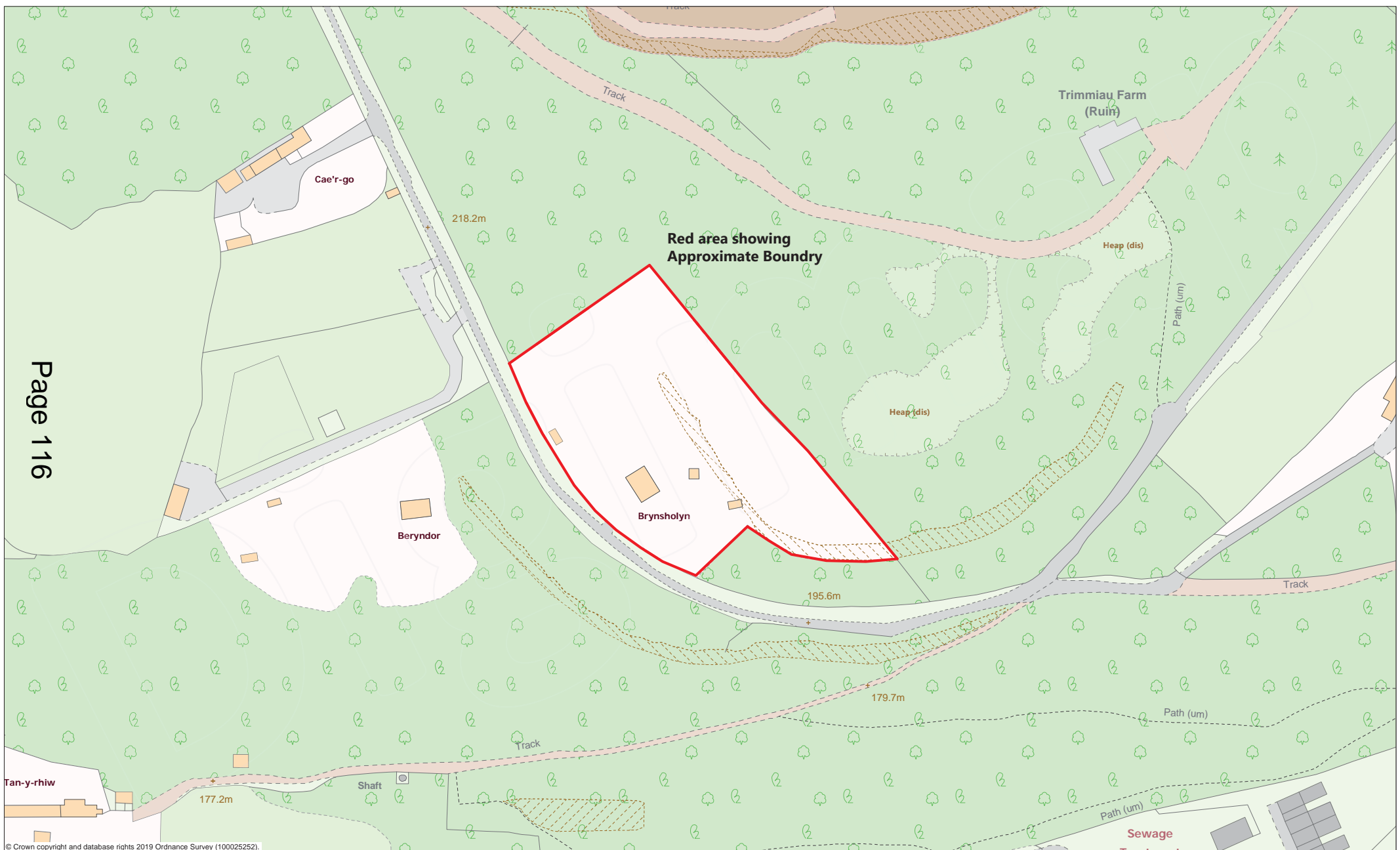
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Flintshire County Council, 2020.

Map Scale 1:1250

OS Map ref SJ 1865

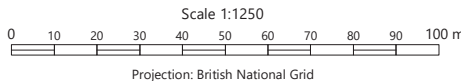
Planning Application **60372**

Location Plan



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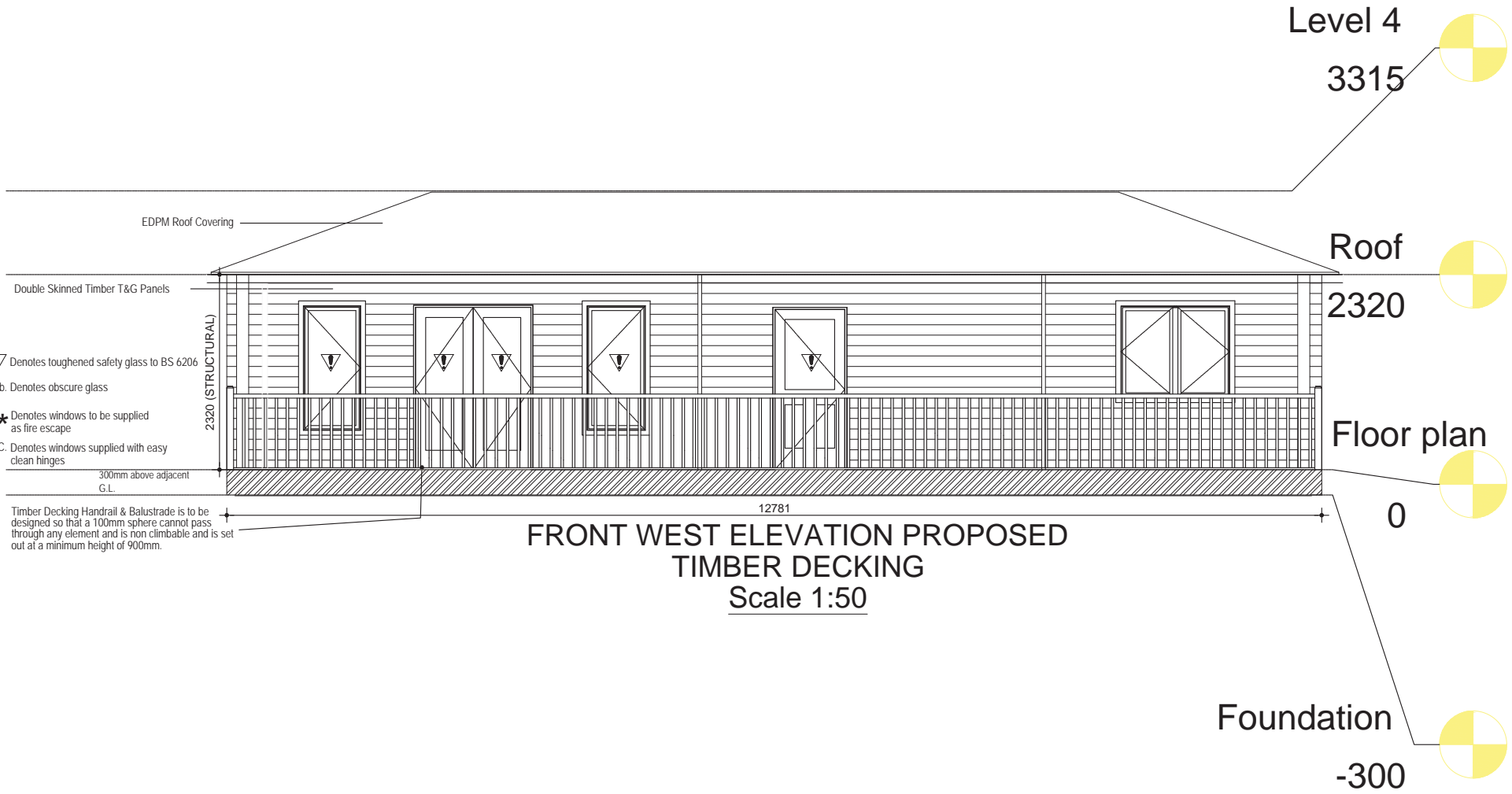


Brynsholyn
Cefn Road Mold
ROSSO 2019

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**FRONT WEST ELEVATION PROPOSED
 TIMBER DECKING**
 Scale 1:50



PROJECT
**BRYNSHOLYN
 TIMBER LODGE**

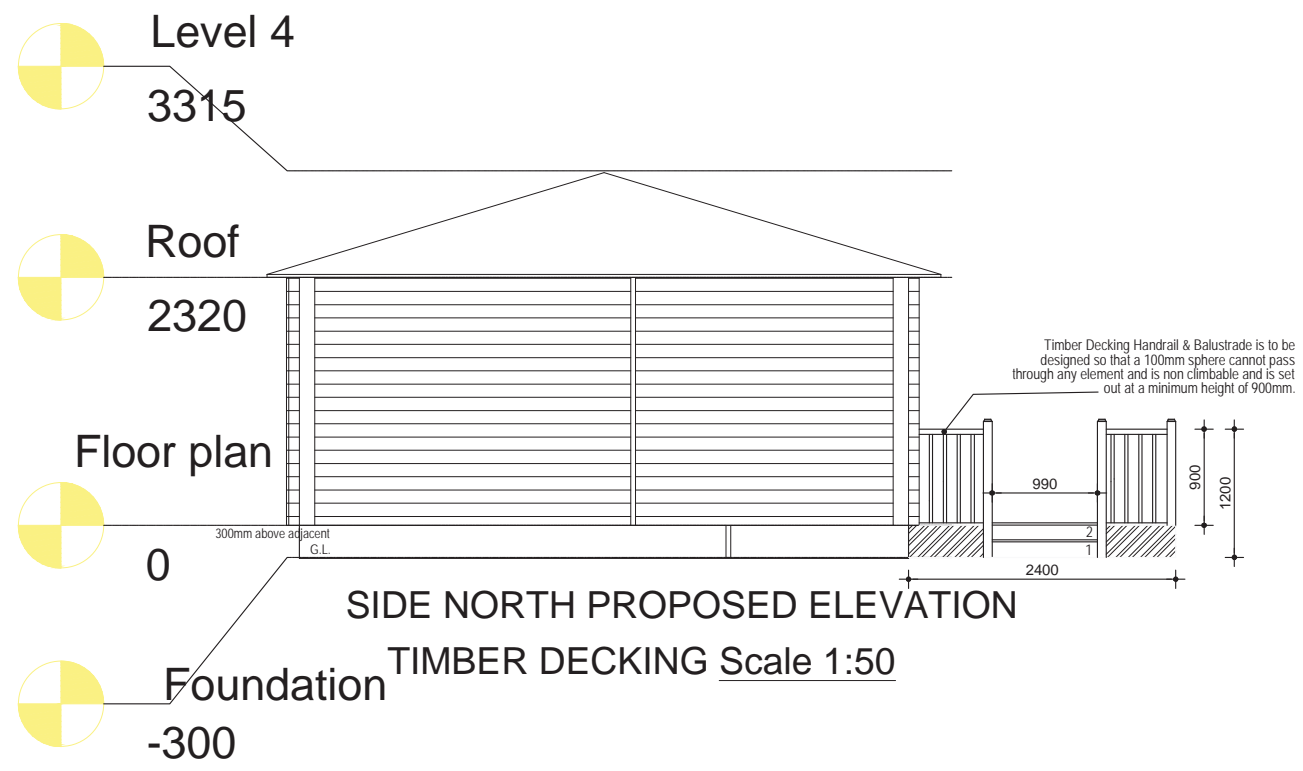
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**FRONT WEST PROPOSED
 ELEVATION
 TIMBER DECKING**

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DRAWN	A.BEC	12-06-19	SCALE	A3
CHECKED			1:50	

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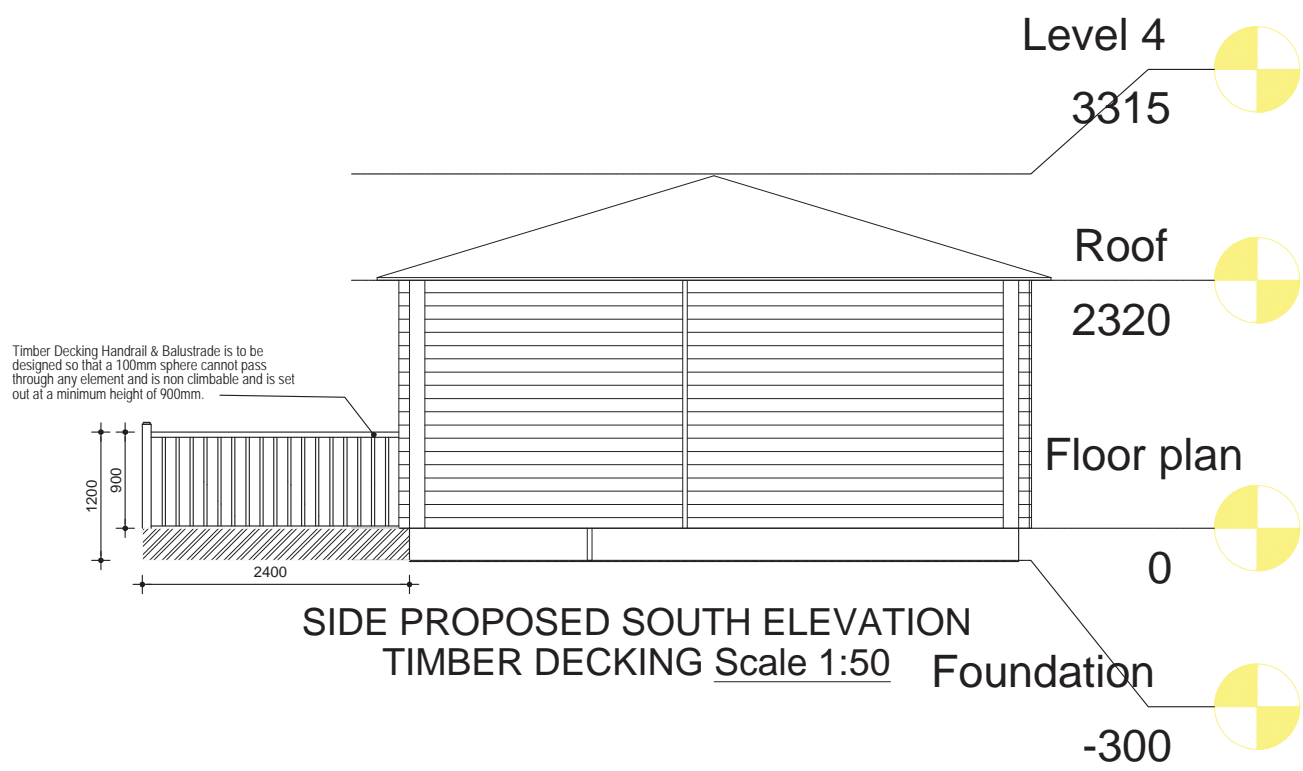
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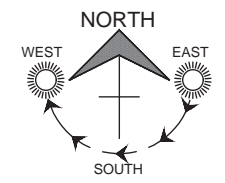
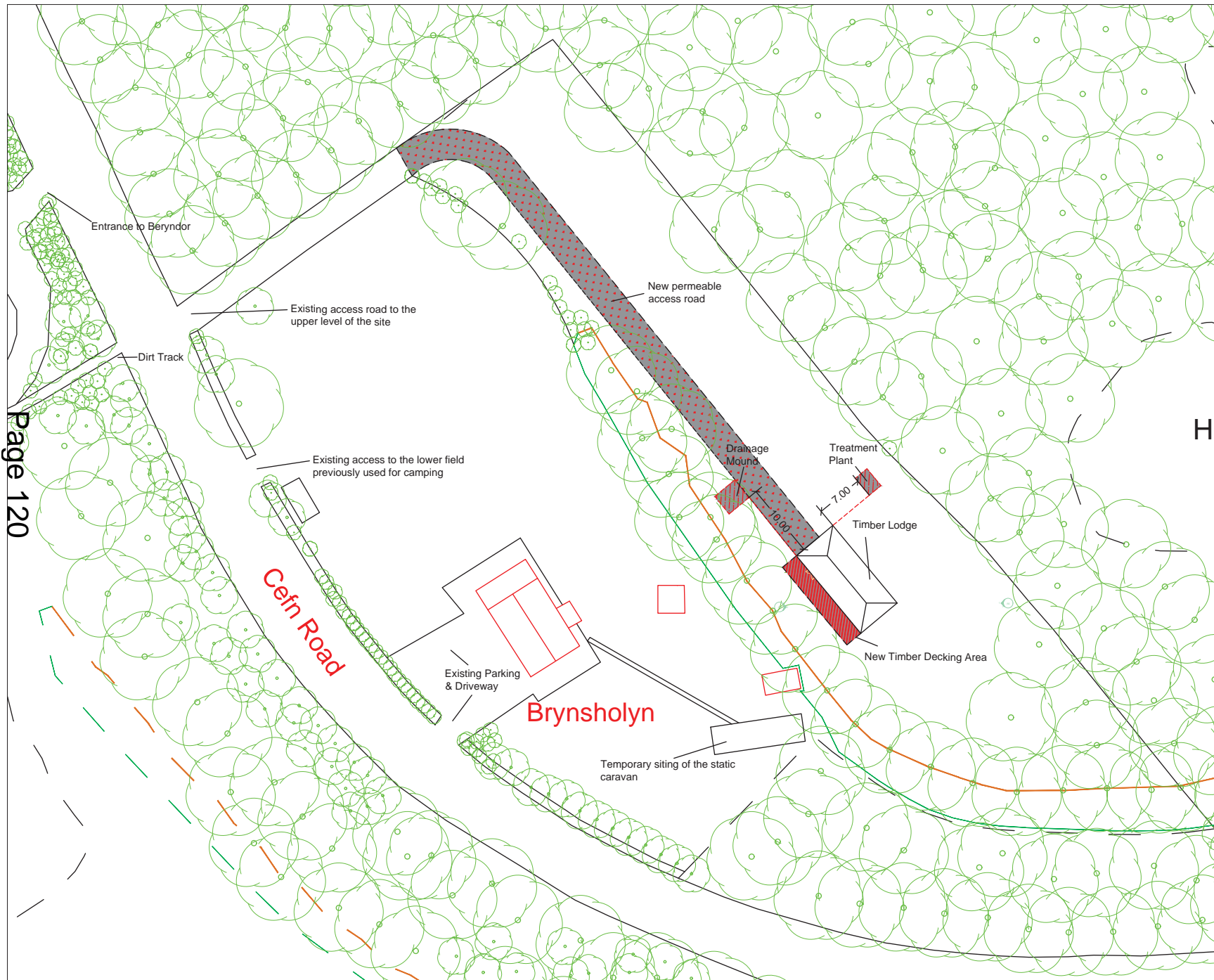


PROJECT
 BRYNSHOLYN
 TIMBER LODGE

DRAWING TITLE
 SIDE NORTH PROPOSED
 ELEVATION
 TIMBER DECKING

JOB NUMBER		-		REV
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DRAWN	A.BEC	12.06.19	SCALE	A3
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REV.	DESCRIPTION	INT.	DATE



PROJECT
 Brynsholyn
 Timber Lodge

DRAWING TITLE
 PROPOSED TREATMENT
 PLANT & DRAINAGE
 MOUND LAYOUT

JOB NUMBER	-	REV	-
DRAWING NUMBER	BRY-03		-
DRAWN	A-BEC/26/01/20	SCALE	1:500
CHECKED	-		A3

	Code	Size	Glazing	mm	Pcs
WINDOWS	DGW-2/24	1130x1310mm		144	4
	DGW-1/24L	1130x710mm		144	2
	DGW-6/24L	1520x710mm		144	1
	DGW-6/24R	1520x710mm		144	1
DOORS	FDGD-2/24	1930x1410mm	fully glazed	144	1
	DGD-5/24R	1930x830mm	1/2 glazed	144	1
	D-4R	1930x830mm	solid wood	44	4
	D-4L	1930x830mm	solid wood	44	1

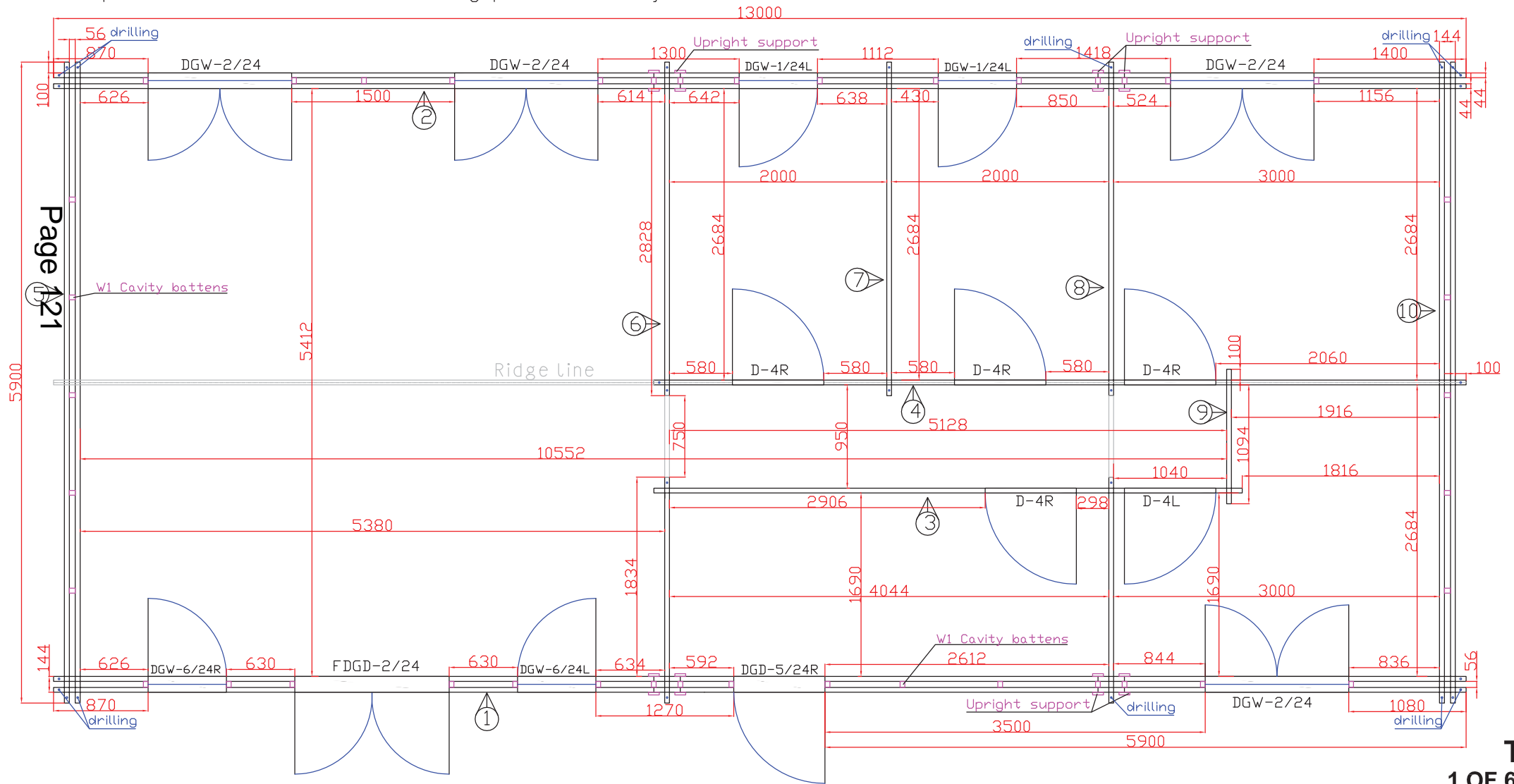
besp. 13059-44 TS DG

SIZE (m): 13.0 x 5.9
 SIDE WALL HEIGHT: 2320 mm
 RIDGE HEIGHT: 3315 mm
 WALL LOG: 44+44 mm

ref. Fiona Kelly



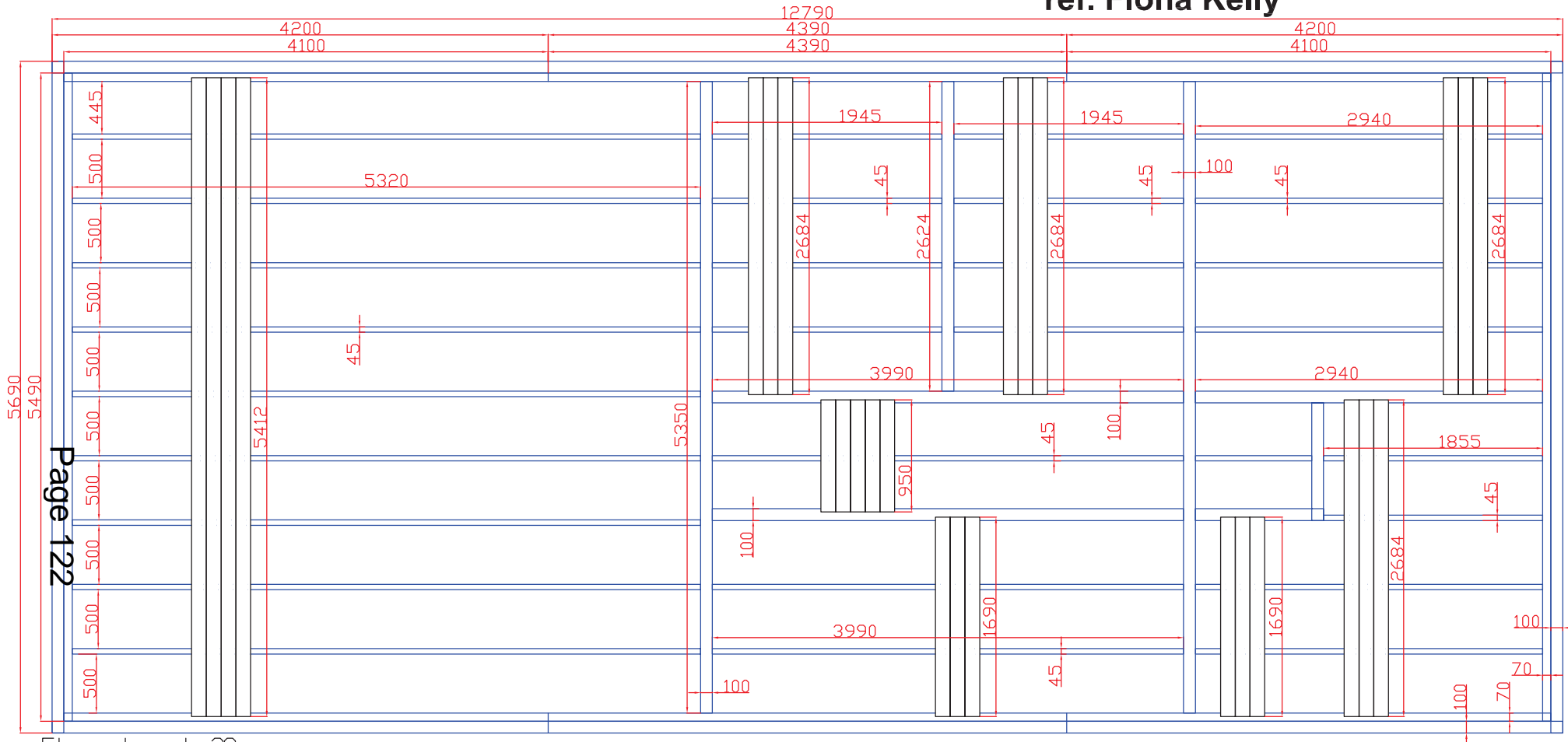
Twin roof: 25 mm thickness finger jointed roof boards on top and 19 mm thickness roof ceiling panels internally



FOUNDATION AND FLOOR JOISTS PLAN



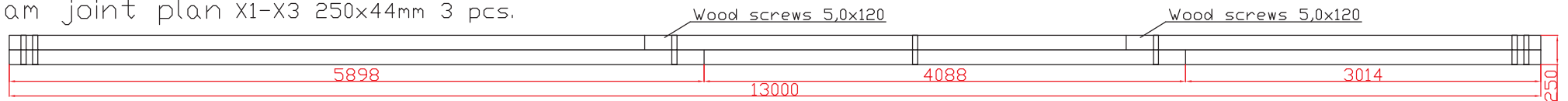
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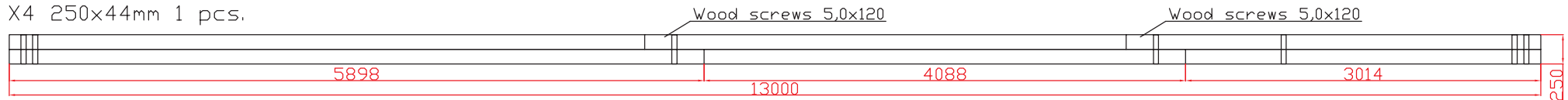
Floor boards 28 mm

Foundation and floor joists height 70 mm

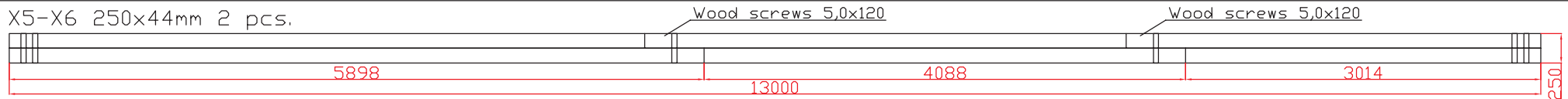
Beam joint plan X1-X3 250x44mm 3 pcs.



X4 250x44mm 1 pcs.

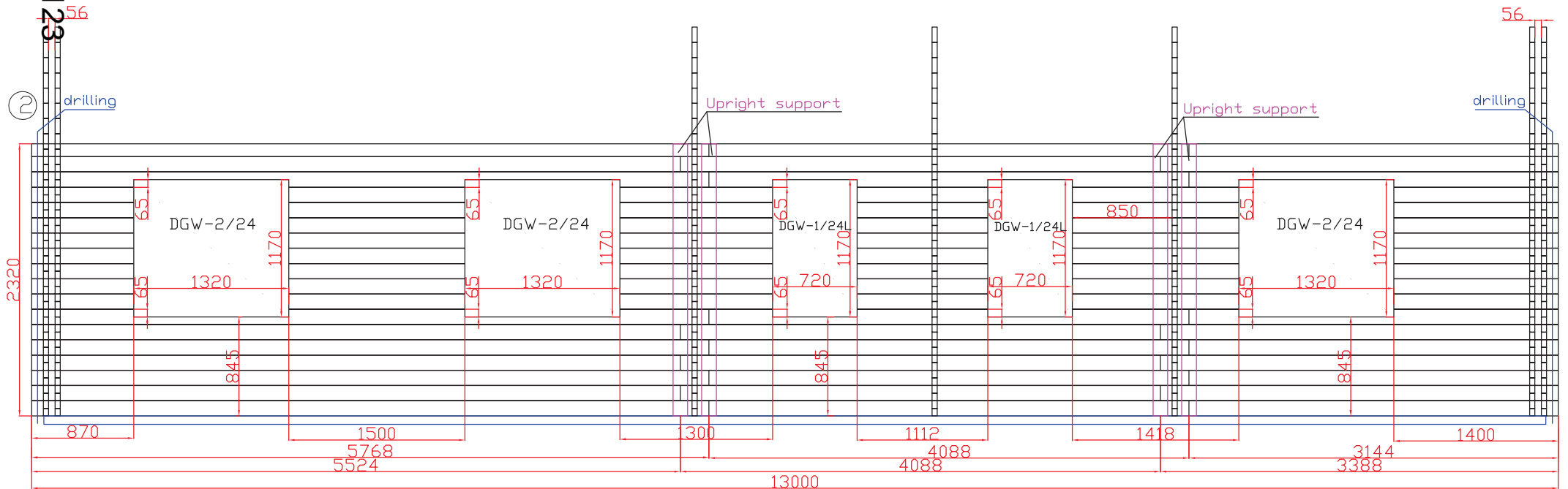
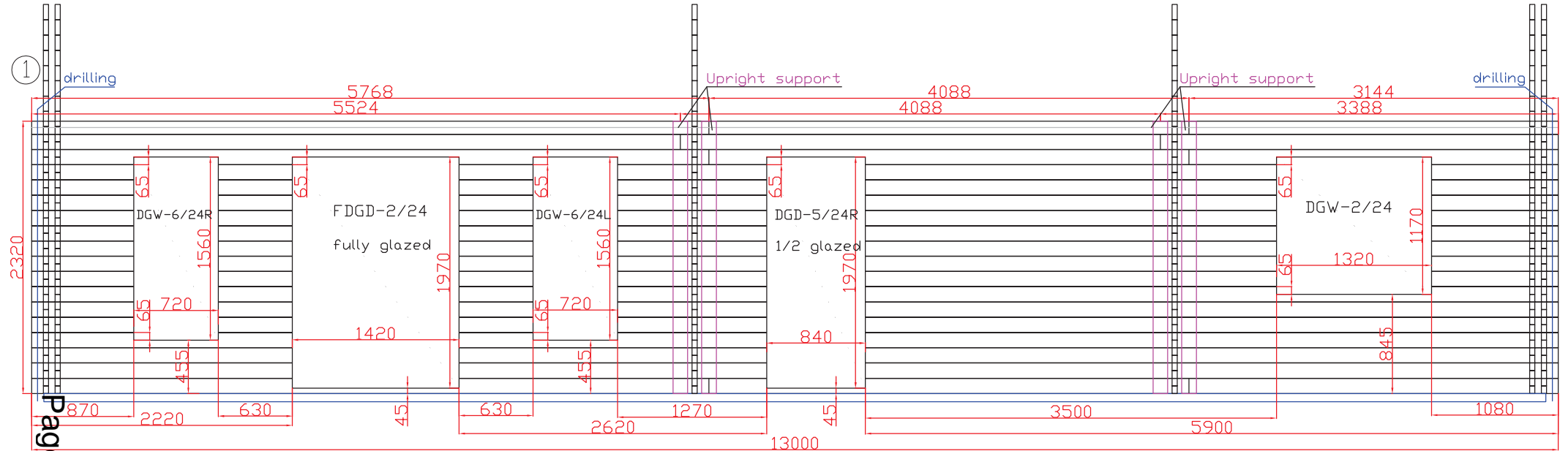


X5-X6 250x44mm 2 pcs.



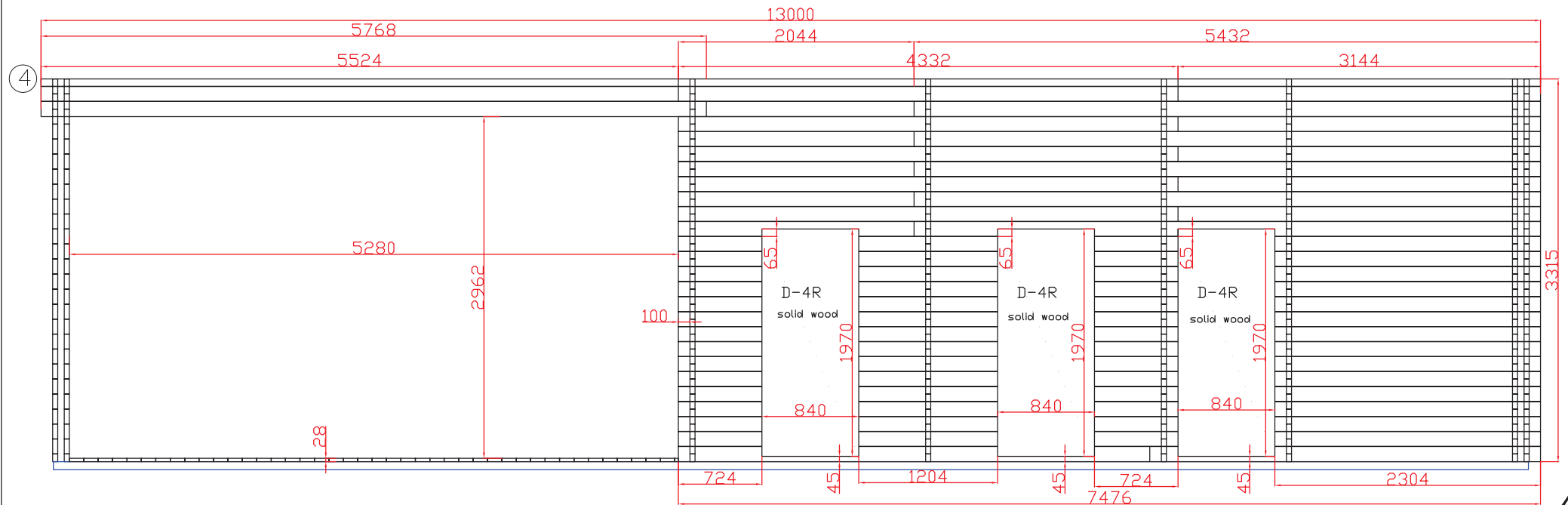
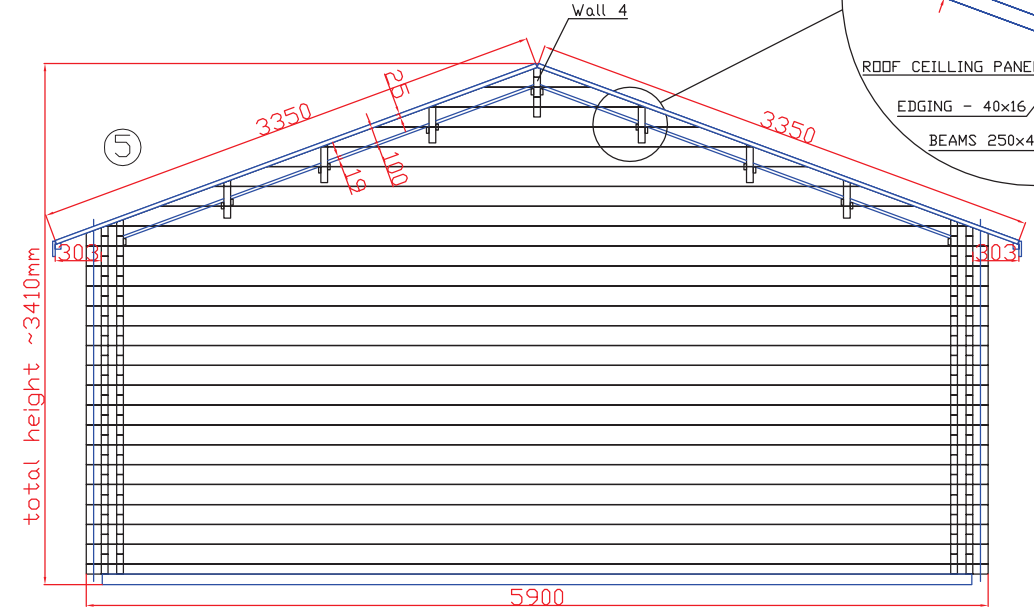
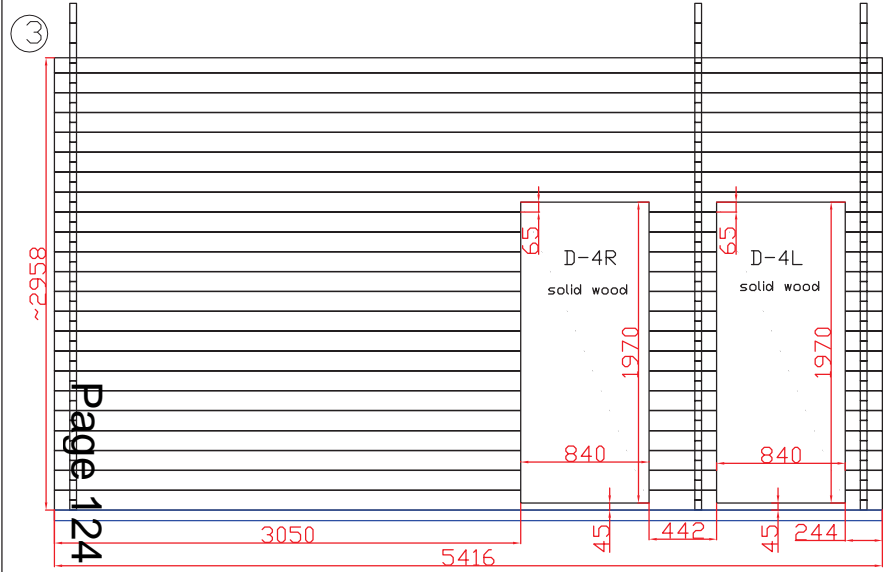
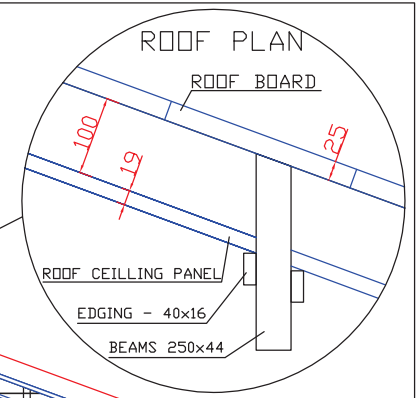
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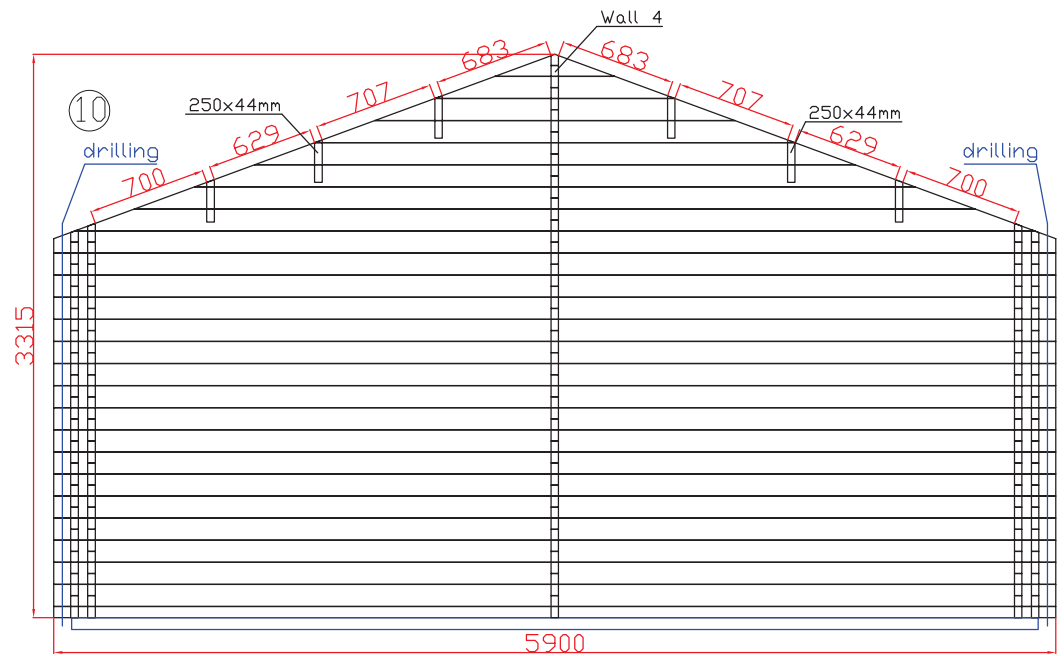
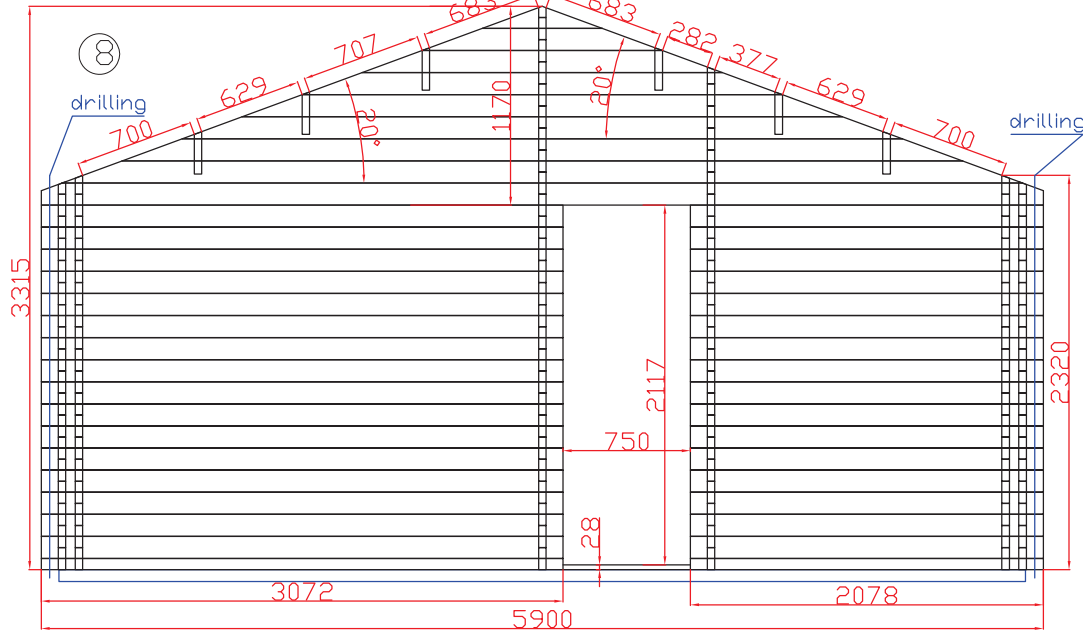
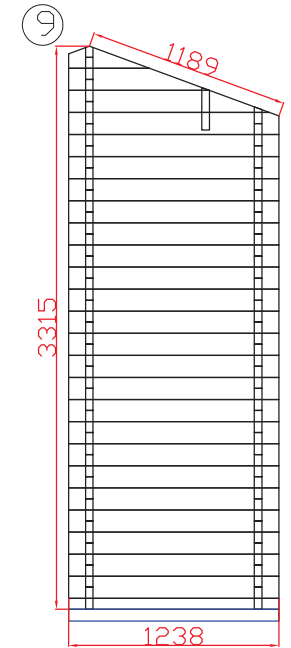
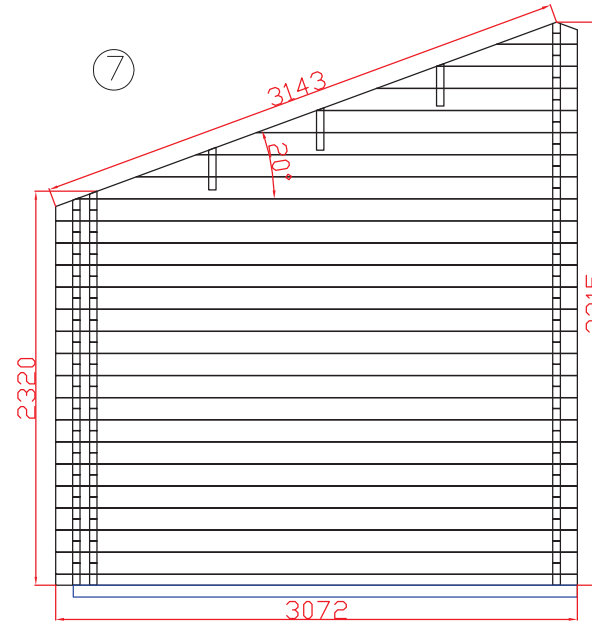
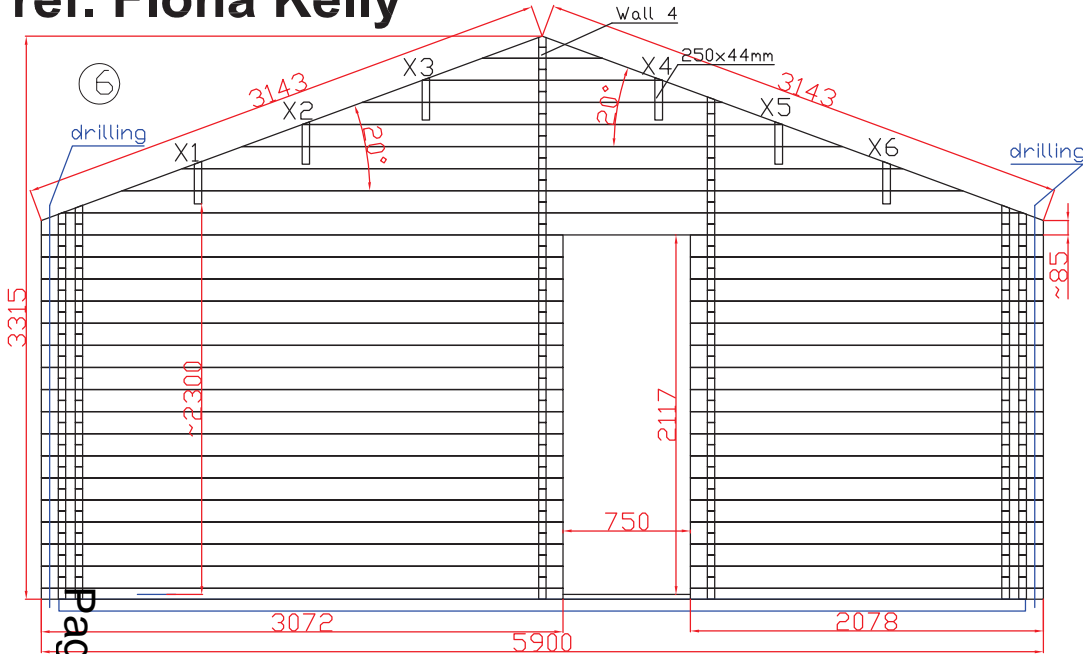
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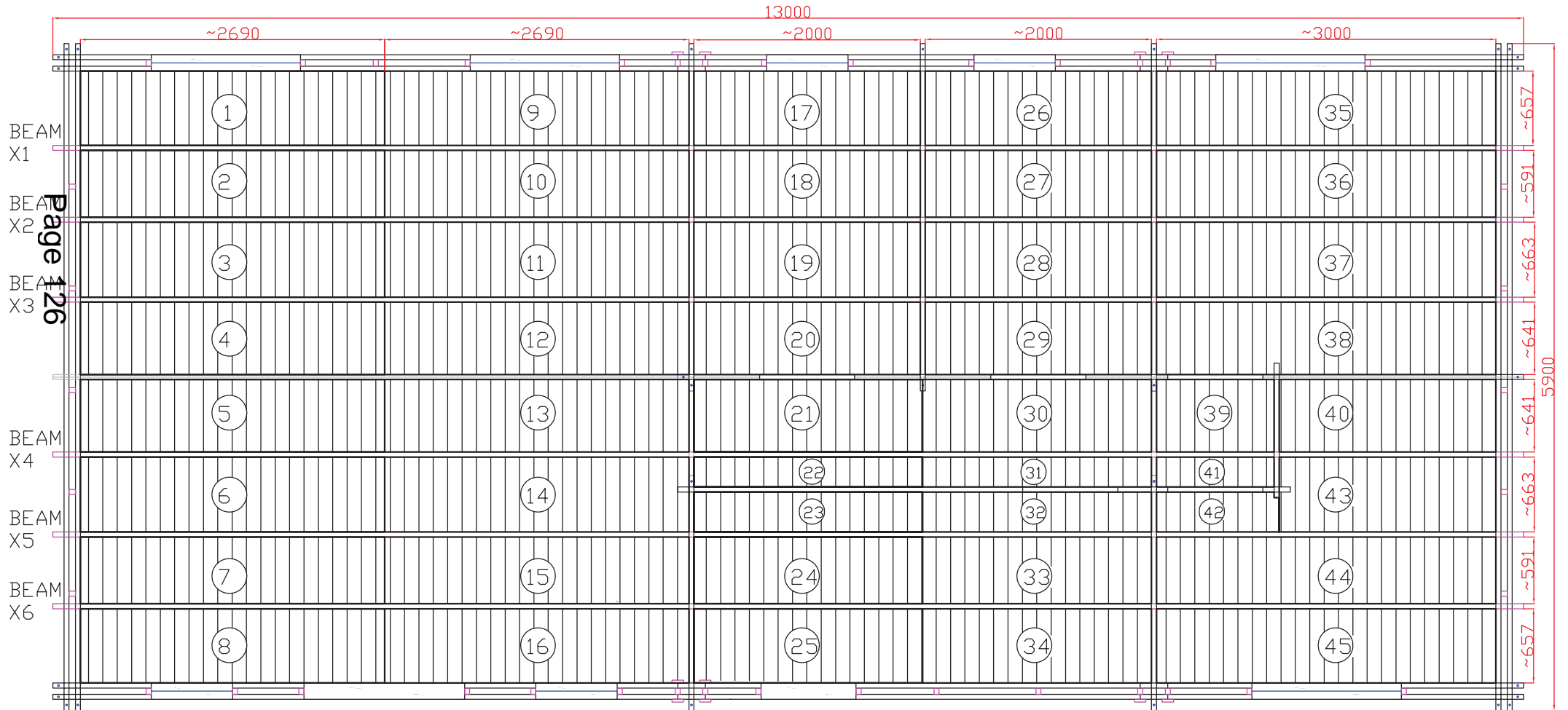
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ref. Fiona Kelly



ceiling panels plan



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Statement from Agent

Cyfeirnod/Ref: 060372
Cynnig/Proposal: Siting of log cabin to provide ancillary use to the main residential dwelling and siting of a static caravan for temporary 12-month period (retrospective).

Brynsholyn, Cefn Road, Cilcain, Mold, CH7 5HR

Dear Sirs,

In reference to the above application.

My clients are an extended family who moved to Brynsholn in 2018 to enable them to live together and support each other, as their daughter Megan suffers from Obsessive-Compulsive Behavior which is driven by severe anxiety arising from Autistic Spectrum Condition (ASC). This anxiety had been exacerbated by a house invasion at their previous home causing Megan's anxieties to intensify, which attributed to my clients moving to Brysholyn, a quiet rural location.

To afford Megan's needs to allow some space to 'control' and allow a personal area to craft, create and give the family 'as a whole' more space. The decision was made to construct a timber lodge to be ancillary to the main dwelling, within the curtilage of the site and to make the best of the views the property has access to.

Initially, my client commissioned a company to design, source and construct the timber lodge. They had extensive meetings with the company prior to construction, who incorrectly advised that planning permission was not required as it was under permitted development and not a permanent construction.

The advice and information my client received was incorrect, and once they had been notified by Flintshire Planning Authority, all necessary surveys and applications were applied for and any/all instructions/requests complied with.

To meet Megan's needs for space whilst the lodge was being constructed, a static caravan was placed on the site, which will be removed on completion of the Lodge.

Kind regards

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY 28TH OCTOBER 2020**

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

SUBJECT: **PROPOSED RESIDENTIAL DEVELOPMENT FOR 90 NO. RESIDENTIAL UNITS OF ACCOMMODATION (OF WHICH 40% WILL BE AFFORDABLE AND SUPPORTED LIVING), PUBLIC OPEN SPACE, LANDSCAPING, MEANS OF HIGHWAY AND PEDESTRIAN ACCESS, LOCAL HIGHWAY AND PEDESTRIAN INFRASTRUCTURE IMPROVEMENTS**

APPLICATION NUMBER: **061154**

APPLICANT: **GOWER HOMES LTD & CLWYD ALYN**

SITE: **LAND AT PLAS ANEY, RUTHIN ROAD, MOLD**

APPLICATION VALID DATE: **27TH MARCH 2020**

LOCAL MEMBERS: **COUNCILLOR G COLLETT**

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

REASON FOR COMMITTEE: **DEPARTURE, SCALE OF DEVELOPMENT & LOCAL MEMBER REQUEST**

SITE VISIT: **NO**

1.0 SUMMARY

- 1.0 This is a full planning application for the development on land at Plas Aney to provide a residential scheme of 90 no. dwellings together with public open space, landscaping and infrastructure improvements. As the site is outside the settlement boundary of Mold, the application has been advertised as a departure from the Development Plan.

Members will be aware that this application was deferred on the committee of the 30th September due to an administrative error in sending out the committee notifications, this meant the Agent had not been notified. Deferring the application resolved the matter and the Agent has now been furnished with both the notification and the principle reasons for the refusal of this application; of which you will note have not changed since the 30th September.

In the interim however, the Applicant has sought to liaise with the Highways Authority, providing an amended site plan and has engaged with Housing Strategy to agree the mix of affordable ownership and intermediate rent units.

2.0 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.0
1. It is considered that there is insufficient evidence to identify the need to bring forward this speculative site outside the settlement boundary of Mold. In the absence of the evidence of need, and in light of the satisfactory levels of residential housing completions, commitments and allocations as set out in the planned housing trajectory in the Deposit LDP, the Council does not attach considerable weight to the need to increase housing delivery. The proposal therefore conflicts with the principles set out in section 4.2 of PPW 10 as it would prejudice the plan-led system with respect to the most appropriate housing sites from being brought forward as set out in the Deposit LDP.
 2. The Local Planning Authority considers that insufficient evidence has been provided to identify the very exceptional circumstances necessary to justify inappropriate development within an area of open countryside and Green Barrier given the proposals would result in a form of unsustainable development which would unacceptably harm the openness of the Green Barrier in this location. Accordingly the proposal conflicts with paragraphs 3.69 and 3.71 of PPW 10 and Policies STR1, STR7, GEN1, GEN3 and GEN4 of the Flintshire Unitary Development Plan.
 3. The Local Planning Authority considers that the proposals would result in the unjustified loss of 3.39ha (0.58ha of ALC Grade 2 and 2.81ha Subgrade 3a) of Best and Most Versatile (BMV) agricultural land. Accordingly, it is considered that the proposals conflicts with paragraphs 3.54 and 3.55 of PPW10 and is contrary to the provisions of Policies STR1, STR7, STR10, GEN1 and RE1 of the Flintshire Unitary Development Plan.

3.0 CONSULTATIONS

3.0 Local Member – Councillor G Collett

In regard to the above planning application I request that this application be referred to the Planning Committee. I have many objections to this development which include:

- a) This development is located in a Green Barrier area. The Green Barrier in this specific area has been recently reviewed by the Planning Committee who have confirmed that this area should remain undeveloped to avoid coalescence between Mold and Gwernymynydd.
- b) This area is not part of the development planned for Mold in the current LDP plan which is being considered by WG. Considerable time and effort has been spent by FCC and Mold TC in developing this plan and this area was not considered to be an appropriate area for development.
- c) There are approximately 350 houses with planning permission in Mold this excludes the additional 250 houses (Total 600 houses) this already represents a massive increase in the size of the town of Mold (current no. of houses in Mold is approximately 4000) and these numbers will take a great deal of assimilation without the additional pressures on services from this development.
- d) Access to this site is from Ruthin Road. A recent development opposite this proposed development was refused access on Ruthin Road for Safety Reasons.

Mold Town Council

Objection

1. The site is outside the Mold settlement boundary in the Flintshire UDP and it has Green Barrier designation.
2. It is not a site allocated for housing in the Mold Town Plan 2017-2030 as Mold Town Council, in consultation with residents over 18 months, wants to avoid further coalescence with Gwernymynydd.
3. The application does not constitute 'special needs' because the emerging Flintshire LDP meets the Welsh Government requirements for affordable housing in the county.
4. With the changes to TAN 1 any lack of five years' housing supply should not be given weight, and the emerging Flintshire LDP meets the Welsh Government requirements for housing in the county.
5. This proposal does not accord with either Planning Policy Wales or Flintshire UDP as a sustainable development.
6. Sites have been identified in West Ward, that developers are actively planning, which will deliver over 100 residential units.

These are in sites identified for development in the Mold Town Plan and the emerging Flintshire LDP.

7. There is very little green space within the proposed site, or tree planting, or places for people to sit and children to play. There is no community growing area or community orchard. The benefits of these are all well researched and part of the Welsh Government well-being agenda, through the Well Being of Future Generations Act, and included in several FCC policies and the Mold Town Plan.
8. The house types are standard off-the-page designs, as can be seen from their names, there is no attempt to create a bespoke modern 'Mold' style.
9. Surface water:
 - a. On the application water run-off from roofs will not be harvested and recycled in the dwellings, instead each property will be fitted with a water butt, suitable for garden needs. If these are not emptied regularly or the diverters become blocked, then water just flows into the drain.
 - b. The applicant's drainage report shows that the land is not suitable to have soakaways from the dwellings. It proposes a dry retention basin end of the pipe solution with all surface water run offs from highways, roof and private drives to be collected in gravity piped networks and discharged into the surface water public sewerage networks at restricted flow rates agreed with Welsh Water.
Yet Welsh Water has already told Gower that no surface water from highways or land drainage run off will be permitted to discharge directly or indirectly into the public sewerage system. FCC now has a SuDS Approving Body.
10. Renewable energy: from the plans it appears that there are no renewable energy measures, such as solar PV, or district heating schemes proposed for the site. Even though at 90 dwellings it falls just outside the national and local authority recommendations, that sites of over 100 dwellings should include such measures, it would still be beneficial to residents to have these cost-cutting energy saving measures in place and to help reduce the CO2 emissions in Mold. We should be planning for the future and using all available technology to build sustainably.
11. With a 1 in 7 gradient across the site, sloping to the south east, it is disingenuous to only provide a street view of a single row of proposed dwellings which are next to the Ruthin Road. Dwellings on the site will have a visual impact on all sides,

especially on entering and leaving Mold on the Ruthin Road, and for residents on the Lon Cae Del estate and spur roads off.

12. Sustainable travel:

- a. The application states that 'there is a good cycle-friendly' infrastructure in the area'. This is a false statement. There are roads for cars and virtually no off road or designated cycle lanes in Mold. Using S106 and adding such down the Ruthin Road with safe links to the Alun campus, primary schools and into the town centre would be necessary.
- b. Only one 'potential' pedestrian link in the top right of the development between proposed dwellings 24 and 25 to between 59 and 38 Lon Cae Del. This is inadequate for a new estate of this size on the very outskirts of Mold, especially as the people living in the affordable housing may have limited access to private transport.
- c. The nearest bus stop on Ruthin Road is just by the gas/electric substation by where the grass verge on Ruthin Road begins on the left hand side of the road before St Mary's junction. The developer states that this is 350m from the proposed site, which may be the case from the entrance to the site, but is certainly not the case to walk from dwellings at the top end of the site. There is an old bus stop sign buried in the hedge just opposite the Upper Bryn Coch lane junction, just up from where the new entrance junction to the proposed development is planned. The bus stops would need to be improved and moved closer to service any proposed development.

Gwernymynydd Community Council

Refers to the above planning application and proposed development of which I do emphasise that this Council strongly objects. Members of the Council have discussed the proposal via the internet due to the present Coronavirus situation and as such have expressed strong views and comments about the planning application.

Therefore, the Members of this Council have emphatically resolved to object to this proposal for the following reasons and draw reference from the Associated Documents given in the application, e.g. the Agricultural Report LRA, the Archaeological Report DBA-LPA, the Landscaping Report, the Transport Statement, Tree Solutions and the Ecological Report.

1. Transport/Highway issues:

- (a) A ghost island is suggested as a means of access to the road going into Mold. If this is a mini roundabout, then this could

add to traffic congestion. Recently when there were temporary traffic lights near this proposed ghost island this led to problems at the large roundabout at the bottom of the Gwernymynydd hill. The traffic was backed up in all directions. As the new access to the site is suggested at the bottom left of the site this could mean that it is facing a junction to the road with the old prison thus adding to the congestion probabilities.

- (b) The suggested vehicle movements are 55/65 2-way movements daily. It is also suggested that these would only be one or two per hour. It is more likely that all these vehicles would be between 8-9am and between 4-6pm. This would add to traffic congestion in Mold which already struggles to deal with the existing traffic. It is more likely that these vehicles will be going north ie.to Mold or the A55 onwards than south to Ruthin as there are more employment opportunities to the North of Mold than to the South.

2. Green barrier issues:

- (a) The document with 337 pp on page 98 lists other possible housing areas within Mold to the north of the town which should be utilised before other green barrier areas are used.

- (b) Flintshire's LDP 2015-2030 (not yet adopted but quoted in the applicants' paperwork) states on pages 16/17 that following a Green Barrier review the green barrier between Gwernymynydd and Mold should be retained. It mentions that there is a possibility of limited housing infill development to meet proven housing need or the affordable housing exception scheme. Ninety (90) houses is NOT limited housing infill.

- (c) The application form states that to overturn a green barrier policy designation would require special circumstances. In addition, the application form indicates that support would not be forthcoming from the Planning Policy Officer from FCC.

- (d) the Agricultural land report states that the proposed site consists of Grade 2 land 15%, Grade 3a 75% and Grade 3b 10%. The report states that Grade 2 and Grade 3a (which is 90% of the site) should only be considered if no other sites are available as these should be conserved as a finite resource for the future page 9, para 4.1

3. Environmental issues:

- (a) the Archaeological Report states that there are historic hedgerows on the site – the north boundary hedgerow is shown on 1839 tithe map, the east boundary hedgerow dates to between 1872-1899; in addition there is a small section of historic hedgerow on the southern boundary.

- (b) there is an ancient tree in the middle of the site with some decay and fungal fruiting which should be retained.

- (c)The Ecological report states section 4.4.3 page 22 that there are bat roosts on the site. This report also states 5.1.1

that the historic hedgerows should be retained. It also states that there are badgers nearby who use the site as a run. It also mentions that birds use the historic hedging for roost or nests.

4. Education/Health issues:

(a) It is understood that the nearest local Primary schools within Mold are oversubscribed so this would mean that the children would have to travel further afield and not within pram pushing distance.

(b) There is a shortage of GP's within the Mold area and difficulty in joining a GP Practice. There is a similar shortage of Dentists within the Mold area with a resulting difficulty in joining a Dental Practice.

Finally, the inclusion of various planning appeals from within the Wrexham area and within Wales that have been overturned by Welsh Government Ministers, namely Julie James, Lesley Griffiths and Carwyn Jones, appears to be a bullying tactic to ensure that there is no democratic response or protest concerning this application.

This Council respectfully requests that this planning application be refused reference to the above points of objection and that any such appeal against refusal should it be taken to Welsh Government be decisively and vigorously detested.

Highways Development Control

The highway authority have previously received notification of this application direct from the developer and have provided early comment; a number of issues have been amended to address initial concerns. As a result, the detail of the application largely corresponds to highway requirement.

Due to the length of the cul-de-sac and lack of turning facility, the proposed road layout serving plots 11-13 does not meet highway adoptable standard and should be amended. In the interim of the deferral, the Applicant has provided an amended site plan which addresses the concerns raised.

The provision of a turning head or reduced status to that of shared private drive would be acceptable.

The site access and proposed visibility splays have been designed in accordance with existing speed limits however construction of the development would justify a review of existing restrictions. The Applicant has agreed to fund the review and any required changes; a Section 106 agreement to the value of £4500 will be required to cover anticipated costs.

Public footpath no. 7 runs to the east of the site, this path has been identified as route M16 on the Active Travel Integrated Network Map. The path is surfaced and although the width is limited, any improvements are beyond the control of the Applicant; the Applicant has however agreed to fund a street lighting scheme which would be of benefit to all users.

Woodland Rise is the closest bus stop to the site however this is not provided with a shelter or raised boarding kerbs; in order to encourage the use of public transport, the Applicant has agreed to fund improvements.

The Applicant has offered to fund off-site improvements by means of a Section 106 agreement however it has not been possible to ascertain values and it is suggested that these requirements be covered by a condition requiring the submission and approval of proposed details.

In respect of the above, the Highways Authority has no objection subject to the imposition of conditions.

Community and Business Protection

No adverse comments to make.

Welsh Government – Land Quality Advisory Service (LQAS)

Having considered this proposal in light of the Welsh Government's Planning Policy Wales provision for the protection of BMV agricultural land (paragraphs 3.54 & 3.55); Schedule 4 of the 2012 Order; and, TAN 6 (Chapter 6 & Annex B5 & 6), the Department for Environment, Energy & Rural Affairs **objects** to the proposal in the long term national agricultural interest for the following reasons:

The Department considers that the potential loss of BMV agricultural land is significant and unjustified for the following reasons: -

- The Department considers the proposed development to have significant agricultural implications (TAN6, Annex B5). It is not allocated for development under the UDP or the proposed LDP. The allocation, if granted, would raise significant questions regarding the soundness of the proposed Flintshire LDP in terms of BMV agricultural land national planning policy application (PPW 3.54 and 3.55).
- The recent progress of developing the proposed LDP identifies sufficient land to deliver the required growth.
- The proposed LDP has considered the losses of BMV agricultural land in allocations for the whole plan, over the plan period (LDP Background Paper 9 – Minimising the Loss of BMV Agricultural Land). This site has not been considered for allocation and therefore has not been considered as part of that process.

- In recent years the Authority has permitted housing developments on lower grade land. A number of non-BMV sites have been put forward within the un-adopted LDP. Lower grade agricultural land is available and the planning statement conflicts with PPW and Policy RE1 of the UDP. Appeal Decision - APP/A6835/A/17/3171383 supports this view.
- The Applicant has not applied BMV agricultural land national planning policy (PPW 3.54 and 3.55) in justifying overriding need and application of the sequential test.
- This expression of view is consistent with the Department's response to the Pre-Application Consultation on this case (dated 4th September 2019).

Welsh Water/Dwr Cymru

No objection subject to the imposition of conditions in relation to foul flows.

Natural Resources Wales (NRW)

Whilst NRW raise significant concerns in relation to the ecological constraints of the site, they would be satisfied that appropriate measures are in place provided the development is carried out in accordance with the recommendations of the supporting ecological report, ref Kingdom Ecology, KE18.402, 7 August 2019, Updated Ecological Survey Report.

County Ecologist

Confirms that the recommendations made within the supporting ecological report are sufficient, however notes that there are further opportunities for safeguarding in addition to further ecological enhancements. The suggestion of additional conditions to be imposed are requested in relation to a detailed scheme for tree and hedgerow protection and future management, reasonable avoidance measures (RAMS) for protected species, biodiversity enhancements (e.g. bat and bird boxes) and a lighting plan to minimise light spill.

Airbus

Confirms there is no aerodrome safeguarding objection to the proposed development.

Education

In response to the consultation of this planning application, Education have confirmed that the proposed development would trigger the need for financial contributions at the nearest and most suitable primary school, Ysgol Glanrafon. The proposed development would generate the addition of 17 primary pupils and therefore a total of £208,369.00 (17 x £12,257.00) is requested.

Education have also confirmed that in respect of secondary education, the proposed development would not trigger the need for

financial contributions at the nearest and most suitable high school, Ysgol Maes Garmon. No developer contribution is therefore sought.

Aura

For a development of this size confirmation is required that the on-site public open space equates to 56m² of open space per dwelling. The provision is to include an equipped play area with a range of age specific play items which conform to the latest BS/EN 1176 AND BS/EN 1177 standards for play equipment and safer surfacing. Note Individual play items have to be supplied with individual certificated proof of compliance to BS/EN 1176 and to be supplied prior to an approval by the Authority .The play area requires link pathways for inclusive access, seating areas and information/ advisory signs stipulating who manages the site all of which would need to be in accordance to a specification approved by the Authority.

The boundaries for all of the play space need to be approved, in particular roadside boundaries and gates including maintenance access gates, fencing next to private boundaries needs to approved and confirmation of the legal ownership/responsibility.

The open space/play area needs to be ready for public use when 50% of the development is sold or occupied. The open space/play space needs to be free from overhead powerlines, substations and open water. The open space/play space needs to have good drainage suitable for play and recreation The open/space boundaries next to dwellings need to provide sufficient privacy with a buffer zone. Upon completion of the play area a RoSPA post-installation inspection report is to be provided to the Authority this helps to ensure that the playground meets modern standards and has been correctly installed.

Given the above information should the developer require the Council to adopt and maintain the POS then a 10 year commuted sum is to be paid. The figure for this commuted sum can be provided at a later stage and on request.

Housing Strategy

Gower Homes are proposing an affordable housing contribution of 40% which is above current requirements and is acceptable to housing strategy. However it is acknowledged that this site is outside of the Mold settlement boundary and may be unacceptable in planning terms.

Preferred Mix of units:

The SARTH and Tai Teg registers suggest there is considerable demand in Mold for social and affordable housing. With regards to the supported housing, enquiries have been made with social services who advise that Mold is a popular location for housing for

people with learning difficulties due to the local facilities and social links and they have worked for a number of years with Cornerstones.

We suggest the mix being proposed by Gower Homes could be improved by including some units for intermediate rent. This would provide a broad variety and mixed community and housing strategy would support the following:

Dwelling type	Social Rented	Intermediate Rent	LCHO	Supported housing	Total
1 bed flat	4	2	2	6	
2 bed flat					
2 bed house	4	3	3		
2 bed bungalow					
3 bed house	7	2	3		
4 bed house					
Total	15	7	8	6	

In the interim of the deferral, the Applicant has liaised with Housing Strategy and confirmed that with regards to the shared equity units, due to levels of demand and to provide a broader mix of tenures, suggests reducing the number of shared equity units to 8 units and the remaining 7 could be intermediate rent. This has been agreed by the Applicant.

4.0 **PUBLICITY**

4.0 Press Notice, Site, Notice, Neighbour Notification

The application was advertised as a **departure** from the development Plan.

118 no. Letters of objection received upon the following grounds:

- Surface water problems
- Lack of school places
- Other sites in the settlement are being developed
- Overdevelopment
- Unsustainable location
- Landscape and visual impact of developing the open countryside
- The site is a greenfield site outside the settlement boundary and within a designated Green Barrier
- The proposal if approved will lead to further development and encroachment
- Loss of productive agricultural land

- The development does not contribute to the Well-being of Future Generations (Wales) Act
- Would lead to additional traffic and Congestion on Ruthin Road into Mold which already does not provide adequate in town parking
- Impact on the sewage system, water supply and other services
- Dependency on private car as a means of transport
- Impact on dentists and doctors, current services full to capacity
- There is an overriding need for 2-3 bed affordable dwellings not large 4 or 5 bedroomed properties
- Noise impacts from the development;
- Potential drainage impacts form surface water on nearby properties
- The proposed development would be dominant and out of keeping with its surroundings, and would therefore harm the character and appearance of the immediate and wider area of the open countryside
- Cause overlooking and loss of privacy to the adjacent properties

37 no. Letters of Support received.

5.0 SITE HISTORY

5.0 No previous site history.

6.0 PLANNING POLICIES

6.0 Flintshire Unitary Development Plan
 STR1 New Development
 STR4 Housing
 STR7 Natural Environment
 GEN1 General Requirements for Development
 GEN3 Development in the Open Countryside
 GEN4 Green Barriers (GEN4 10)
 D1 Design Quality, Location and Layout
 D2 Design
 D3 Landscaping
 TWH1 Development Affecting Trees and Woodlands
 TWH2 Protection of Hedgerows
 L1 Landscape Character
 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 Playing Space and New Residential Development

SPGN no. 2 Space Around Dwellings
SPGN no. 9 Affordable Housing
SPGN no. 11 Parking Standards
SPGN no. 23 Developer Contributions to Education

PGN no. 13 Outdoor Space Requirements

Planning Policy Wales Edition 10 (December 2018) (PPW10)
TAN6 Planning For Sustainable Rural Communities

7.0 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the development on land at Plas Aney to provide a residential scheme of 90 no. dwellings together with public open space, landscaping and infrastructure improvements.

7.02 Site Description

The application site is located on the south-western edge of Mold and extends for an area of 4.31ha comprising undeveloped agricultural land. The Mold Bypass (A494) is the main arterial route running around the town and linking with the key routes into the town, including the Ruthin Road (A5119) along which this site lies.

7.03 The site is located and has direct vehicular access off the western side of the A5119.

7.04 The site itself comprises a regularly shaped and topographically level field with a fall from its north west to south eastern lower end at its roadside frontage. The site is fringed by an oak lined drive (once serving the Plas Aney house to the north) to the east and north and native hawthorn hedgerows to its northern, eastern and southern perimeters, with residential development to the northern and eastern boundaries. Additionally, its southern boundary is defined by the Ruthin Road over which more housing is located.

7.05 Proposed Development

The proposed development comprises the erection of 90 no. dwellings to include 1, 2, 3 and 4 bed housing types on land at Plas Aney, Ruthin Road, Mold.

7.06 The proposal utilises a main access point from Ruthin Road leading to a looped primary route around the site. Properties are arranged to maximise views to the west and to minimise the impact on properties

to the east. A large area of public open space (POS) is located to the north west and south east of the site, providing both a buffer zone against Ruthin Road and an area for drainage attenuation at a low point within the site. The proposed scheme would have a gross density of 20.9 dwellings per ha and a net density of 31.4 dwellings per ha which includes the two areas of POS covering a total of 6,132sqm.

7.07 The proposed development includes the provision of 54 no. open market residential units, with the remaining 36 units being affordable. The delivery of 40% affordable units of accommodation (delivered by Gower Homes partners (Clwyd Alyn Housing Association and Cornerstone Flintshire) is proposed with a mix split of 50% socially rented and 50% shared equity and a small scheme of supported living.

7.08 In addition to the above, the scheme proposes infrastructure improvements to the vehicular access to the site, with access taken off a new priority junction formed on Ruthin Road including a ghost island to aid vehicles turning right. A robust landscaping scheme is provided in addition to the POS, with all existing trees to be retained and Tree Protection Areas respected. The landscaping proposals include complementary new feature trees and shrub planting.

7.09 Principle of Development

The site is located outside the settlement boundary of Mold and within a green barrier in the adopted UDP and therefore the proposed development is clearly contrary to the development plan. It is acknowledged that parts of the UDP are now outdated, particularly in respect of settlement boundaries, as reflected in a number of appeal decisions that were made prior to July 2018. However, when the Minister dis-applied para 6.2 of TAN1 and launched her call for evidence into the provision of housing via the planning system, which has now concluded with the deletion of TAN1 in its entirety as it was not fit for purpose.

7.10 The key determining factor is whether the proposal represents sustainable development and whether there are material planning considerations which would outweigh the development plan. A further factor, which is given considerable weight by the applicant, is whether weight should be attached to increasing housing land supply.

7.11 Sustainability – Green Barrier

There is no dispute that Mold is a sustainable location to accommodate development during the LDP Plan period. The UDP contained housing allocations and the Deposit LDP also contains allocations at Maes Gwern (160 units) which is 500m to the south east of the site and on land between Denbigh Rd and Gwernaffield Rd (246 units) which lies approximately 1km to the north. The Plan is therefore already providing for the needs of Mold over the Plan period

in a balanced, sustainable and plan-led manner. Such sites have identified clear evidence of deliverability and do not cause significant planning harm, in contrast to this application site.

- 7.12 Looking more broadly at the settlement of Mold, it clearly has a number of constraints which informs the location of future development. The southern edge of Mold has a firm and defensible boundary formed by the A494(T) bypass (and the character break between residential and open countryside formed by Mold Business Park). To the east and north is an area of flood risk associated with the River Alyn. This part of Mold also features a green barrier which serves to protect the gap between Mold and its outlying settlements of Mynydd Isa, New Brighton and Sychdyn. The south western edge of Mold also features a green barrier which works to protect the narrow gap between Mold and Gwernymynydd. This leaves the strategic direction of growth as it is free from such constraints. This is recognized in both the Mold Town Plan and the Deposit LDP.
- 7.13 The application site was previously proposed for development in the UDP in the form of an omission site. In her Report, the Inspector commented that 'The site consists of 2 fields and is an integral part of the open countryside in both character and appearance. As such it is part of the rural setting of Mold and part of a narrow neck of prominent countryside between Mold and Gwernymynydd which is designated as green barrier in order to prevent the coalescence of the two settlements. Because of its size, location and topography development on it would be far more intrusive in the rural area than to the east of Ruthin Road which is more modest in scale and not as prominent'. In preparing the LDP a Green Barrier Review has been undertaken, which concludes that the site still forms an integral part of the green barrier which seeks to retain the narrow gap between Mold and Gwernymynydd, thereby confirming the clear view of the UDP Inspector at this location, evidencing that nothing has changed in terms of the planning context since the Inspector came to that view.
- 7.14 The Applicant, in the supporting Planning Statement repeats the LDP objection, which concludes that the review of the green barrier is based upon a crude assessment and is not fit for purpose, and that there is no sound justification for the continued green barrier designation. However in doing this Applicant's own assessment is superficial and ignores the views of the UDP Inspector referred to above, the proper site context in terms of its contribution as a green barrier, and also fails to recognize the guidance in PPW10 relating to the actual purpose and function of green barriers.
- 7.15 The significance of the site's location within the green barrier is clearly highlighted in PPW10 which has strengthened the presumption against inappropriate development. Welsh Government identify that housing development (including affordable housing) is inappropriate development within a green barrier. Para 3.70 states

'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 Belt or green wedge'.

7.16 Given the weight attached to protecting designated green barriers in PPW10, and the clear harm to the openness of the green barrier and harm to open countryside that this proposal would cause, it is not considered that the proposal represents sustainable development. Given that the site sits within a designated green barrier in the adopted UDP makes the Applicant's 'objections' to the green barrier designation a moot point in the context of its materiality to the consideration of this application.

7.17 Housing Land Supply

Since the application was submitted, Welsh Government has announced it has permanently revoked TAN1. The result of this is that there is no longer a requirement to maintain a 5 year supply of housing land. Instead, housing delivery for each authority will be measured against the trajectory in the adopted LDP. This is a significant material change in relation to the Applicant's case which promotes a site on the basis of an exception to green barrier policy as it would help meet a shortfall in the 5 year housing land supply. This is no longer a directly relevant consideration.

7.18 In relation to the new approach to measuring housing provision against the LDP trajectory, whilst the LDP is not yet adopted, Welsh Government have confirmed that the use of the draft LDP trajectory is a material consideration in assessing applications such as this proposal. In terms of present LDP performance in enabling the delivery of housing, in the first 4 years of the LDP Plan period, the County has seen annual completions of 662 (2016), 421 (2017), 608 (2018) and 454 (2019) which gives a total of 2,145 completions or an average of 536 units per annum. This is in excess of the Plan requirement of 6950 dwellings (or 463 units per annum) and is very close to the Plan's housing provision of 7,950 dwellings (or 530 units per annum). The LDP is therefore on track to deliver the amount of housing it is required to meet.

7.19 In respect of the previous terms of TAN1, the Council could not formally undertake or demonstrate a 5 year supply calculation, as it does not have an up to date adopted development plan. The Council can however provide informal calculations of supply. Firstly a measurement of supply against past completions has been undertaken which shows that over a 5 year period the land supply is 5.59 years and over a 10 year period the land supply is 6.79 years. Secondly, a measurement against the Plan's annual average requirement has been undertaken which shows against an average requirement of 463 units there is a land supply of 6.6 years. Although these figures have no formal standing, either at the time TAN1 was

in force, or since its permanent revocation, they clearly demonstrate that the County does indeed have a supply of housing land not only available, but also being delivered.

- 7.20 In addition to the position set out in the above Monitoring Report there is also the additional supply provided by allocations in the Deposit LDP. A Background Paper on Housing land Supply was published alongside the LDP which explains the various components of housing land supply and sets out a Housing Trajectory to illustrate delivery over the Plan period. Appendix 4 and 5 of that background paper shows a 5 year supply can be achieved on adoption. The evidence base alongside the Deposit LDP clearly demonstrates that a 5 year housing land supply can be delivered.
- 7.21 In the context of the new arrangements for monitoring housing provision, notwithstanding that the LDP is not yet adopted, evidence of actual housing provision in the first four years of the plan period demonstrates that the plan is in line with its draft trajectory, which is a material consideration in determining this application for a site in green barrier and not allocated in the UDP or emerging LDP. It is also important to mention that Welsh Government, in their formal representations on the Deposit Plan have no fundamental concerns about the soundness of the Plan. In their covering letter Welsh Government states 'The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect'. In the supporting document the Welsh Government 'support in principle' the scale and location of homes and jobs. This formal response does not suggest that there are concerns about the Plan 'not delivering' or being unsound.
- 7.22 Relevant Appeal decisions
The agent has appended several appeal decisions where housing development has been approved on appeal, despite being within existing green barriers. It is noted that several of these are in Wrexham CBC. On the one hand WCBC are further progressed with their LDP having reached examination although progress may be impacted due to the Inspector's findings regarding Gypsy / Traveller sites. However, on the other hand, WCBC is simply not delivering housing to the same extent that Flintshire is, or more significantly in line with the requirement set out in its LDP. The amount of housing to be delivered in the remaining years of the Wrexham Plan period is approaching the point where delivery is likely to be challenging. In contrast, housing delivery is being achieved in Flintshire in line with what the Plan sets out as a requirement.
- 7.23 The Applicant has failed to note a further significant difference in relation to the context for the appeal decisions in Wrexham that does not exist in Flintshire. This is where an Inspector considered that none of the allocations in the Wrexham LDP had an early prospect of delivering housing, whereas in Flintshire a significant number of its

allocated sites either have permission or are delivering housing on site (including over 400 units on the Strategic site allocated at Northern Gateway) and are therefore capable of early delivery. Whilst there may have been 'very exceptional circumstances' presented by the lack of supply in a Wrexham context, this is simply not the case in Flintshire. Given that housing is being delivered in Flintshire in line with the LDP trajectory, both at a County level and within 500m of the application site, it is unclear what the 'very exceptional circumstances' are that would justify the significant erosion of a green barrier to permit this development.

7.24 An appeal decision within Flintshire provides a useful counter view to those appended by the Applicant. An appeal for residential development at Bryn y Baal Rd Mynydd Isa (ref APP/A6835/A/17/3175048) was dismissed on 31/08/17. In respect of the need to establish 'very exceptional circumstances', the Inspector commented 'This is a stringent and demanding test, and the planning balance is different to that applicable for land outside the green barrier'. The Inspector concludes *'My conclusions are that the development would be harmful to the openness of the green barrier and to the character and appearance of the area and would erode the gap between Mynydd Isa and New Brighton. These harmful effects warrant considerable weight. I also conclude that there is a lack of a 5 year supply of housing land, and that the need to increase the supply of housing land warrants considerable weight, provided the development would comply with development plan and national policies. If the site was not located in a green barrier, these arguments would be finely balanced. However, the proposal is for inappropriate development in the green barrier, and PPW advises that such development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm the development would do to the green barrier. That demanding balance would not be achieved in this case, and I conclude that the development would be contrary to development plan and national policy'*.

7.25 Quality of Agricultural Land

PPW10 seeks to conserve the BMV agricultural land as a finite resource for the future. Considerable weight should be given to protecting such land from development and land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable or available lower grade land has an environmental value. TAN6: Planning for Rural Sustainable Communities states that once agricultural land is developed, even for "soft" uses such as golf courses, its return to agriculture as BMV agricultural land is seldom practicable.

7.26 The Agricultural Land Classification Map (1983) published by MAFF, indicates the site as comprising Grade 2 agricultural land (i.e. very

good agricultural land with minor limitations which affect crop yield, cultivation or harvesting). The Applicant carried out more detailed assessments in May 2019. The application is supported by a 'Soils and Agricultural Quality of Land' report prepared by Land Research Associates dated June 2019. The report evidences that from the total application site of 4.31ha, 0.58ha is Grade 2, 2.81ha is Subgrade 3a, 0.45ha is Subgrade 3b and 0.14ha is considered to be of non-agricultural value. The Land at the site has been found to be of best and most versatile quality in subgrade 3a.

- 7.27 In responding to the application the Welsh Government's Land Quality Advisory Service (LQAS) confirms that the survey carried out and provided is a true reflection of the land quality at the proposed site, and therefore has no reason to contend with the findings. As such the LQAS objects to the proposed development as it considered that the development of this site would result in the loss of BMV land much to the expense to the agricultural industry and would conflict with paragraphs 3.54 and 3.55 of PPW10 which clearly states that considerable weight should be given to protecting such land from development, because of its special importance.
- 7.28 In comparison to the exhaustive arguments made by the Applicant in respect of the Green Barrier designation and the LDP, the planning statement is almost entirely silent on the matter of BMV land. Instead the Applicant's claim focuses on the lack of a 5 year housing land supply, out of date policies and that the Green Barrier designation is no longer fit for purpose and does not amount to the same protections bestowed on land designated as Green Belt. The Applicant's attention is therefore drawn to paragraph 3.64 of PPW10 which confirms Green wedges (Green Barriers) are local designations which essentially have the same purpose as Green Belts. Notwithstanding this disappointment, the importance and value of BMV land is completely overlooked as part of the Applicant's assessment of the site and I therefore consider it essential to reaffirm this importance by giving considerable weight to its protection within the balance of this determination.
- 7.29 UDP policy RE1 states that the loss of land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable or available lower grade land has an environmental value. As I have concluded that the site comprises BMV land, PPW10 requires such land to only be developed where, amongst other things, land in lower agricultural grades is unavailable. The Applicant however contends that the most important factor is the delivery of housing and this should outweigh the harm caused to the loss of both Green Barrier and BMV land. As explained above, it is considered that sufficient allocations for Mold have already been made both within the UDP and emerging LDP. The Plan is therefore already providing for the needs of Mold over the Plan period in a

balanced, sustainable and plan-led manner. Such sites have identified clear evidence of deliverability and do not cause significant planning harm, in contrast to this application site. I consider there to be little need to carry out any form of sequential test in relation to lesser grade land and therefore reflect the matter of BMV land in my reason for refusal.

7.30 Affordable Housing

In relation to this application the applicant is proposing that the scheme can deliver 40% affordable housing which is in excess of the existing UDP policy, but complies with the emerging LDP policy. However, in the Applicant's objections to the deposit LDP in relation to this site they state that 40% is not achievable or viable. I am confused by these conflicting statements made by the same Applicant for this site in relation to affordable housing. In submissions on the Deposit LDP the same Applicant 'As it stands the increase over the Adopted UDP rate of 30% is considered to be far too challenging and unviable'. The fact that a site is now being proposed which meets the 40% affordable housing suggests either the LDP comments were unfounded and incorrect or, it questions the viability of the development now proposed. No new evidence has been provided that either retracts the position stated for the deposit LDP, or now illustrates how 40% is achievable and viable. Given these are duly made public statements both cannot be correct, and the Council is concerned that this confusion simply illustrates a lack of conviction in relation to the viability and deliverability of this site, notwithstanding the significant national and local policy conflicts.

7.31 Notwithstanding the above, the scheme does propose a 40% affordable housing contribution which is apparently reflective of the current demand and needs within the settlement of Mold and wider parts of the County. However, in response to the consultation of this planning application, Housing strategy though supportive are concerned if 40% is achievable in the first instance and if so would suggest that the provision arrangements are improved by including some units for intermediate rent. This would provide a broader variety and mixed community for the intended provision.

7.32 In the interim of the deferral, the Applicant has liaised with Housing Strategy and confirmed that with regards to the shared equity units, due to levels of demand and to provide a broader mix of tenures, suggests reducing the number of shared equity units to 8 units and the remaining 7 could be intermediate rent. This has been accepted by the Applicant.

7.33 In addition to the Housing Strategy response, the application has received a moderate return in support for the development more specifically in relation to the need for more affordable homes. However, members should be mindful that affordable homes should be viewed in terms of both the availability of affordable open market

property for those who do not meet the criteria of the register and the accessibility of affordable social homes managed by RSLs and the Council alike.

7.34 Highway Matters

Access to the site would be directly off Ruthin Road, with internal estate roads servicing the proposed dwellings. The highway authority have previously received notification of this application direct from the Applicant and have provided early comment; a number of issues have been amended to address initial concerns. As a result, the detail of the application largely corresponds to highway requirement with some exceptions.

7.35 Previously, the Highways Authority commented, due to the length of the cul-de-sac and lack of turning facility, the proposed road layout serving plots 11-13 would not meet highway adoptable standard and should be amended. Following the deferral, the Applicant has liaised with the Highway Authority and has provided an amended site plan which now addresses the concerns raised.

7.36 Furthermore, the provision of a turning head or reduced status to that of shared private drive would be acceptable. The site access and proposed visibility splays have been designed in accordance with existing speed limits however construction of the development would justify a review of existing restrictions. The Applicant has agreed to fund the review and any required changes; a Section 106 agreement to the value of £4500 will be required to cover anticipated costs.

7.37

Public footpath no. 7 runs to the east of the site, this path has been identified as route M16 on the Active Travel Integrated Network Map. The path is surfaced and although the width is limited, any improvements are beyond the control of the Applicant; the Applicant has however agreed to fund a street lighting scheme which would be of benefit to all users.

7.38 Woodland Rise is the closest bus stop to the site however this is not provided with a shelter or raised boarding kerbs; in order to encourage the use of public transport, the Applicant has agreed to fund improvements.

7.39 The Applicant has offered to fund off-site improvements by means of a Section 106 agreement however it has not been possible to ascertain values and it is suggested that these requirements be covered by a condition requiring the submission and approval of proposed details. In respect of the above, the Highways Authority has no objection subject to the imposition of conditions.

7.40 Ecology & Trees

The application is supported by an Ecological Survey prepared by Kingdom Ecology dated August 2019. The report notes that the

majority of the site comprises of intensively farmed, improved grassland. This habitat is considered to be of negligible conservation value. Habitats of greater value mainly comprise of the hedgerows/tree lines around the site boundaries and the stream along the site's southern boundary.

- 7.41 Evidence of badgers has been found within habitats adjacent to the site. No badger setts were identified within the study site itself however a badger outlier sett was identified approximately 25m from the western boundary of the site at Target Note 8 on Figure 2. The proposed development will result in the loss of potential badger foraging habitat within the affected grassland however such habitat is ubiquitous around the Mold area. Therefore, the effects of habitat loss on badgers are considered to be negligible.
- 7.42 Whilst no field signs indicative of roosting bats were found, field survey identified two trees which support suitable bat roosting features. These trees will be retained as part of the overall development, employing the necessary Tree Root Protection methods as recommended.
- 7.43 The 2019 bat activity surveys have identified the site as a whole to be of relatively low importance for bats with the site supporting common bat species in low numbers. Nevertheless, features of greatest value for bat are considered to be the field boundaries along the northern, eastern and western boundaries of the site. An increase in light spill onto these areas could decrease the value of these habitats for bats. It is therefore recommended that the negative impacts of artificial lighting on these habitats is avoided.
- 7.44 The concluding parts of the survey recommends that a bat box scheme is produced for the site. Bat boxes should be built into the south facing gable ends of new houses ideally adjoining the northern and western site boundaries. The County Ecologist confirms that the recommendations made within the supporting ecological report are sufficient, however notes that there are further opportunities for safeguarding in addition to further ecological enhancements. The suggestion of additional conditions to be imposed are requested in the event of any grant of permission; relating to a detailed scheme for tree and hedgerow protection and future management, reasonable avoidance measures (RAMS) for protected species, biodiversity enhancements (e.g. bat and bird boxes) and a lighting plan to minimise light spill.
- 7.45 NRW concur with the conclusions of the Ecological Report and support the views of the County Ecology. NRW therefore confirm that there is no objection to the scheme provided the mitigation measures recommended are employed should the scheme be granted planning permission.

7.46 CIL Compliance

Members will be aware that where it is recommended that planning permission be granted, I would set out the consideration of this issue in relation to the CIL Regulations and its impact upon any suggested S.106 Agreement. However, in view of the recommendation that permission be refused, I have in this case refrained from so doing at this stage.

8.0 CONCLUSION

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

8.01 For the reasons explained, the proposal clearly represents inappropriate development that will harm the openness of an existing green barrier. Despite the Applicant's arguments that the proposal is justified in terms of lack of housing land supply and delivery, it is a fact that the Plan is delivering as demonstrated i) by completions over the first 4 years of the Plan period and ii) by the trajectory which forms part of the Housing Land Supply Background Paper which accompanies the Deposit LDP and is now the method of monitoring provision following deletion of TAN1. When this is taken alongside the existence of a site for 160 units, which is under construction and within 500m of the application site, it is not considered that the proposed development demonstrates 'very exceptional circumstances' such as to warrant harm to the green barrier.

8.02 In this instance, it is considered that the proposal amounts to unjustified residential development within an area of open countryside and designated Green Barrier, whereby the proposed development would be detrimental to its setting and openness. The proposed scheme would result in the irreplaceable loss BMV land a finite resource, and its replacement with built development and associated human activity. This is considered to have a significant 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 and undermines the principles of the Green Barrier designation within the context of PPW10. In these terms, the proposed development would conflict with National Planning Policy and UDP policy STR1, STR7, STR10, GEN1, GEN3, GEN4 and RE1 of the Flintshire Unitary Development Plan.

8.03 From the above, it has been demonstrated that little weight should be afforded to the lack of a housing land supply in the overall planning balance, as the constraints of the site and as evidence in supporting information is not sufficient to outweigh the harm to the Green Barrier, loss of BMV land or the overall impact this development would have on the immediate and wider character and appearance of the rural landscape that envelopes the settlement of Mold. The proposal

simply does not accord with the development plan and national planning policies. I therefore 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.

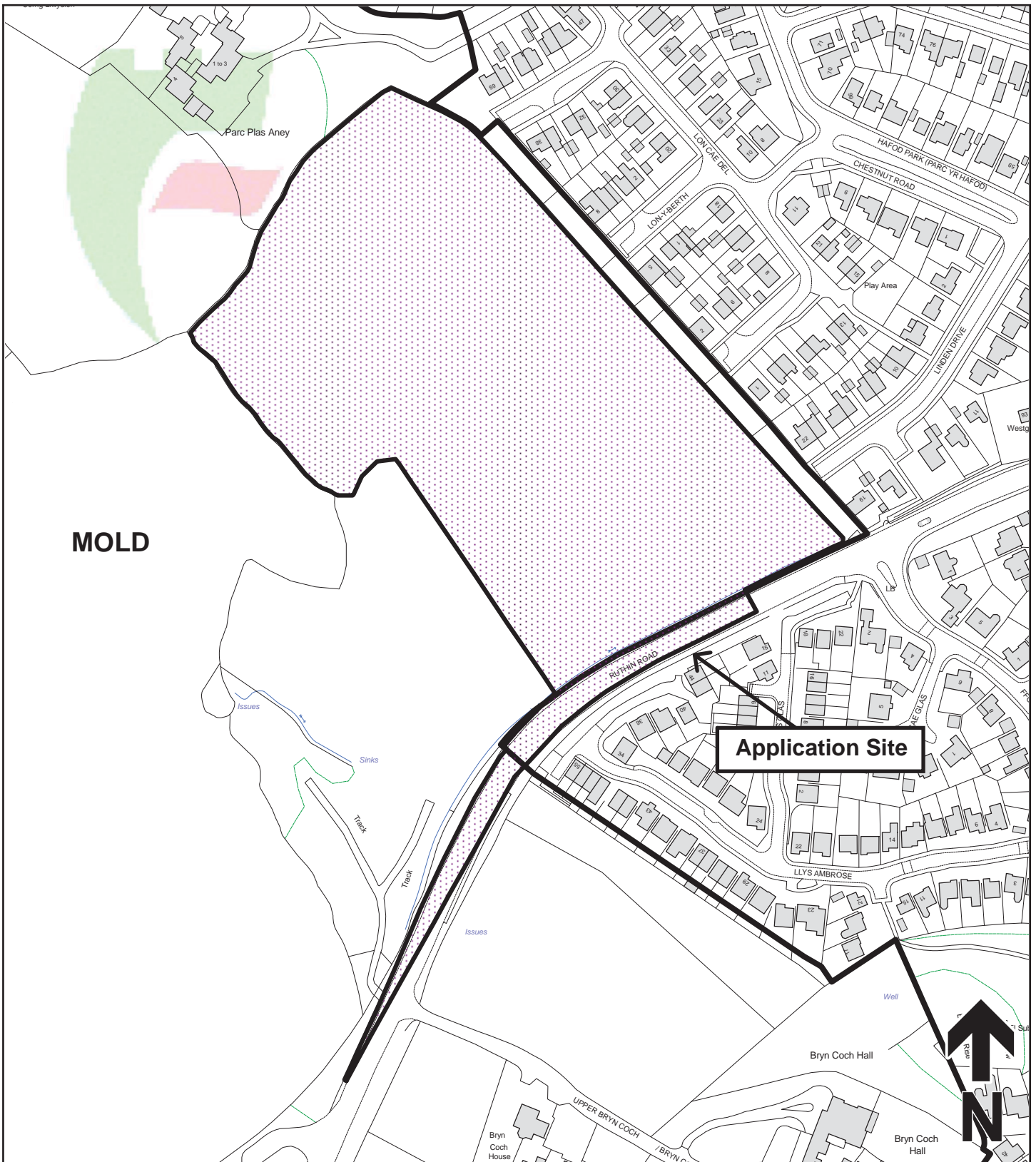
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

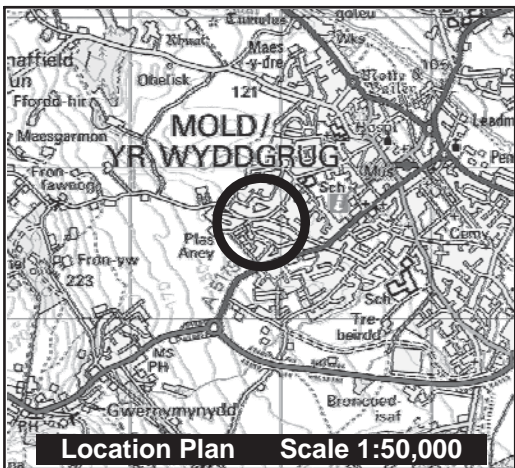
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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



MOLD

Application Site



Location Plan Scale 1:50,000



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

Legend

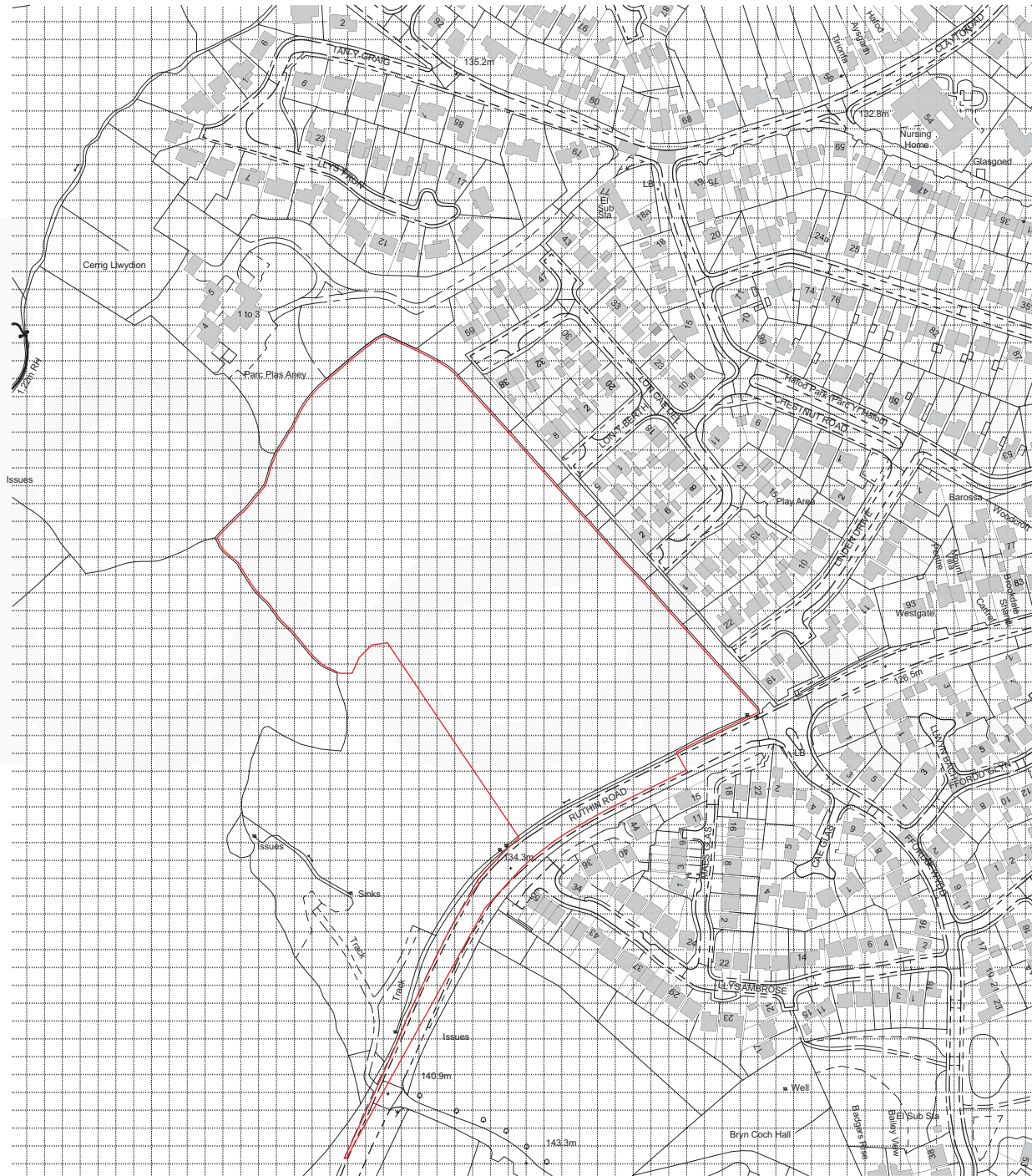
-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:2500
OS Map ref	SJ 2263
Planning Application	61154



10m grid

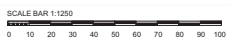


Issues

Sinks

Issues

Issues



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Rev No.	Date	Rev.	By	Chk.

PLANNING

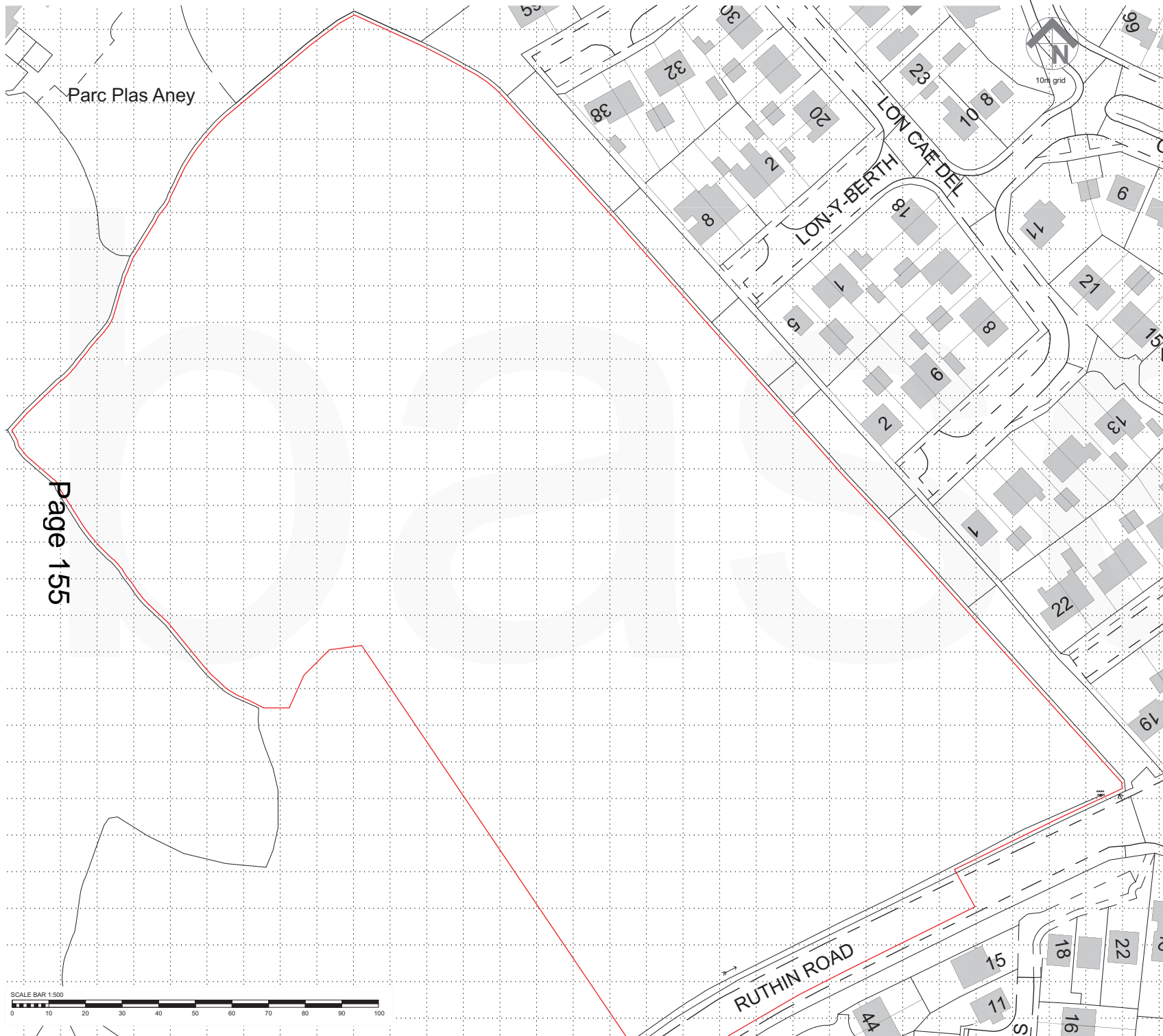
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Project Title:	PLAS ANEY, MOLD		
Client:	GOWER HOMES LTD.		
Drawing Title:	LOCATION PLAN		

Project No.	BA2090	Drawing No.	PL-001	Revision:	-
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Parc Plas Aney

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Rev No.	Date	Rev.	By	Chk.

PLANNING					
Scale:	1:500@A1	Date:	23.07.19	Chk.:	BE



Project Title:	PLAS ANEY, MOLD		
Client:	GOWER HOMES LTD.		
Drawing Title:	EXISTING SITE PLAN		
Project No.:	BA2090	Drawing No.:	PL-002
		Revision:	-



Accommodation Schedule

Affordable Housing Schedule

* Denoted by asterisk		
Perryn (245sqft) 1 Bed (8 no.)	Kendal (804sqft) 2 bed (8 no.)	Denbigh, Holt (910sqft) 3 Bed (3 no.)
Ewloe (893sqft-909sqft) 2 bed (6 no.)	Flint (947sqft) 3 bed (4 no.)	Crocoth (1101sqft) 3 bed (3 no.)
Cornerstone Supported Living (549sqft) (6 no.)	Cornerstone Supported Living (549sqft) (6 no.)	Cornerstone Supported Living (549sqft) (6 no.)

Total: 36 units (40%)

Open Market Schedule

Beumaris (1035sqft) 3 bed (8 no.)	Chirk Hybrid (1439sqft) 4 bed (3 no.)
Conwy (1095sqft) 4 bed (8 no.)	Powis (1055sqft) 4 bed (5 no.)
Rhuddlan (1217sqft) 4 bed (11 no.)	Caernarfon (1,800sqft) 4 bed (4 no.)
Harlech (1335sqft) 4 bed (8 no.)	Montgomery (2,010sqft) 4 bed (3 no.)
Hawarden (919sqft) 3 bed (4 no.)	Hawarden (919sqft) 3 bed (4 no.)
Denbigh, Holt (800sqft) 3 Bed 17 no. - Plot 68	Denbigh, Holt (800sqft) 3 Bed 17 no. - Plot 68

Total: 54 units (60%)

Overall Total: 90 units

- Site Boundary = 4.31ha (10.65 acres)
- Development Density = 21no. units/ha
- Pedestrian link to existing houses
- Public Open Space 6600sqft (6132m²)
- Required POS (Calculated at 56.65m²/unit) = 54979.8sqft (5088.5m²)
- Proposed Landscape Buffer to adjacent land parcel

Rev No.	Date	Rev.	By	Chk.
G	23.03.20	ALL INSTANCES OF CHIRK REPLACED WITH CHIRK HYBRID (REVISED) ACCOMMODATION SCHEDULE REVISED TO SHOW 1 NO. OPEN MARKET DENBIGH HOLT	JS	AO
F	28.01.20	UPDATED DISTRIBUTION OF PLOTS 47-56, AMENDED SIZES OF UNIT TYPES IN LINE WITH OUR REQUIREMENTS. UPDATED DETAIL OF PROPOSED AFFORDABLE UNITS	JS	AO
E	21.01.20	UPDATED ACCOMMODATION SCHEDULE WITH AMENDED AFFORDABLE MIX. AMENDED POS REQUIREMENT IN LINE WITH NEW UNITS.	JS	AO

PLANNING

Scale	Date	Drawn by	Chk.
1:500@A1	23.07.19	JS	BE



Project Title:	LAND AT MOLD		
Client:	GOWER HOMES LTD.		
Drawing Title:	INDICATIVE SITE LAYOUT PLAN		
Project No.	BA2090	Drawing No.	PL-003
		Revision:	G

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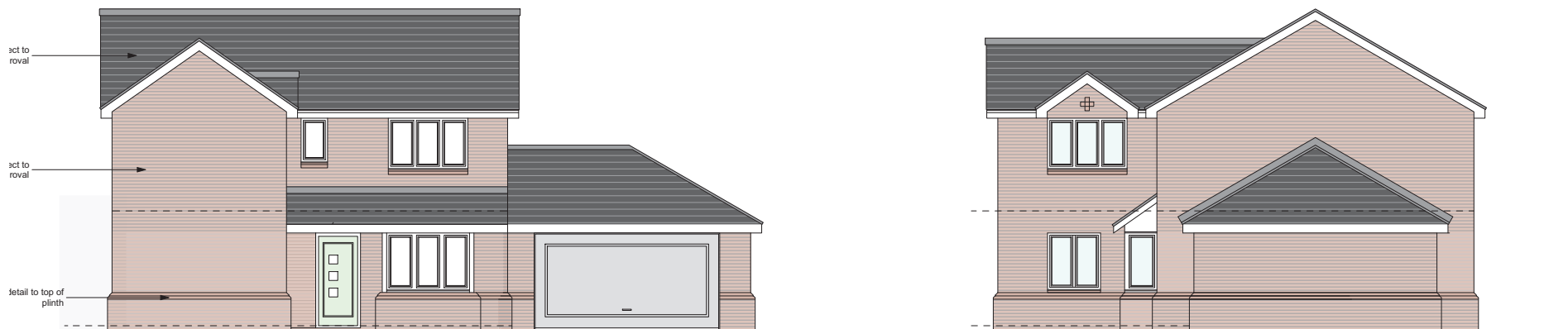
Page 156





revision v1.2 - layout updated (02/2020)
revision v1.1 - amendments approved (02/2019)

	The Ark Company Landscape Architects 9 The Highway, Haverhill, Peterborough, Cambs, CB9 3SD, Tel: 01244 959318 www.thearkcompany.co.uk theark@thearkcompany.co.uk		
	Gower Homes Ltd. Land off Rutlin Road - Mold		
	Proposed residential development Proposed landscape layout		
Dwg.No. 09/101/01	v1.2	A1 @ 1/500	July 2019



Page 158



CHIRK HYBRID HOUSE TYPE
 4 bedroom detached dwelling
 GIA = 133sqm / 1430sqft



Rev No.	Date	Rev.	By.	Chk.
A	23.03.20	Garage relocated. Doors removed from Kitchen and window added.	BGE	JW

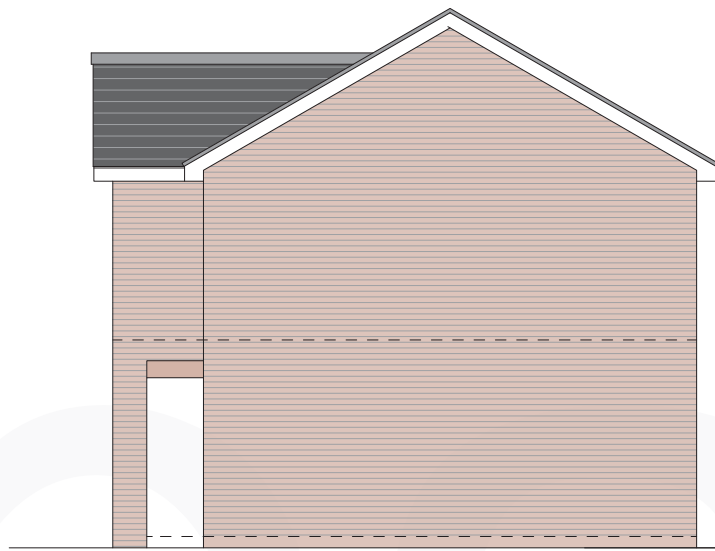
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Project Title:	Plas Aney, Mold		
Client:	Gower Homes		
Drawing Title:	Chirk Hybrid Proposed Elevations		
Project No.	BA2090	Drawing No.	PL-023
			Revision: A

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Side Elevation



Front Elevation

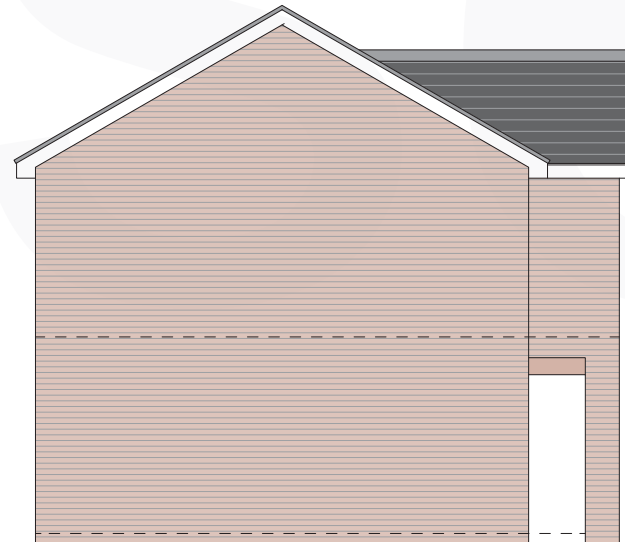
Slate tile - subject to
LA Approval

Brick detail to window
head

Facebrick - subject to
LA Approval



Rear Elevation



Side Elevation

Rev No.	Date	Rev.	By.	Chk.

PLANNING

Scale:	1:50@A2	Date:	Jul 2019	Drawn by:	JS	Chk.:	AO
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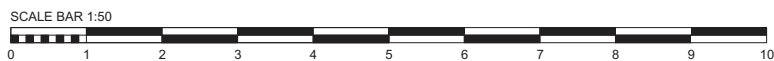


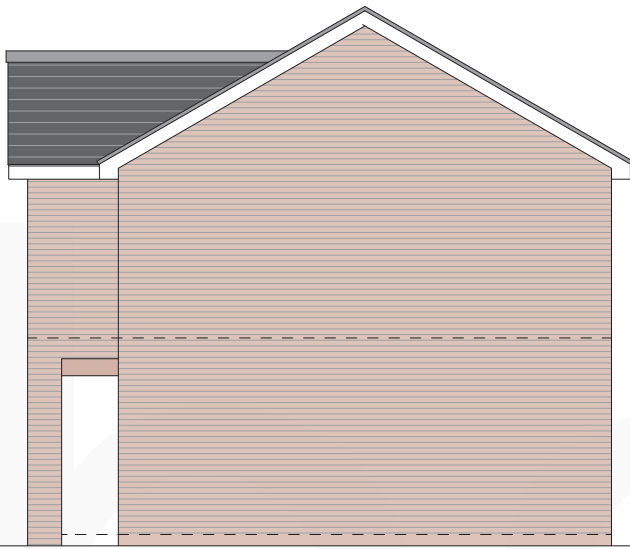
Project Title: Plas Aney, Mold

Client: Gower Homes Ltd.

Drawing Title: Conwy No Garage Elevations

Project No.	BA2090	Drawing No.	PL-044	Revision.	-
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Side Elevation



Front Elevation

Slate tile - subject to
LA Approval

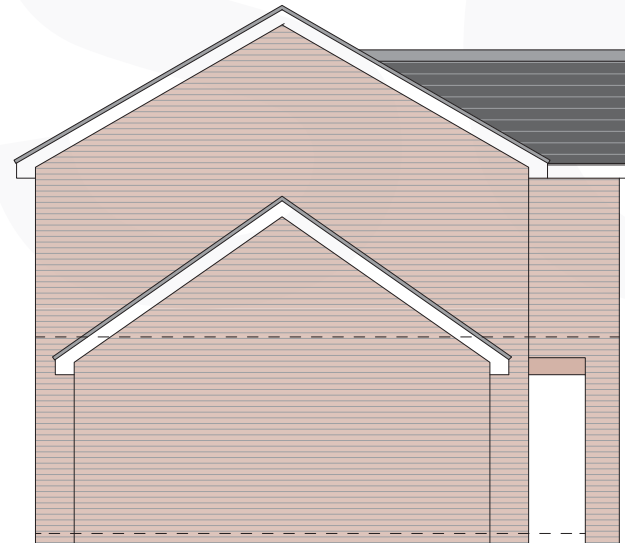
Brick detail to window
head

Facebrick - subject to
LA Approval



Rear Elevation

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Side Elevation

A	23.03.20	Rear door added to garage.	BGE	JW
Rev No.	Date.	Rev.	By.	Chk.

PLANNING

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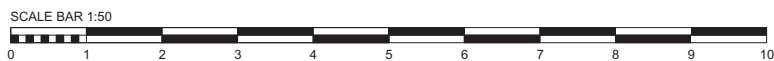


Project Title: Plas Aney, Mold

Client: Gower Homes Ltd.

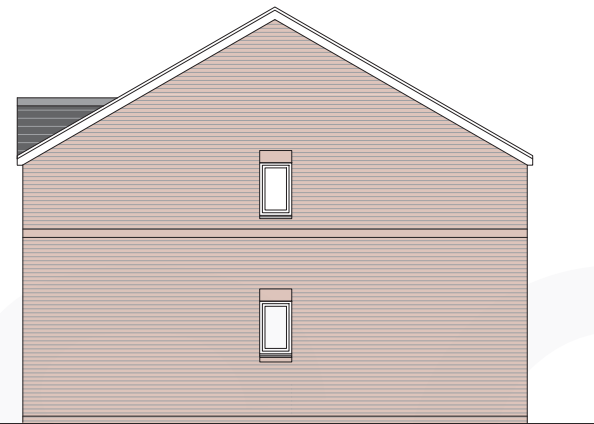
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Project No.	BA2090	Drawing No.	PL-015	Revision.	A
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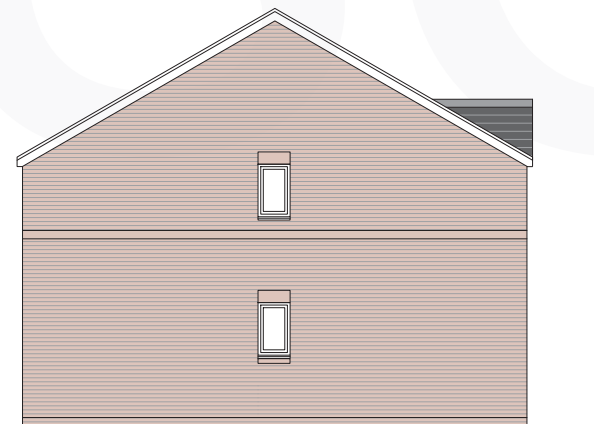
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

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Rev No.	Date	Rev.	By	Chk.
A	23.03.20	Windows added to side elevation to match floor plans.	BGE	JW

PLANNING

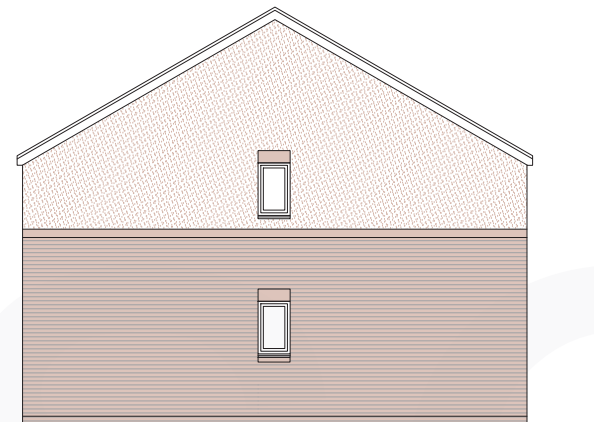
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Project Title		
Plas Aney, Mold		
Client		
Gower Homes Ltd.		
Drawing Title		
Cricciech Proposed Elevations		
Project No.	Drawing No.	Revision
BA2090	PL-038	A



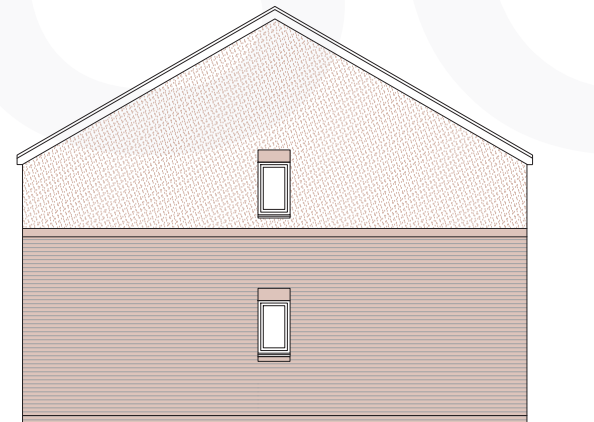
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Rev No.	Date	Rev.	By.	Chk.
A	23.03.20	Windows added to side elevation to match floor plans	BGE	JW

PLANNING

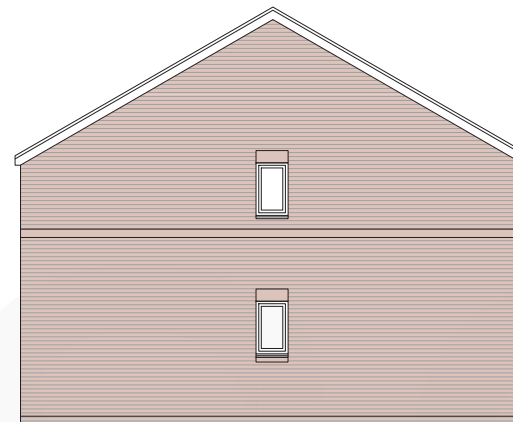
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Project Title	Plas Aney, Mold		
Client	Gower Homes Ltd.		
Drawing Title	Ewloe+ Proposed Elevations		
Project No.	BA2090	Drawing No.	PL-036
		Revision.	A



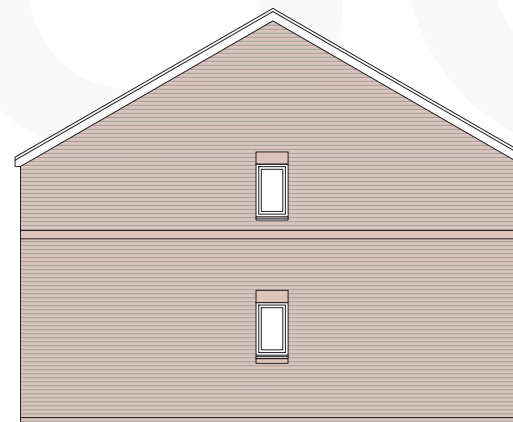
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Rev No.	Date	Rev.	By	Chk.
A	23.03.20	Windows added to side elevation to match floor plans	BGE	JW

PLANNING

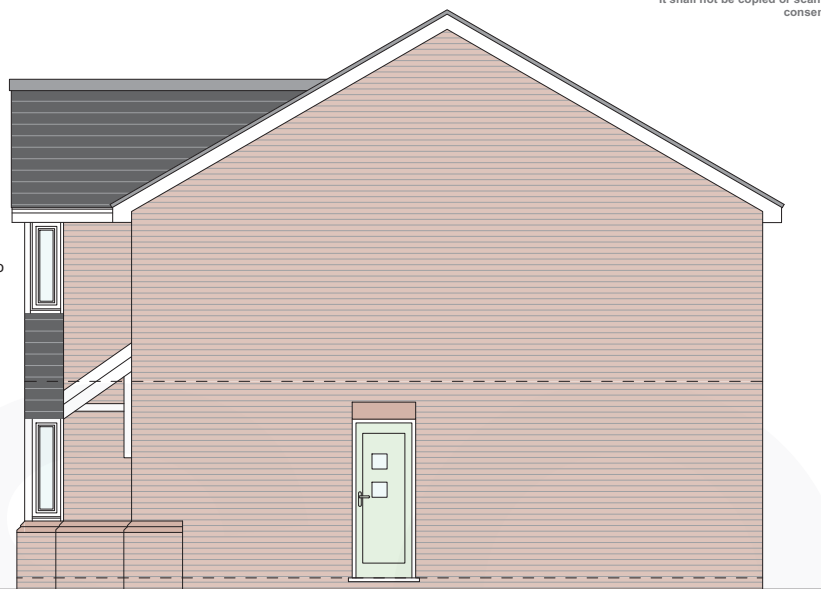
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Project Title	Plas Aney, Mold		
Client	Gower Homes Ltd.		
Drawing Title	Ewloe Proposed Elevations		
Project No.	BA2090	Drawing No.	PL-031
		Revision	A



Front Elevation

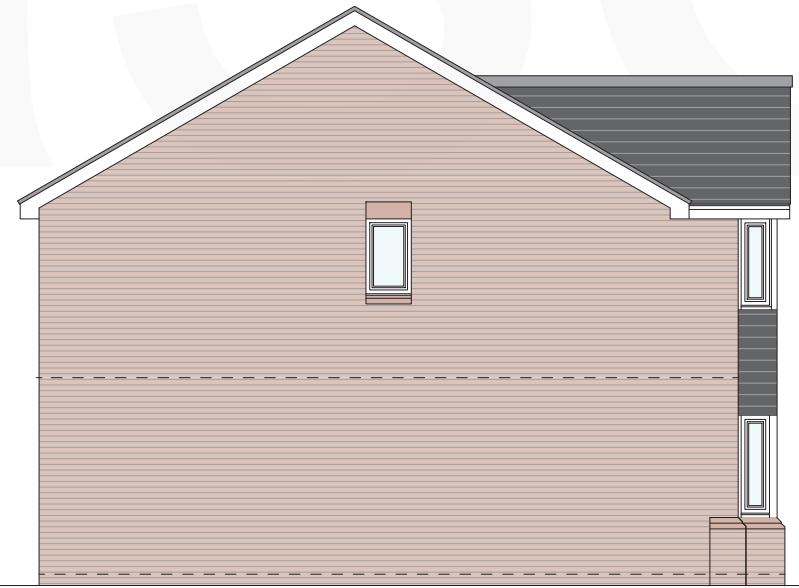


Side Elevation

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Rear Elevation



Side Elevation

HARLECH HOUSE TYPE
 4 bedroom detached dwelling
 GIA = 124sqm / 1335sqft

Rev No.	Date	Rev.	By.	Chk.

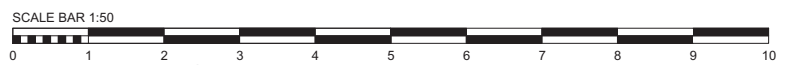
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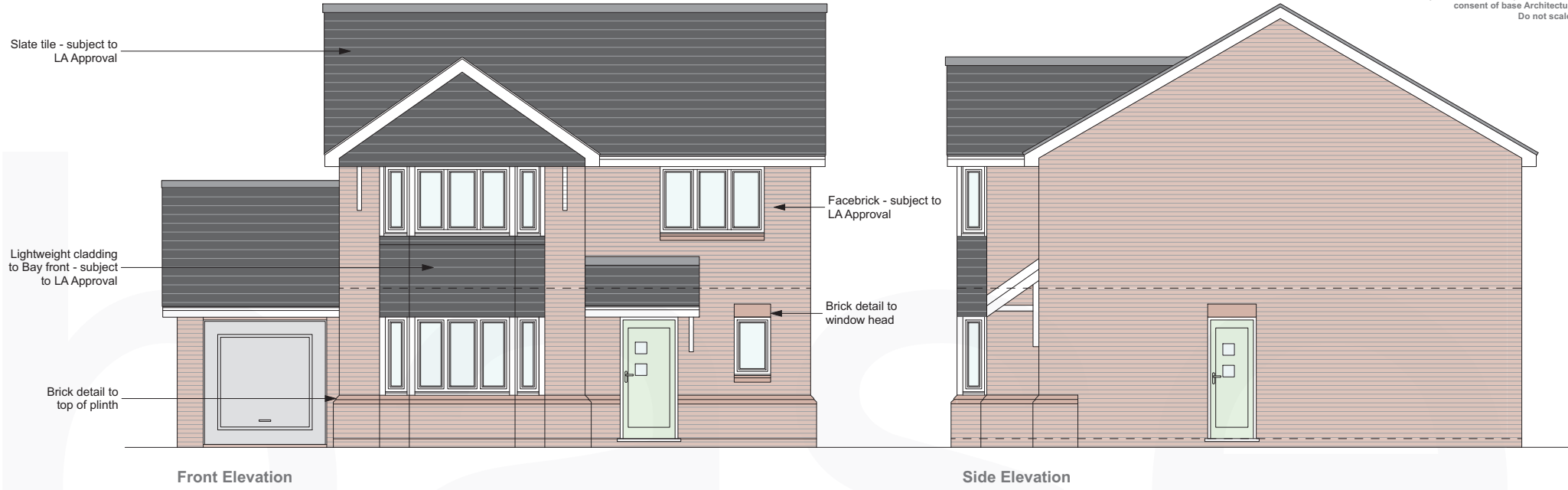
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1:50@A2	Jul 2019	JS	AO



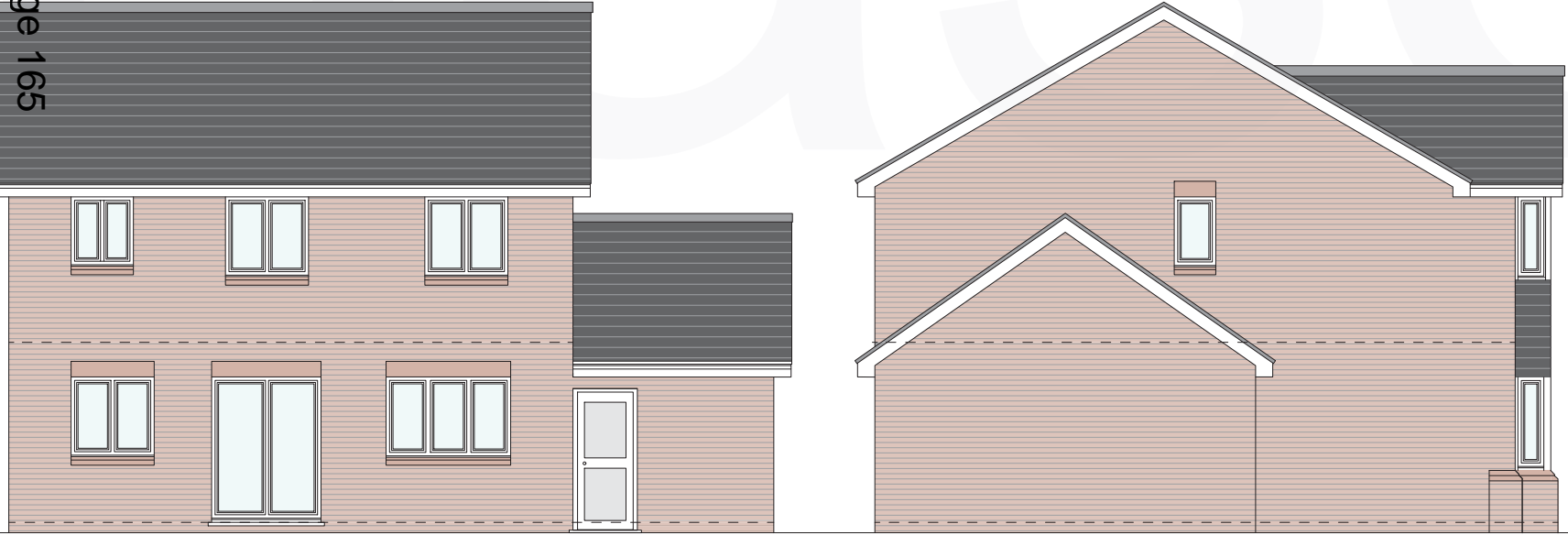
Project Title. Plas Aney, Mold		
Client. Gower Homes Ltd.		
Drawing Title. Harlech No Garage Elevations		
Project No. BA2090	Drawing No. PL-048	Revision. -

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HARLECH HOUSE TYPE
 4 bedroom detached dwelling
 GIA = 124sqm / 1335sqft

A	23.03.20	Bay window added to side elevations. Rear garage door added.	BGE	JW
Rev No.	Date.	Rev.	By.	Chk.

PLANNING

Scale:	1:50@A2	Date:	Jul 2019	Drawn by:	JS	Chk.	AO
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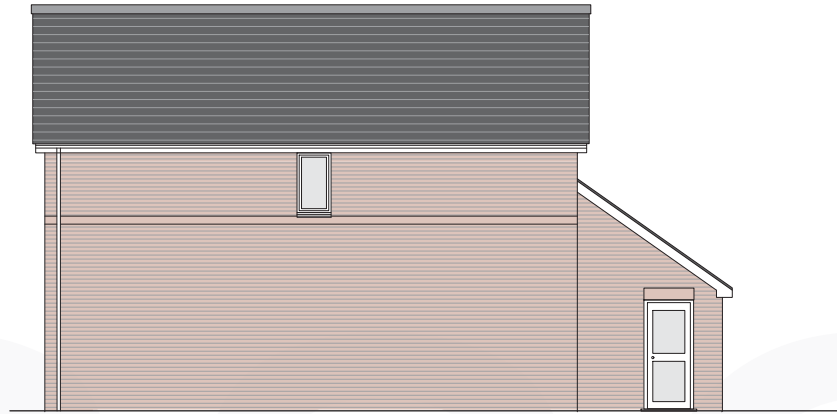
Project Title:	Plas Aney, Mold		
Client:	Gower Homes Ltd.		
Drawing Title:	Harlech Proposed Elevations		
Project No.	BA2090	Drawing No.	PL-019
Revision:	A		

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Front Elevation



Side Elevation



Rear Elevation



Side Elevation

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Rev No.	Date	Rev.	By.	Chk.
A	23.03.20	Garage door added	BGE	JW

PLANNING

Scale	Date	Drawn by.	Chk.
1:50@A1	Aug 2019	JW	BE

base.
ARCHITECTS

Project Title: Plas Aney, Mold		
Client: Gower Homes Ltd.		
Drawing Title: Hawarden Proposed Elevations		
Project No. BA2090	Drawing No. PL-033	Revision. A

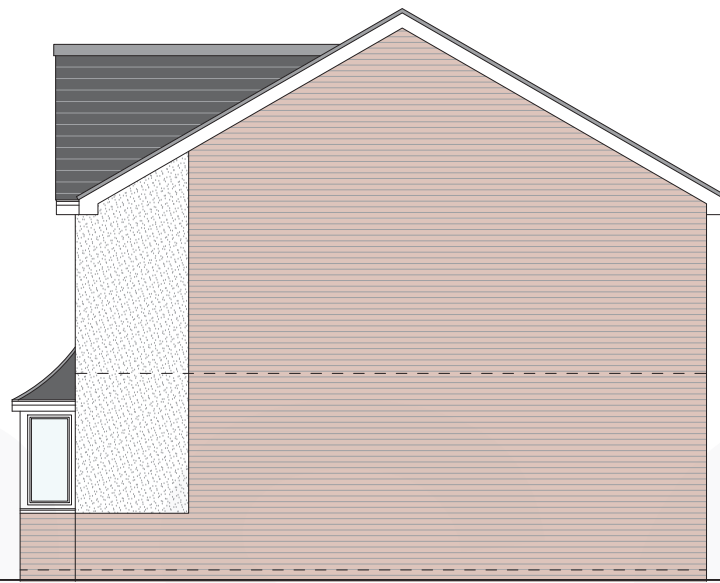
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HAWARDEN HOUSE TYPE
 3 bedroom detached dwelling
 GIA = 84sqm / 904sqft

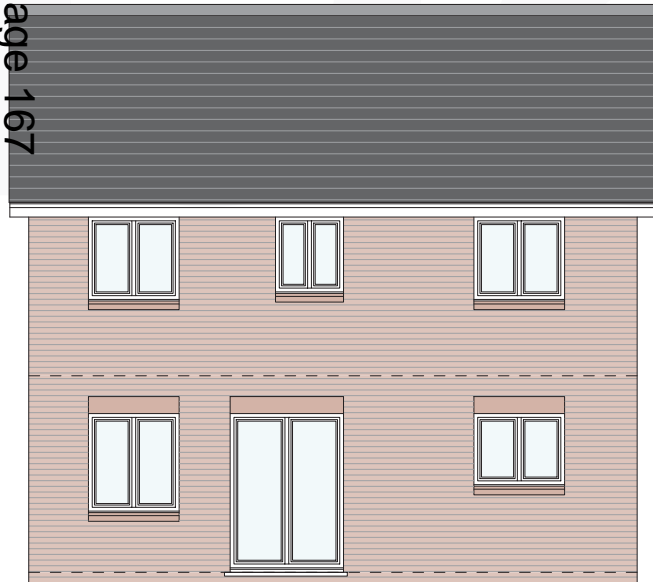




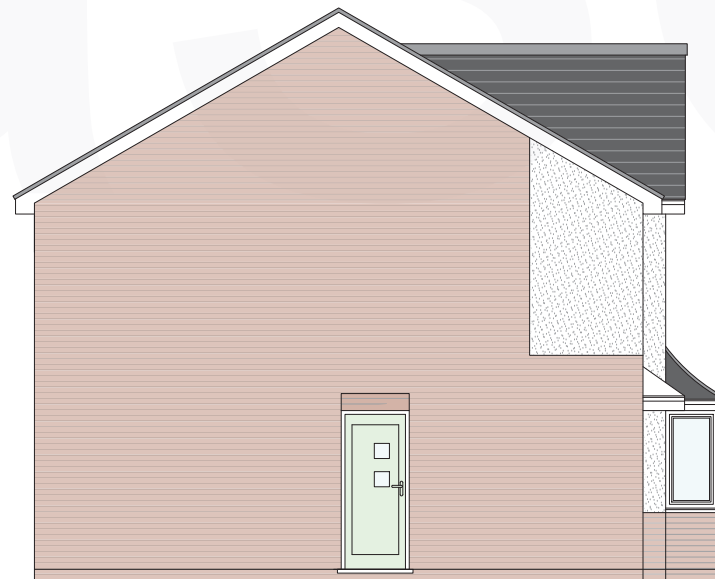
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

Page 167

RHUDDLAN HOUSE TYPE
 4 bedroom detached dwelling
 GIA = 113sqm / 1217sqft

Rev No.	Date	Rev.	By.	Chk.

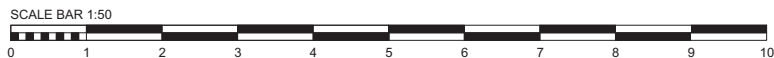
PLANNING

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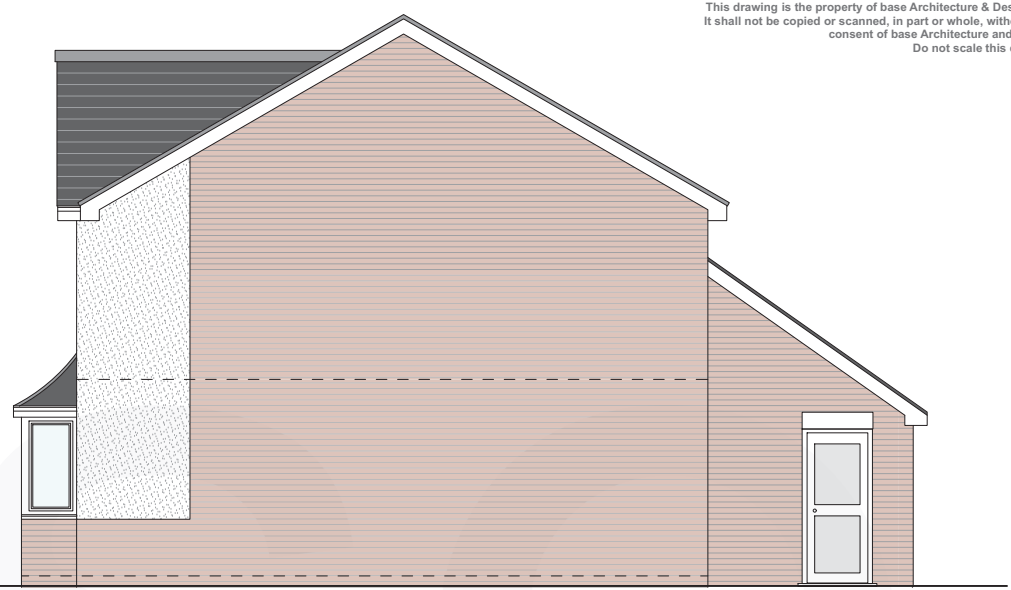
Project Title. Plas Aney, Mold		
Client. Gower Homes Ltd.		
Drawing Title. Rhuddlan No Garage Elevations		
Project No. BA2090	Drawing No. PL-046	Revision. -

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Front Elevation

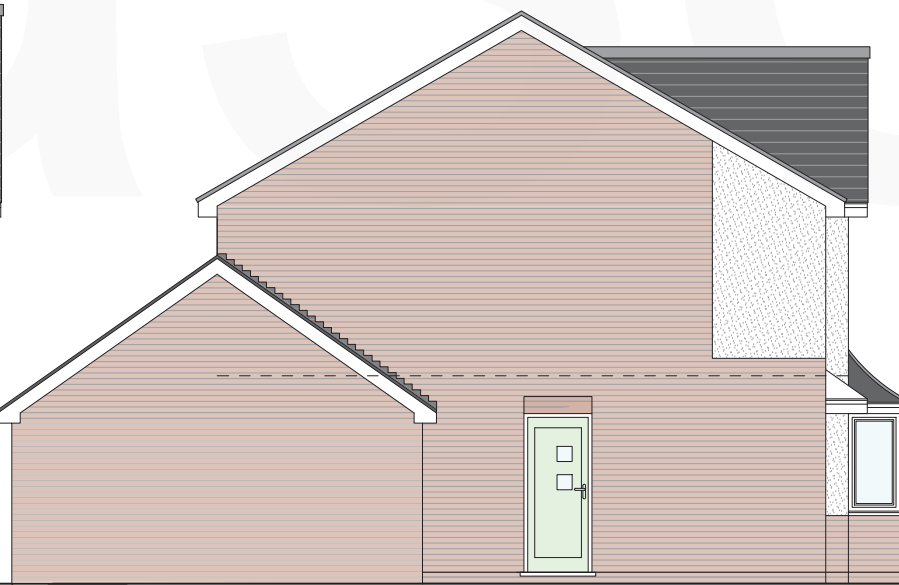


Side Elevation

Page 168



Rear Elevation



Side Elevation

RHUDDLAN HOUSE TYPE
 4 bedroom detached dwelling
 GIA = 113sqm / 1217sqft

Rev No.	Date	Rev.	By.	Chk.
A	23.03.20	Garage added to elevations	BGE	JW

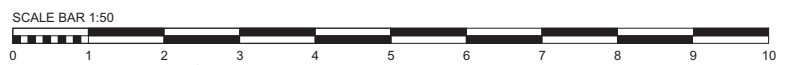
PLANNING

Scale:	Date:	Drawn by:	Chk.
1:50@A2	Jul 2019	JS	AO



Project Title: Plas Aney, Mold		
Client: Gower Homes Ltd.		
Drawing Title: Rhuddlan Proposed Elevations		
Project No. BA2090	Drawing No. PL-017	Revision. A

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ELEVATION 01 - Proposed Street scene from Ruthan Road



Rev No.	Date	Rev.	By.	Chk.
A	29.01.2020	Amended in line with updated masterplan	JS	AO

PLANNING

Scale	1:200@A1	Date	23.07.19	Drawn by.	JS	Chk.	BE
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Project Title	LAND AT MOLD		
Client	GOWER HOMES LTD.		
Drawing Title	INDICATIVE SITE LAYOUT PLAN		
Project No.	BA2090	Drawing No.	PL-034
		Revision.	-

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Statement of Support from the Applicant

PA ref. 061154

We fully support the application and urge the planning committee to approve the proposals for the wider benefit of Mold and its residents; we are the delivery partners seeking to deliver change for Flintshire residents in providing affordable homes, social care and learning opportunities. We are excited about how this scheme will address local need and deliver community cohesion, wellbeing and sustainable placemaking.

We appreciate that your Officers have recommended refusal, but we feel the robust exceptional circumstances case justifies approval and provides you with a legitimate reason to take a positive decision.

This is a unique scheme, it would not undermine the UDP or emerging LDP, but deliver on promises made by the housing and social care strategies we have, with you, worked so hard in producing over the years.

The acute shortage of affordable housing must be arrested so the opportunity to over-deliver and exceed the current policy threshold is significant, particularly in a location as strategically important as Mold where there is such demand.

Furthermore, the proposal seeks to deliver six apartments in partnership with First Choice Housing Association and Flintshire CC for individuals with a learning disability.

The pandemic has magnified the sense of social isolation that this most vulnerable section of our community experience. Their families are now starting to require care and this new facility will deliver social and economic benefits.

None of these benefits would be possible without this partnership and without Gower Homes.

We ask Members to approve this application.

Statement from Local Ward Member

Ward:- Mold South

Planning application No. :- 061154

Address of proposed development:- Land opposite Plas Aney, Ruithin Road, Mold

As the County Councillor representing Mold South and on behalf of the residents of Mold South I write this submission to strongly object to the above planning proposals for the following reasons:-

1. Location of the proposed development

This development is proposed on an area which is designated as a Green Barrier. The purpose of this designation is to prevent coalesce of Mold and Gwernymynydd. The status of the Green Barier has recently been reviewed in the Local Development Plan and considered to be essential to be maintained.

Access onto this area is from Ruithin road with poor sight lines in an area where a previous development on the opposite side of Ruithin road was refused an access point for safety reasons.

2. Other developments in Mold

An extensive survey has been carried out in and around the town of Mold and areas have been identified for the future development in Mold, by the soon to be adopted, Local Development Plan. This area was considered and rejected in this full and extensive process. Adequate development areas have been identified within the boundaries of the town of Mold to provide sufficient houses for the foreseeable future all these proposed development areas are in more suitable locations than these proposals.

3. Flood risk

Existing housing adjacent to this proposed development have been subject to flooding problems. This development, if approved, will exacerbate this problem and could cause more future problems.

4. Surface water discharge

The plans submitted show that the surface water, although slightly attenuated, will be discharged into the existing surface water main in Ruithin Road. This sewer has already failed in the past to contain storm surges with manhole covers in Ruithin road being blown onto the road by the excessive flows in the sewer. These proposals will only add to these problems. This site should fully deal with all surface water on site an not discharge any rainwater off the confines of the proposed site.

5. Existing services in the area

Services which include doctors surgeries, dentists and schools are currently full (some of the local schools do have some vacancies but not sufficient to take all the potential children from this development). It is already difficult to see a doctor in Mold and this development does not provide any help in this already unsatisfactory situation.

I hope the Planning Committee will carefully consider all the points raised above and reject this planning application.

Regards

Mold South

Statement from Town Council

Here are our views as agreed

(a) Ref: KHJ/061154

Proposal: Proposed residential development for 90 no. residential units of accommodation (of which 40% will be affordable and supported living), public open space, landscaping, means of highway and pedestrian access, local highway and pedestrian infrastructure improvements.

Location: Land opposite Plas Aney, Ruthin Road, Mold

Objection

1. The site is outside the Mold settlement boundary in the Flintshire UDP and it has Green Barrier designation.
2. It is not a site allocated for housing in the Mold Town Plan 2017-2030 as Mold Town Council, in consultation with residents over 18 months, wants to avoid further coalescence with Gwernymynydd.
3. The application does not constitute ♦special needs♦ because the emerging Flintshire LDP meets the Welsh Government requirements for affordable housing in the county.
4. With the changes to TAN 1 any lack of five years♦ housing supply should not be given weight, and the emerging Flintshire LDP meets the Welsh Government requirements for housing in the county.
5. This proposal does not accord with either Planning Policy Wales or Flintshire UDP as a sustainable development.
6. Sites have been identified in West Ward, that developers are actively planning, which will deliver over 100 residential units. These are in sites identified for development in the Mold Town Plan and the emerging Flintshire LDP.
7. There is very little green space within the proposed site, or tree planting, or places for people to sit and children to play. There is no community growing area or community orchard. The benefits of these are all well researched and part of the Welsh Government well-being agenda, through the Well Being of Future Generations Act, and included in several FCC policies and the Mold Town Plan.
8. The house types are standard off-the-page designs, as can be seen from their names, there is no attempt to create a bespoke modern ♦Mold♦ style.
9. Surface water:
 - a. on the application water run-off from roofs will not be harvested and recycled in the dwellings, instead each property will be fitted with a water butt, suitable for

garden needs. If these are not emptied regularly or the diverters become blocked, then water just flows into the drain.

- b. The applicant's drainage report shows that the land is not suitable to have soakaways from the dwellings. It proposes a dry retention basin end of the pipe solution with all surface water run offs from highways, roof and private drives to be collected in gravity piped networks and discharged into the surface water public sewerage networks at restricted flow rates agreed with Welsh Water. Yet Welsh Water has already told Gower that no surface water from highways or land drainage run off will be permitted to discharge directly or indirectly into the public sewerage system. FCC now has a SuDS Approving Body.
10. Renewable energy: from the plans it appears that there are no renewable energy measures, such as solar PV, or district heating schemes proposed for the site. Even though at 90 dwellings it falls just outside the national and local authority recommendations, that sites of over 100 dwellings should include such measures, it would still be beneficial to residents to have these cost-cutting energy saving measures in place and to help reduce the CO2 emissions in Mold.
We should be planning for the future and using all available technology to build sustainably.
 11. With a 1 in 7 gradient across the site, sloping to the south east, it is disingenuous to only provide a street view of a single row of proposed dwellings which are next to the Ruthin Road. Dwellings on the site will have a visual impact on all sides, especially on entering and leaving Mold on the Ruthin Road, and for residents on the Lon Cae Del estate and spur roads off.
 12. Sustainable travel:
 - a. The application states that there is a good cycle-friendly infrastructure in the area. This is a false statement. There are roads for cars and virtually no off road or designated cycle lanes in Mold. Using S106 and adding such down the Ruthin Road with safe links to the Alun campus, primary schools and into the town centre would be necessary.
 - b. Only one potential pedestrian link in the top right of the development between proposed dwellings 24 and 25 to between 59 and 38 Lon Cae Del. This is inadequate for a new estate of this size on the very outskirts of Mold, especially as the people living in the affordable housing may have limited access to private transport.
 - c. The nearest bus stop on Ruthin Road is just by the gas/electric substation by where the grass verge on Ruthin Road begins on the left hand side of the road before St Mary's junction. The developer states that this is 350m from the proposed site, which may be the case from the entrance to the site, but is certainly not the case to walk from dwellings at the top end of the site. There is an old bus stop sign buried in the hedge just opposite the Upper Bryn Coch lane junction, just up from where the new entrance junction to the proposed development is planned. The bus stops would need to be improved and moved closer to service any proposed development.

Statement from Local Resident

Rydym ni wedi symud i dy ar Ffordd Rhuthun ym mis Mawrth i fod yn agosach at ysgol y plant, Ysgol Glanrafon. Rydym ni'n cerdded i'r ysgol ar hyd Ffordd Rhuthun ac yna croesi'r ffordd fawr i fynd lawr Lon Bryn Coch. Dwi'n credu bydd y datblygiad hwn yn ychwanegu at y traffic (cerddwyr a cheir) ar hyd Ffordd Rhuthun a Lon Bryn Coch. Mae'r cyfyngiadau cyflymder ar y ffyrdd hyn (30mph) yn beryglus yn fy marn i fel mae hi, a byddai mwy o draffig yn gwneud y sefyllfa yn beryglus tu hwnt ar Lon Bryn Coch yn enwedig. Mae ymbellhau cymdeithasol wedi gwneud y sefyllfa yn waeth fyth, gyda theuluoedd yn cerdded ar y ffordd i osgoi teuluoedd eraill. Yn ogystal, does dim "person lolipop" i dywys y plant ar draws Ffordd Rhuthun bellach oherwydd Coronafeirws. Yn fy marn i byddai angen cyfyngiadau cyflymder 20mph ar Ffordd Rhuthun a Lon Bryn Coch i fynd ymlaen â'r cynnig hwn yn ddiogel.

Yn ogystal, rydym ni wedi dioddef problemau ers symud gyda dwr wyneb ar Ffordd Rhuthun (llyfogydd fflach). Pan soniais i'r Cyngor am hyn, dywedodd y Cyngor nad oedd y system dwr gwastraff yn gallu ymdopi ar brydiau. Byddai codi 90 o dai yn y lleoliad arfaethedig yn cynyddu'r risg o lifogydd wrth safle ein ty ni ac ymhellach i lawr Ffordd Rhuthun. Gyda newid hinsawdd yn debygol yn y dyfodol, yn fy marn i byddai cymeradwyo'r cynllun yn anghyfrifol heb welliannau mawr i'r system dwr gwastraff yn gyntaf

We have moved to a house on Ruthin Road in March to be closer to the children's school, Ysgol Glanrafon. We walk to school along Ruthin Road and then cross the main road to go down Lon Bryn Coch. I believe this development will add to the traffic (pedestrians and cars) along Ruthin Road and Lon Bryn Coch. The speed limits on these roads (30mph) are dangerous in my view as it is, and increased traffic would make the situation extremely dangerous on Lon Bryn Coch in particular. Social distancing has made the situation even worse, with families walking on the road to avoid other families. In addition, there is no "lollipop person" to guide the children across Ruthin Road now because of Coronavirus. In my view 20mph speed limits would be required on Ruthin Road and Lon Bryn Coch to proceed safely with this proposal.

In addition, we have suffered problems since moving with surface water on Ruthin Road (flash floods). When I mentioned this to the Council, the Council said that the waste water system was sometimes unable to cope. The erection of 90 dwellings at the proposed location would increase the risk of flooding by the site of our house and further down Ruthin Road. With climate change likely in the future, in my view approval of the scheme would be irresponsible without major improvements to the waste water system first.

Statement from local resident

The development in Mold will deliver a range of homes to suit local needs, including 26 affordable properties. There is a great demand for housing in the area of Mold especially affordable housing which at this time the pandemic has proved to be more important than ever. It is our duty to ease this demand the development would help fill a large gap.

But in a setting with other homes well designed and to suit all, situated close to the town which will bring income to the town centre without the need for cars to be used.

There is a demand for housing that supports vulnerable people

Gower Homes has agreed to provide six Flats in one building to Cornerstone Flintshire in partnership with a housing association and a care provider for exclusive use of the charity.

Cornerstone Flintshire is a community supporting people with and without learning disability.

We have six adults with learning disability who have expressed a wish to live together and support each other.

They work and socialise in Mold area and need the continuity. Their social life is important to their wellbeing. The Gower plans encompass their needs including access to the town and each other along with their friends.

During this Pandemic many adults with learning disability have been isolated in flats on their own with little or no support.

This would not be the case in the Gower home of six flats where support would be provided for all six adults.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH OCTOBER 2020**

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

SUBJECT: **OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT CONSISTING OF 14 NO. UNITS WITH A MIX OF 2 STOREY SEMI DETACHED AND 3 STOREY DETACHED DWELLINGS.**

APPLICATION NUMBER: **061248**

APPLICANT: **MR PAUL WILLIAMS**

SITE: **FORMER SPECTRUM HOME & GARDEN CENTRE, WREXHAM ROAD, CEFN Y BEDD**

APPLICATION VALID DATE: **22ND APRIL 2020**

LOCAL MEMBERS: **COUNCILLOR D HUGHES**

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

REASON FOR COMMITTEE: **DEPARTURE FROM THE DEVELOPMENT PLAN**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an outline application with all matters reserved for subsequent approval. It proposes the erection of 14 No. dwellings on the site of the former Spectrum Home & Garden Centre, Wrexham Road, Cefn y Bedd. As it constitutes a departure from the development plan the application requires Planning Committee determination.

Members will be aware that this site has been before the committee previously. Outline Application ref 055430 proposing the same quantum of development as the current application was reported to

planning committee on the 26th July 2017. The committee resolved to grant permission subject to the completion of a S106 and conditions. However, as explained in the report for ref 055430 the site was identified as being located within a C2 flood zone. As a result and for the reason that the proposed development relates to highly vulnerable development in accordance with TAN15, the application was required to be referred to the Welsh Minsters for determination.

The Welsh Ministers noted that whilst the risk from development could be mitigated in accordance with UDP policies, TAN15 is unambiguous and clearly states that highly vulnerable development in C2 flood area should not be permitted. This was a position expressed to LPA's in the Welsh Government letter of 9th January 2014 and a position which cannot be moderated via mitigation measures. On account of this, Welsh Ministers refused the application, with members advised of this by a general matters report, reported to the committee on the 5th September 2018.

In the interim period prior to the submission of this application in duplication to ref 055430, the applicant together with NRW have reviewed the Development Advice Map, with additional data analysis being undertaken which evidenced that there had been an error in the plotting of the C2 zone. NRW have since accepted the flood challenge and re-classified the site as zone B, ensuring a residential development at the site is now acceptable.

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:

1. Secure the payment of an educational contribution of £36,938.00 towards new toilet facilities at Castell Alun High School.
2. Secure payment of £1,100.00 per dwelling towards the enhancement of the children's play area at Wyndham Avenue.
3. Control the provision and occupation of 4no. affordable dwellings as shared equity within the proposed development
4. Provide that a management company is incorporated for the management and future maintenance of the proposed junction visibility splays onto Wrexham Road.

Conditions

- Outline – Reserved Matters.
- Outline – Time Limit.
- Materials to be submitted and approved.
- Contaminated Land Site Investigations
- Siting layout design of means of site access to be submitted and approved.
- Forming and construction of access in accordance with approved details.
- Site to be served by means of a single vehicular access.
- Facilities to be provided within the site for the parking/turning of vehicles in accordance with approved scheme.
- Front of any garage to be set back 5.5 m from back of footway or 7.3 m from edge of carriageway.
- Detailed layout traffic calming, signing surface water drainage, street lighting and construction of internal estate roads to be submitted and approved.
- Gradient of the access from existing carriageway for a minimum of 10 m to be 1 in 24 and a maximum 1 in 15 thereafter.
- A 1.8 m wide footway to be provided along site frontage in accordance with detailed specification.
- Positive means to prevent run-off of surface water onto the highway to be provided in accordance with approved details.
- Finished floor levels of properties to be set at no lower than 65.92 m (AOD).
- No development to commence until a scheme for the disposal of foul drainage has been submitted and approved. Development to be carried out in accordance with approved details.
- No development to commence until a scheme of lighting to be submitted and approved.
- No development to commence until a scheme for the protection/maintenance of the bank of the River Cegidog has been submitted and approved.

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

3.00 CONSULTATIONS

3.01 Local Member
Councillor D Hughes
 No response at the time of writing.

Llanfynydd Community Council
 No objections.

Head of Assets and Transportation

No objections subject to the imposition of conditions and the agreement of the inclusion of a management company to ensure the long term maintenance of the visibility splays from the junction onto Wrexham Road is included within the S106 as agreed with the applicant.

Head of Public Protection

No objection subject to the imposition of a condition requiring the submission of Site Investigations in respect of contaminated land due to the previously development status of the site.

Welsh Water/Dwr Cymru

No objections subject to the imposition of a condition concerning foul drainage disposal.

Natural Resources Wales

No objections subject to the imposition of a condition setting the finished floor levels of the proposed dwellings in accordance with the recommendations within the Flood Consequence Assessment provided. In addition, a condition in respect of lighting is requested in the interests of avoiding disturbance to Bats.

Clwyd-Powys Archaeological Trust (CPAT)

Confirms that there are no recorded archaeological sites on the register within the development area and sites recorded outside it on the other side of the river in the trees will not be affected. We would therefore have no objection to this development.

Education

In response to the consultation of this planning application, Education have confirmed that the proposed development would trigger the need for financial contributions at the nearest and most suitable secondary school, Castell Alun High School. The proposed development would generate the addition of 2 secondary pupils and therefore a total of £36,938.00 (2 x £18,469.00) is requested.

Education have also confirmed that in respect of primary education, the proposed development would not trigger the need for financial contributions at the nearest and most suitable primary school, Abermorddu CP School. No developer contribution is therefore sought.

Public Open Space Officer

Request the payment of £1,100 per dwelling in lieu of on-site open space provision. The monies would be used to enhance the existing children's play area located at Wyndham Avenue.

Housing Strategy

The applicant is proposing the provision of 4 No. 3 bed 70 – 30% shared equity units which is supported.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

The application was advertised as a departure from the development plan.

2 no. letters of objection received upon the following grounds:

- Negative impact on ecology
- Highway safety
- Impossible to improve visibility splays
- Increase traffic congestion
- Speeding is a problem on Wrexham Road
- Increased flood risk
- Light and noise pollution as a result of the redevelopment
- Reduced foraging and roosting areas for bats

5.00 SITE HISTORY

5.01 055430 Outline application with all matters reserved for residential development of 14 no. units with a mix of 2 storey semi-detached and 3 storey detached dwellings. Refused 13.7.18

053724 Outline application for 15 no. 3 storey detached units. Withdrawn 07.10.15

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for Development.

Policy GEN3 – Development in the Open Countryside.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy WB1 – Species Protection.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG4 – New Dwellings Outside Settlement Boundaries.

Policy HSG5 – Limited Infill Development Outside Settlement Boundaries.

Policy HSG11 – Affordable Housing in Rural Areas.

Policy EWP14 – Derelict & Contaminated Land.

Policy EWP 17 – Flood Risk.

Planning Policy Wales Edition 10 (December 2018) (PPW10)
TAN15 Development and Flood Risk

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline application with all matters reserved for subsequent approval. It proposes the erection of 14 No. dwellings on the site of the former Spectrum Home & Garden Centre, Wrexham Road, Cefn y Bedd. As it constitutes a departure from the development plan the application requires Planning Committee determination.

7.02 Site Description

The application site extends for 0.51 ha and comprises a range of vacant buildings of profile and cement block construction. The site is largely covered in hardstanding with limited areas of vegetation apart from those fringing the rear boundaries of the application site and abutting the adjacent watercourse River Cegidog

7.03 It is located on the western side of the Wrexham – Mold Road (A541) and comprises the site of the Former Spectrum Garden Centre, Mold Road, Cefn-y-Bedd.

7.04 Proposed Development

The application proposes the demolition of existing buildings on site and redevelopment by the erection of 14 No. dwellings. Although the application is in outline form (with all matters reserved for subsequent approval) an indicative site layout plan has been submitted as part of the application.

7.05 The site layout illustrates the erection of 14 No. dwellings comprising a mix of detached/semi-detached 2/3 storey dwellings focussed around a central access/cul-de-sac head. The proposal also confirms that the scheme will deliver 4 no. 3 bed dwellings at 70 – 30% shared equity, meeting the 30% requirement in line with policy HSG10. The parameters contained within the supporting Design & Access Statement indicate that the ridge height of the dwellings will be approximately 8.3 – 10.5 m in height.

7.06 Principle of Development

It is acknowledged that the site is located outside the settlement boundary of Hope, Caergwrle, Abermorddu and Cefn y Bedd in the Flintshire Unitary Development Plan where new residential development is strictly controlled.

7.07 It is however considered that the site falls within the definition of Previously Developed Land (PDL) also known as 'brownfield land'. Paragraph 3.51 of PPW10 states its preference for the development of brownfield land in PPW which advocates that 'previously development (or brownfield land) should, whenever possible be used

in preference to greenfield sites, particular those of high ecological or agricultural value.' PPW10 also recognises that there are such instances where the development of brownfield land may not always be suitable, such as in the case of sites outside settlement boundaries. This may be, for example, because of its unsustainable location or because it is highly contaminated. For sites like these it is reasonable to look at the feasibility of the site in terms of its sustainability and if appropriate remediation with respect to contamination can be achieved. PPW10 refers to the agent of change principle being a relevant consideration to such proposals.

- 7.07 The 'agent of change principle' encapsulates the position that a person or business introducing a new land use is responsible for managing the impact of that change. As such, with respect to contamination and the consultation response from pollution control, I impose a condition that requires the carrying out and submission for approval site investigation surveys, remediation reports and verification where necessary. The condition will be worded, prior to commencement, and in line with the agent of change principle, the local planning authority takes responsibility in recognising that due to the site's previous use, contamination is likely and therefore control is maintained by condition, compliance is however the responsibility of the applicant.
- 7.08 In addition, the agent of change principle applies to the responsibility of the Local Planning Authority in demonstrating the sustainability of the site given it's out of settlement location.
- 7.09 The site has operated as a garden centre and DIY store for many years as well as accommodating a range of other uses in the associated peripheral buildings. Following its closure, the site has remained vacant and is now in a poor almost derelict condition. The immediate view of the site from Wrexham Road is unsightly and has been referred to as an eyesore. The proposed development would bring an immediate betterment to the site and the wider surroundings, providing a scheme that delivers housing to the area, affordable housing opportunities, removes sources of contamination, and provides for ecological enhancements.
- 7.10 The site is located on a key transport corridor between Flintshire and Wrexham, which is served by the A541, the Wrexham-Bidston railway line including proximity to the station at Cefn y Bedd. To the north are facilities in Cefn y Bedd and Abermorddu, whilst to the south are a range of facilities and services in Gwersyllt. Although the site is located outside a settlement boundary, it is within a semi urban corridor between a loose ribbon of predominantly residential development on the western side of the A541 stretching between the edge of Sydallt within Wrexham County Borough and Cefn y Bedd. The site is also located in close proximity to a number of employment centres that can be accessed by a range of sustainable transport

options other than the sole dependence on the private car. As such it is my view that the site is located within a sustainable location.

7.11 Flood Risk

Since the refusal by Welsh Ministers on grounds of flood risk due to the site's location with C2, the Applicant challenged the Flood Map for this area. NRW have accepted this challenge as it was evidenced that C2 zones were not applicable in this location and had been plotted incorrectly on the map. . The Development Advice Map has been updated to reflect the new Flood Map. The site is now shown to lie in Zone B as defined by the Development Advice Map referred to in TAN15: Development & Flood Risk as an area A known to have been flooded in the past evidenced by sedimentary deposits.

7.12 NRW have reviewed the Flood Consequences Assessment (FCA) (Weetwood Services Limited, FCA 3167/FCA/Final/v.2.0/2020-0-07) which has been prepared in support of the latest planning application.

7.13 The FCA demonstrates that the site will remain flood free during key design flood events required by TAN15. In particular, the FCA shows that the site is expected to remain flood free during the 1% annual probability (climate change event) including an 80% blockage of the highway bridge structure located on the south western boundary of the site. The FCA recommends that the Finished Floor Levels of the proposed dwellings should be set at a level no lower than 65.92m above Ordnance Datum (AOD). This would be 600mm above the predicted 1% climate change (inc. 80% blockage) flood level and 170mm above the predicted extreme 0.1% (80% blockage) flood event. This mitigation measure is welcomed, and in order to ensure that this mitigation measure is incorporated into any future reserved matters planning applications, NRW request the imposition of an appropriately worded condition.

7.14 In accordance with TAN15, Zone B is given a precautionary approach to indicate where site levels should be checked against the extreme (0.1%) flood level. As the FCA demonstrates that the proposed finished site levels are greater than the flood levels used to define adjacent extreme flood outline there is no need to consider flood risk further. As such, the proposal accords with TAN15 in so far that it identifies the flood risk to the site as being low.

7.15 Highways

Consultation on the application has been undertaken with the Highway Authority. Having regard to the site's previous use it is considered that development of the site for 14 No. dwellings would potentially reduce vehicular movements into/out of the site although given the site's sustainable location and access to public transport links, pedestrian movements could increase.

It is considered that although the application has been submitted in outline with all matters reserved, the indicative plan illustrates the formation of a single access to serve the development which would require amendment to secure adequate visibility/improvements to the width of the access road. This is proposed to be secured by the incorporation of a management company controlled by S106 as agreed by the applicant. The Highway Authority, therefore confirms that there is no objection to the proposed development subject to the S106 and the imposition of conditions.

7.16 Impact on Ecology

Consultation on the application has been undertaken with both Natural Resources Wales (NRW) and the County Ecologist having regard to the existing buildings on the site which are in a poor state of repair and the River Cegidog corridor which is an important wildlife habitat. No objections to the proposed development have been raised from an ecological perspective, subject to the imposition of conditions to safeguard the River Cegidog during construction, and to avoid direct lighting on this linear feature which is an important foraging and migrating area for bats.

7.17 S106 Contributions and CIL Compliance

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

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

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

7.19 An off-site commuted sum of £1100.00 per unit in lieu of on-site provision to enhance existing children's play area located at Wyndham Avenue. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is not possible.

There have not been 5 contributions towards this project to date. It is considered that the contribution required meets the Regulation 122 tests.

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

8.00 CONCLUSION

In conclusion it is considered that the site falls within the definition of Previously Developed Land and is located in a sustainable location, within a semi-urban corridor of existing development, along the A541 Wrexham-Mold Road. The redevelopment of the site will help to improve the visual appearance of this derelict former commercial site that has remained vacant for a number of years. It will also help to make a reasonable contribution to the housing land supply. The principle of residential development is therefore considered to be acceptable.

With respect to the previously developed nature of the application site, site investigations are required with regard to possible land contamination in order to inform any remediation which may be required as part of the development proposal. As explained above, whilst the site remains in zone B for flood risk the FCA has demonstrated that the site will remain flood free during key design flood events required by TAN15. NRW raise no objection and are content of the imposition of a condition for finished floor levels as recommended in the FCA.

It is considered that the proposal complies with planning policy. Accordingly, I recommend that planning permission is granted as set out within paragraph 2.01 of this report.

8.01 Other Considerations

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

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is

necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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

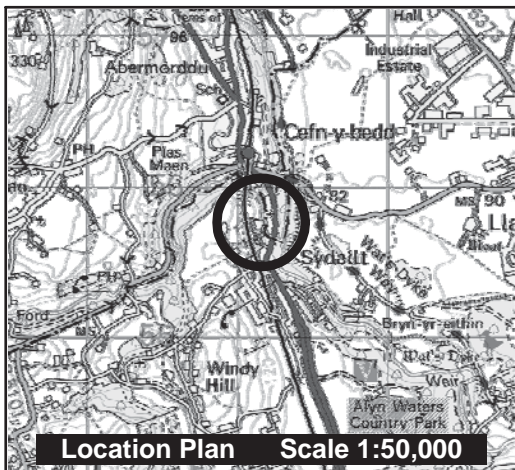
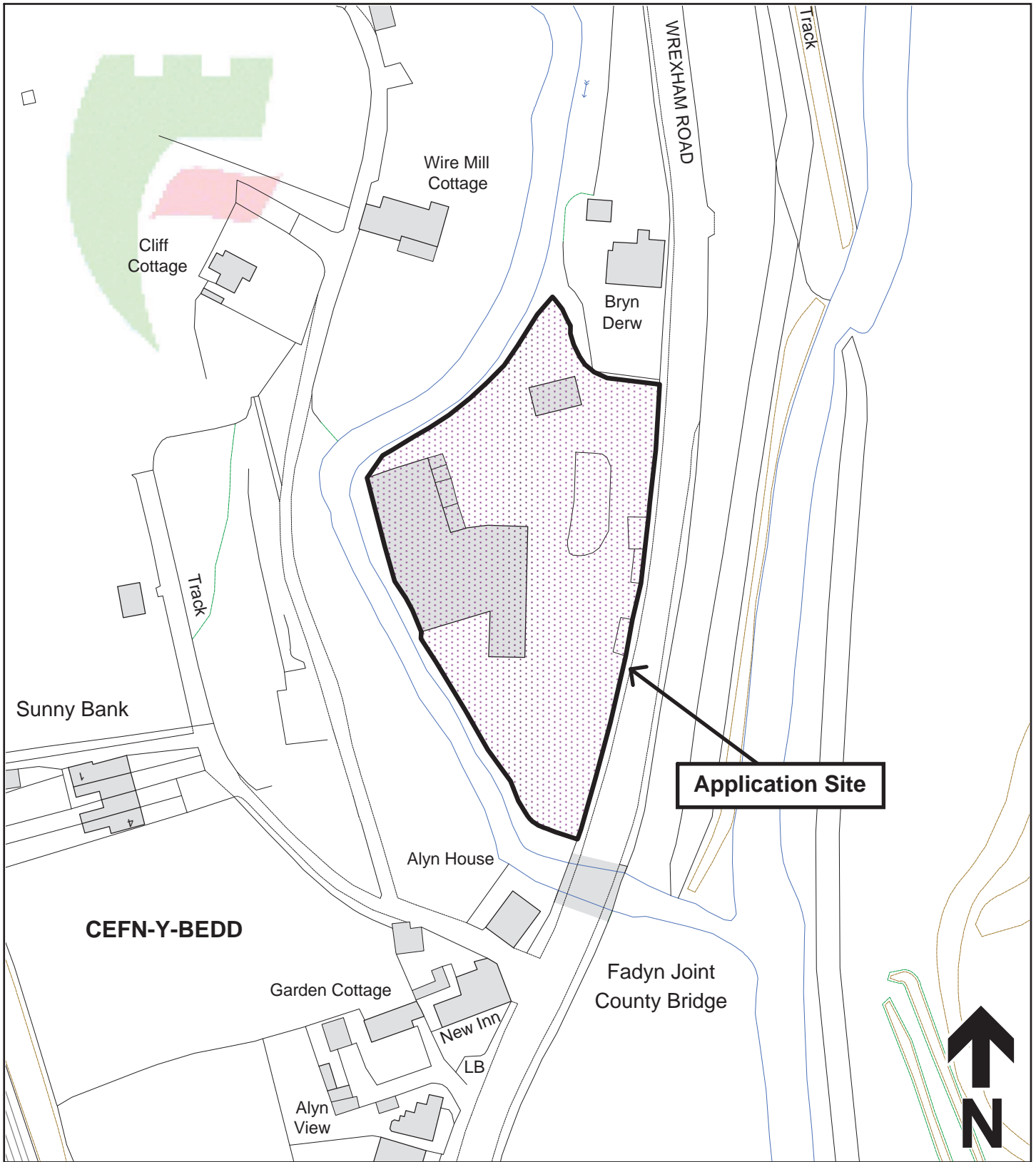
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Katie H Jones
Telephone: (01352) 703257
Email: katie.h.jones@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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Map Scale 1:1250

OS Map ref SJ 3155

Planning Application **61248**



Site Plan 1:500



Location Plan 1:1250

Rev	Date	Detail	Initial
A	05/16	Design Amends	D.J.E.

Project:
 Residential Development at
 Former Spectrum,
 Garden Centre,
 Mold Road, Cefn-Y-Bedd,
 Wrexham, LL12 9UR.

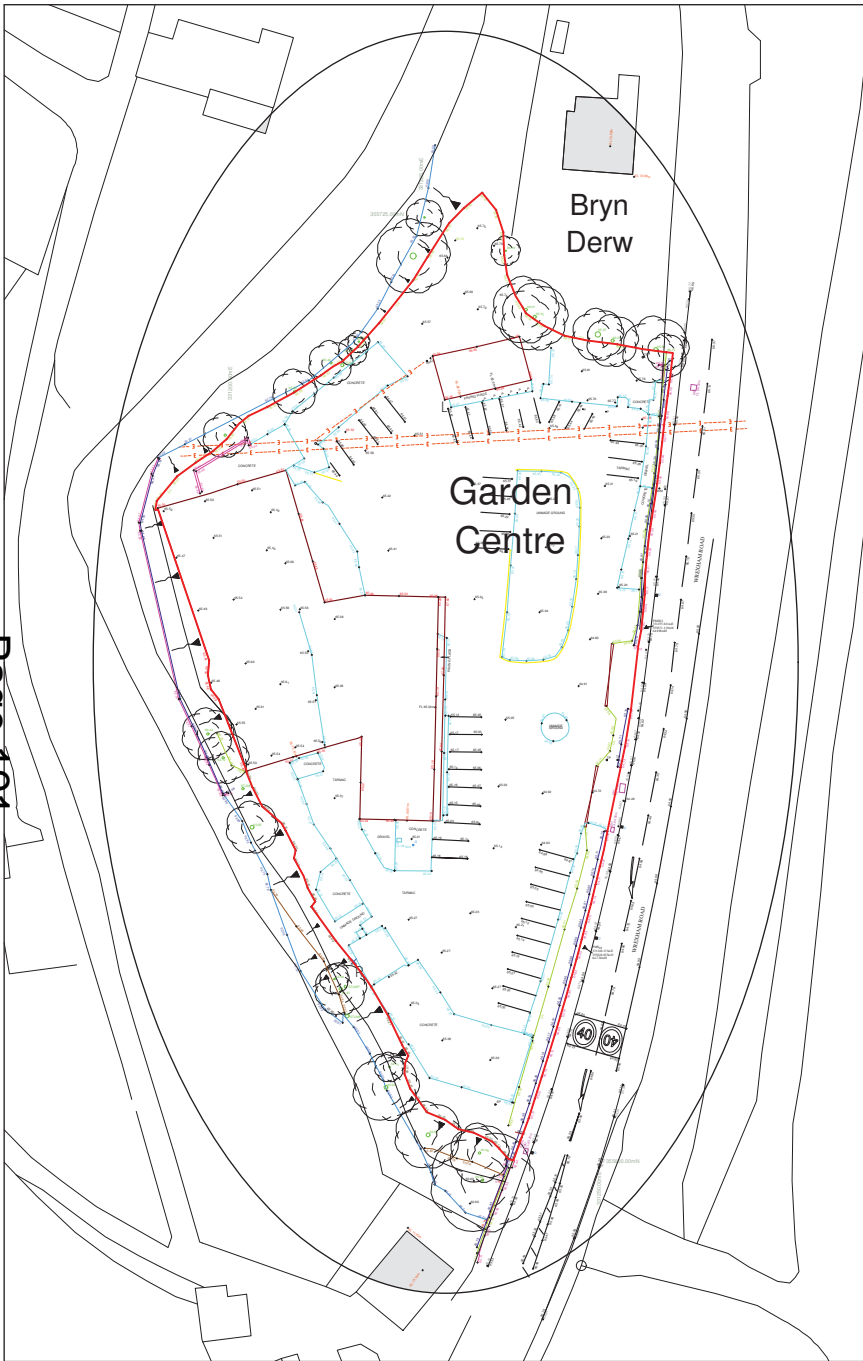
Title:	Scale: (A2)
Planning:	1:500 &
Site & Location Plan	1:1250

Drawn By:	Date:
D.J.Edwards	April 2015

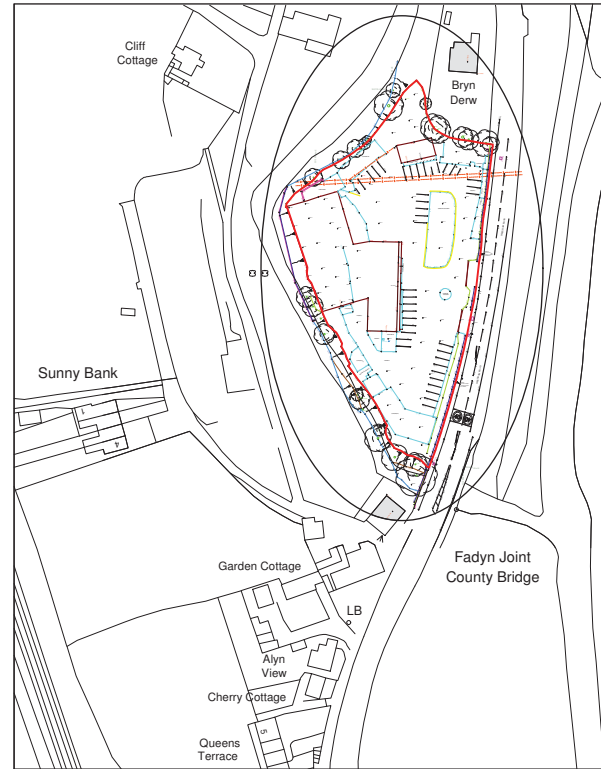
Drawing No:	Sheet:
W100/003	1 of 1

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Site Plan 1:500



Location Plan 1:1250

Key	
	Surrounding Buildings
	Proposed Site

Rev	Date	Detail	Initial
B	05/16	Topo information added	D.J.E
A	04/15	Title block and site outline amends	D.J.E

Project: Residential Development at Former Spectrum, Garden Centre, Mold Road, Cefn-Y-Bedd, Wrexham, LL12 9UR.	
Title: Existing: Site & Location Plan & Typical Sections	Scale: (A2) 1:500 & 1:1250

Drawn By: K.A.Hopwood	Date: Mar 2015
Drawing No: W100/001	Sheet: 1 of 1

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Site Plan 1:500



Location Plan 1:1250

Rev	Date	Detail	Initial
A	05/16	Design Amends	D.J.E.

Project:
 Residential Development at
 Former Spectrum,
 Garden Centre,
 Mold Road, Cefn-Y-Bedd,
 Wrexham, LL12 9UR.

Title:	Scale: (A2)
Planning:	1:500 &
Site & Location Plan	1:1250

Drawn By:	Date:
D.J.Edwards	April 2015

Drawing No:	Sheet:
W100/003	1 of 1

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Highways Plan 1:250

Rev	Date	Detail	Initial
B	04/20	NRW updated maps (flooding)	S.I.H.
A	05/16	Design Amends	D.J.E.

Project:
Residential Development at Former Spectrum Garden Centre, Mold Road, Cefn-Y-Bedd, Wrexham, LL12 9UR.

Title: **Planning: Highways Plan** Scale: (A1) **1:250**

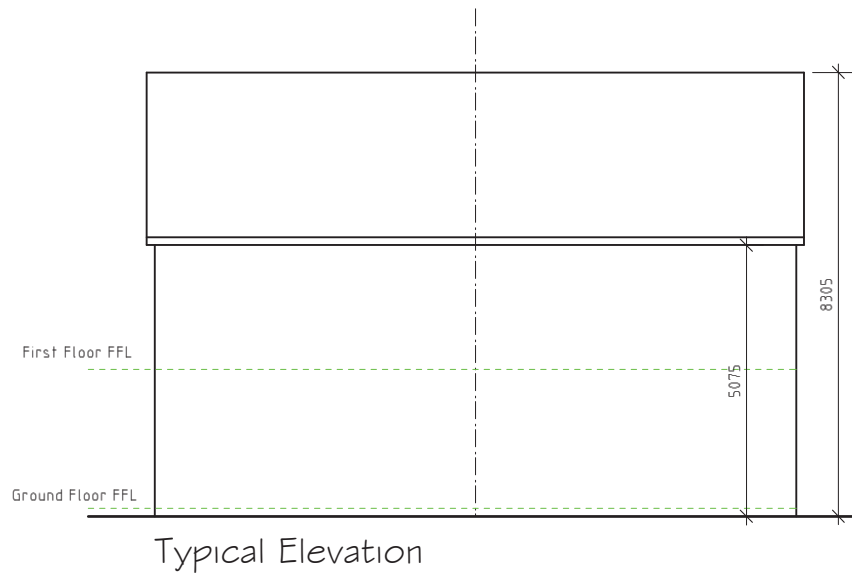
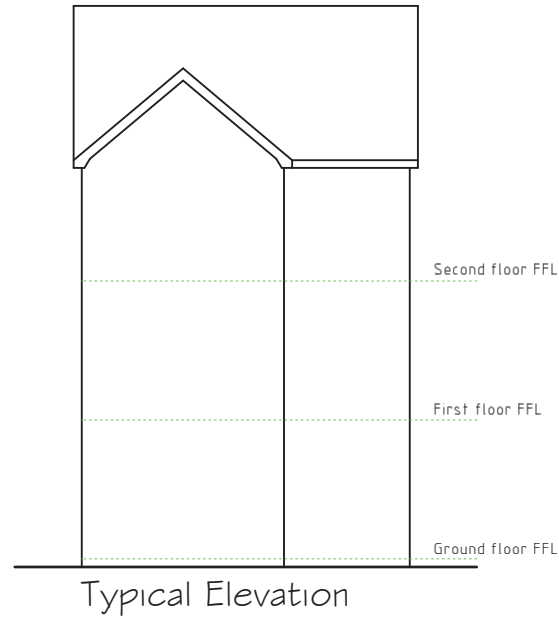
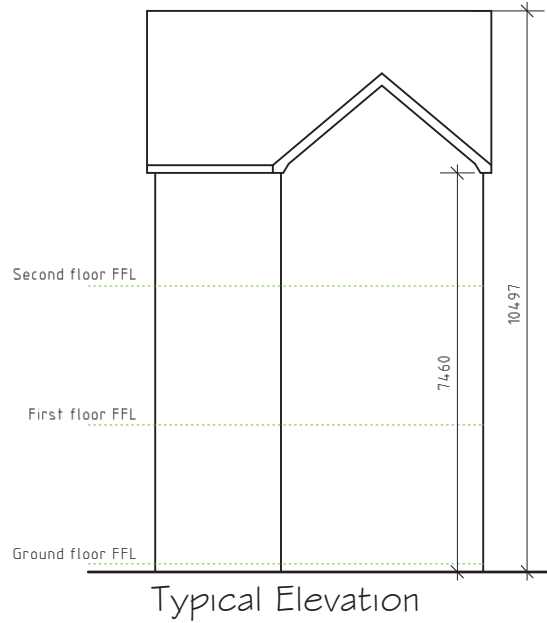
Drawn By: **D.J. Edwards** Date: **April 2015**

Drawing No: **W100/004** Sheet: **1 of 1**

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A	05/16	Additional house type added	D.J.E.
Rev	Date	Detail	Initial

Project: Residential Development at Former Spectrum Garden Centre, Mold Road, Cefn-Y-Bedd, Wrexham, LL12 9UR.	
Title: Planning: Typical Elevations	Scale: (A3) 1:100

Drawn By: D.J.Edwards	Date: April 2015
Drawing No: W100/005	Sheet: 1 of 1

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Statement from Agent

Planning Application Code No: 061248

Proposed residential development at former Spectrum Garden Centre, Mold Road, Cefn y Bedd, Wrexham. LL12 9UR

Supporter of the Application.

I kindly thank members of the committee for the opportunity to prepare a statement in support of the application.

The site itself has a well-documented history, from its days as a commercial enterprise, as well as the application for a residential development, which was supported by members of the committee, but was overturned by Welsh Inspectorate due to the categorization of the site to be within a flood risk zone C2 by NRW.

Many hours of hard work has gone into the modelling surveys, a costly exercise for our client to allow NRW to re-evaluate the flood risk zone across the site, this has been completed successfully as noted within the reports supplied to support the application completed by Weetwood a leading independent consultancy specialising in flood risk.

Development of this prominent site on the Wrexham/Flintshire border will enhance the area, making use of a brownfield site which has continued to deteriorate over the years, since the closure of the garden centre, It is important sites such as this are considered for development over greenfield sites to retain the outlook and amenity of existing households.

The proposal of residential development has previously been accepted in principle by the Local Authority and Planning committee, we respectfully request this previous acceptance is applied as members can be assured all measures have been provided and exhausted to satisfy the Welsh Inspectorates previous reason for refusal.

Statement from local Ward Member

I put this application before the Llanfynydd Community Council last night and it was greeted with a lot of enthusiasm and support.

There is concern over the speed that vehicles travel once passed the Hollybush it may worth considering that a 30mph limit be in place from the end on the dual carriageway just before the Hope turning to the dual carriageway just passed the Spectrum site on the Wrexham side.

If you turn left out of the site going up the hill and a vehicle is parked outside one of the properties it becomes a nightmare and traffic backs up very quickly and a lot of frustration can occur.

Something to consider

Regards Cllr

Statement from local Resident

Good Afternoon

Well here are the problems with the above .

- The Mold road is a very very busy road and and people pulling out on this road will impacts on highway safety its a blind hill cannot see people pulling down I bet there will be a accident with in a week.
- I live up the hill and will end up looking into someones home this will cause loss of privacy for them and me.
- The planning is for 14 houses on a small space its a lovely quite area now the reason bought my own place and now your going to shove a potential 56 people who are going to end up in this very small area (added crime)
- Flooding that area does flood if the bridge at the bottom gets blocked it will happen .
- lost of tree already seen trees being cut down in area and not even got planning permission so wrong .
- light pollution and noise - noise from building and noise from the houses at night .

Many Thanks

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH October 2020**

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

SUBJECT: **RESIDENTIAL DEVELOPMENT INCLUDING 15 NO. NEW HOUSING UNITS AND THE CHANGE OF USE/CONVERSION OF THE FORMER INFIRMARY WING INTO 14 NO. APARTMENTS AT LLEUSTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL**

APPLICATION NUMBER: **061230**

APPLICANT: **B.A.K BUILDING CONTRACTS LTD.**

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

APPLICATION VALID DATE: **26TH MAY 2020**

LOCAL MEMBERS: **COUNCILLOR P JOHNSON**

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the change of use of the former Llesty Hospital Infirmary building to provide 14 no. self-contained residential units, 15 no. new build residential units with the total development providing 29 no. residential dwellings together with associated landscaping and infrastructure on land at Llesty Hospital, Old Chester Road, Holywell.

Members are advised that a previous application ref 057006 was brought before the planning committee on the 3rd April 2019 where it

was resolved to grant planning permission subject to conditions and the completion of a S106, securing obligations for affordable housing, financial contributions to public open space and the provision of a management company. The site has since changed ownership which resulted in a review of the S106 obligations whereby the Applicant evidenced that the obligations set would render the development unviable. As the S106 could not be agreed or completed, the Council regrettably had no option but to refuse the application as the scheme could not be implemented.

The Applicant has since resubmitted the same scheme for consideration with the addition of viability, which has been evidenced and independently assessed by the District Valuer on behalf of the Council. As such affordable housing provision and financial contributions towards public open space are not sought as part of this resubmission.

Whilst the lack of support to affordable housing and public open space is disappointing. Developers and Housebuilders alike are continuing to face increased challenges in development viability, more so in light of the unprecedented circumstances of Covid-19 and the significant impact this has had on both the local and national economy. We must therefore finely balance the merits of proposals to ensure any harm or loss is outweighed. As such it is considered that the proposed development provides a scheme of conversion and new build which will provide an alternative, long term reuse of a curtilage listed building, without significantly comprising the historic character and appearance of the Heritage Asset, Lluesty Hospital. In addition, the proposed scheme will deliver a housing allocation within 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:

1. Provide that a Management Company is incorporated for the management and future maintenance of the estate roads and footways, communal landscaping areas and the long term maintenance of the Bat Conservation Area.

Conditions

1. Time Commencement
2. In accordance with Plans
3. Materials of all external finishes
4. Hard and Soft Landscaping Scheme and Implementation

5. Contaminated Land Investigation
6. Level 3 Building Survey
7. Scheme of mitigation for House Martins and Swifts
8. No works to take place during the bird nesting season unless otherwise agreed
9. Detailed scheme for the re-alignment of the Chester Road/Halkyn Road Junction subject to S278 Agreement of the 1980 Highways Act
10. No dwelling to be occupied until all works are completed per agreement
11. Siting, layout and design of means of site access in accordance with details to be submitted and approved
12. Detailed scheme for the provision of site access
13. The works associated with forming the means of the site access shall be kerbed and completed to the carriageway
14. Visibility splays of 2.4m x 43m
15. Visibility splays to be made available and kept free from obstruction during site construction work
16. Facilities to be provided for parking and turning
17. Garages to be set 5.5m from the footway
18. Detailed layout, design, means of traffic calming and signing, surface water drainage, lighting and construction of internal estate roads
19. Positive means to prevent surface water run-off onto the highway
20. Gradient of the access from the edge of the existing carriageway and for a minimum of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
21. Construction Management Plan
22. Full Travel Plan
23. Transport Implementation Strategy
24. Scheme for the removal of surface water
25. Prevention of surface/land water directly or indirectly entering Public Sewerage Network.
26. Conservation conditions (window construction, rainwater goods, etc)

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 P Johnson

I have no objections to this this development. My views are the same as for the previous application on this site, that this will be a significant and welcome development at this end of Holywell. As previous, I

have concerns in respect of the capacity for the road junction where Old Chester Road joins Halkyn Road, and about this traffic joining a 40mph Road where there is also a traffic joint the road from the Stamford gate Hotel, the service station and the junction with Milwr Road. I and local residents living along Old Chester Road do not want this road to become a rat run into Holywell as it does not have the capacity to do so. I am sure that these highway issues can be addressed as the application is progressed, but they do not take away from my support for the overall scheme.

Holywell Town Council

No objections raised.

Head of Assets and Transportation

In relation to highway matters, the application appears similar to that previously submitted as 057006. The following is an extract from a response dated 8 November 2018; the comments, the request for a S106 agreement and the recommended conditions remain relevant and carried forward in response to the current application:

I have previously raised concern that the full extent of the proposed layout does not lend itself to highway adoption and have suggested that the extents of adoption should be to the rear of Plot 3 and alongside Plot 12. This has been discussed and agreed with Engineer's working on behalf of the applicant; minor modifications to the road/footway road layout will be required but could be covered by condition.

It is expected that maintenance responsibilities on other roads and footways would be the responsibility of a Management Company; a Section 106 agreement will be required to ensure this.

No objection subject to the completion of S106 and the imposition of conditions.

Head of Public Protection

No objection in principle, however the site has an extensive historical use as a Work House and Hospital and there are also gas works on site. There could also be asbestos present in the building fabric. In addition, the site is in an area which includes extensive lead mining history. Therefore the imposition of a condition requiring a contaminated land investigation is requested.

Welsh Water/Dwr Cymru

Welsh Water raises no objection subject to the imposition of the conditions as below:

- No development shall commence until a scheme for the removal of surface water contributing area to offset the anticipated peak foul flows associated with the proposed

development is submitted to and approved in writing by the Local Planning Authority. No dwellings/apartments shall be occupied until the agreed scheme has been completed in full.

- No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Clwyd-Powys Archaeological Trust (CPAT)

The 1913 Edwardian Infirmary building is not in itself listed, but included within the curtilage of the Lluesty Hospital Grade II Listed Buildings. The application is for the conversion of the Infirmary to residential use and there are some satellite structures that are to be demolished including two unrecorded WWII period air raid shelters. These buildings were not included in the original 2013 heritage assessment and are therefore currently unrecorded. While we have no objection to the proposals there will inevitably be some loss of original fabric, fixtures and fittings relating to the former use as an infirmary and it would be useful to obtain a record of the structure in its near original and prior to any development taking place. In addition the removal of the WWII air raid shelters will result in their total loss and these should be fully recorded before they are demolished. This advice is in accordance with PPW and TAN24 The Historic Environment.

We therefore recommend that a study of the infirmary and air raid shelters is completed prior to conversion, which includes a detailed photographic and written descriptive record. In this case the equivalent of a Historic England Level 2 survey of the building is advised, and it is therefore kindly requested that a condition is imposed to this effect.

Natural Resources Wales

NRW confirms that they raise no objection to the proposal subject to the long term maintenance of the bat conservation area including monitoring is safeguarded by an appropriate management company secured by a S106 legal agreement.

Housing Strategy

Holywell is an area of significant housing need so it is disappointing the site may have viability issues.

Current housing need figures are (as at 1st October 2020)

	1bed flat	2bed flat	2 bed house	3 bed house	4+ bed house	1 bed bungalo w	2 bed bungalo w
SARTH social rent	217	35	61	7	29	20	16
Tai Teg intermediate rent			6	6			
Tai Teg affordable ownership			2	4			

The specialist housing register (wheelchair/ level access/ larger properties) also demonstrates the need for:

- 1 x 1 bed wheelchair property
- 1 x 2 bed wheelchair property
- 1 x 6 bed + property

Due to the levels of demand we would support the original provision of 4 gifted units. In light of the viability issues it is disappointing that gifted units are no longer possible. However, as noted within the applicant's submission, recognition should be given to the fact that in the absence of affordable social housing onsite, the applicant is offering units in accordance with the help to buy scheme with a clear focus towards first time buyers.

Education

The following primary, St Winefride's and secondary, Ysgol Treffynnon would be within the catchment area of the proposed development. However through consultation, the Education Department confirm that the proposal will not trigger the need for contributions for either primary or secondary. Therefore no contributions are requested.

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 (£733.00 per dwelling if affordable and/or apartments) 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.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

The application was advertised by way of press and site notice.

No representations in objection have been made in respect of the application.

1 no. letters of support.

5.00 SITE HISTORY

5.01 057006 - Residential development including 15No. new housing units and the change of use/conversion of the former Lluesty Hospital Infirmary Wing into 14No. Apartments. Refused 06.04.20

In addition to the above, the following history relates to the remainder of the site which comprises the Lluesty Hospital Complex:

059663 - Repair and refurbishment of vacant historic (listed) former hospital buildings, with associated new build houses/apartments to create a total of 89 dwellings. Approved 14.05.20

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 th 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 20.11.13

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 New Development

STR4 Housing

STR 7 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

WB1 Species Protection

HE2 - Development Affecting Listed Buildings and their Settings

HE8 Recording of Historic Features

AC13 Access and Traffic Impact

AC18 Parking Provision and New Development

HSG1 (11) New Housing Development Proposals – Lluesty Hospital

HSG8 Density of Development

HSG9 Housing Mix and Type

HSG10 Affordable Housing within Settlement Boundaries

SR5 Outdoor Play Space and New Residential Development

EWP3 Renewable Energy in New Development

EWP14 Derelict and Contaminated Land

SPGN no. 2 Space around Dwellings

SPGN no. 3 Landscaping

SPGN no. 6 Listed Buildings

SPGN no. 8 Nature Conservation and Development

SPGN no. 9 Affordable Housing

SPGN no. 11 Parking Standards

SPGN no. 23 Developer Contributions to Education

PGN no. 13 Open Space Requirements

Planning Policy Wales Edition 10 (December 2018)

TAN2: Planning for Affordable Housing

TAN5: Nature Conservation and Planning

TAN12: Design

TAN18: Transport

TAN24: The Historic Environment

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the change of use of the former Llesty Hospital Infirmary building to provide 14 no. self-contained residential units, 15 no. new build residential units with the total development providing 29 no. residential dwellings together with associated landscaping and infrastructure on land at Llesty Hospital, Old Chester Road, Holywell.

7.02 Site Description

The Llesty Hospital complex is situated to the west of Holywell town centre, elevated above the town. It was built as a workhouse and used more recently as a community hospital. The workhouse, the adjacent chapel and entrance buildings are Grade II Listed. There are a number of more modern buildings within the grounds, many of which are likely to be the result of ensuring the site could function and accommodate the demands of a working hospital. The site also contains the former Infirmary building which is subject to this application. The site has been vacant since the hospital closed and has fallen into disrepair prior to purchase. The site has sloping topography and is therefore a prominent in terms of the setting of the town of Holywell.

7.03 The application site extends for 0.74ha and 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 south is 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 A5026 Halkyn Road off Old Chester Road.

7.04 The application site consists of part of the Former Llesty Hospital and contains the Edwardian Infirmary Wing of the former hospital and two air raid shelters together with associated roads and car parking. There are numerous retaining wall structures within the tiered site as the land rises from the road frontage to the rear. The existing building is vacant, as is the surrounding site, and all is semi-derelict as the fabric continues to deteriorate. The existing building is constructed from loadbearing masonry walls with reinforced concrete floors/support beams and traditional pitched roofs from timber king-post trusses finished with natural roofing slate. External walls are from red stock/pressed facing brickwork with terracotta and dressed stone features.

7.05 The building takes the form of a central three storey structure with two storey linear wings at each end. Due to the sloping topography of the site the west wing contains semi basement/lower ground floor accommodation. During the building's latter day use as a hospital

extensions and additions were added the majority of which have a negative effect upon the historic and architectural interest of the original building. This is particularly the case with lift shafts and disposal installations to the road frontage elevation but beneath these the composition and decorative quality of the existing building remains and can be appropriately re-established.

7.06 Proposed Development

This is a full planning application for residential use of the Infirmary building and surrounding land which contributes to the wider Lluesty Hospital site.

7.07 The proposal comprises the change of use/conversion of the former 'Infirmary Wing' situated to the west of the Grade II Listed Buildings on the adjacent site. The conversion will lead to the creation of 14 no. self-contained residential units, with a mix of 2 and 3 bedrooms over three floors with the benefit of a basement at ground level providing services to the building, bin store and management store. To compliment the conversion 15 no. new build units are proposed in the form of staggered terraces to the front and side of the Infirmary Wing. The proposed new build units will also provide a mix of living accommodation, with the delivery of 5 no. 2 bedroomed dwellings and 8 no. 3 bedroomed dwellings, over two and three stories.

7.08 The Infirmary Wing has been considered suitable for conversion and in doing so, the proposal aims to re-establish the composition and decorative quality of the existing building, introducing a focal entry point to the front elevation to give the building a sense of place. This is achieved by removing the extraneous previous extensions and additions, such as lift shafts, external staircase and waste disposal chutes, in order to return the roofscape, fenestration and dressed stone/terracotta features to the symmetry of the original building. The elevation facing the site frontage is further enhanced with the introduction of a new central main entrance with radial external staircases creating a central focal point giving access to the elevated entrance level.

7.09 The composition of the rear elevation is similarly re-established but the two, two storey side wing extensions are rebuilt to replicate the style and composition of the existing main building. The redundant chimney stacks are to be retained as part of the conservation scheme. Conservation style rooflights are to be introduced to the side wing roofs to maximise the effective internal use of the existing roof spaces.

7.10 Internally the building lends itself to conversion with minimal structural alteration allowing the apartments to integrate within the existing structure and without the need for additional fenestration. The proposals, therefore, include for the removal of previous extraneous extensions and additions to return the former Infirmary

Wing to its original form and for the refurbishment and conversion into 14 no. apartments.

- 7.11 The new access road off Old Chester Road is positioned to further emphasise the new central main entrance to the existing building while acknowledging the highway visibility splay requirements. The road rises into the site and branches off as a spine road to serve the existing building and the new housing units. The footpaths to both sides of the new access road, and the new footpath along the site frontage, will be bounded by stone retaining walls.
- 7.12 It is proposed to remove the existing road frontage retaining wall and to reclaim and reuse the stone to reconstruct the wall in its new position. The Flintshire County Council “Lluesty Hospital Development and Conservation Brief”, dated February 2007, acknowledges that site boundaries and access points may need to be adapted or newly created, and states that should this prove necessary it should be carried out so that the character of the site is maintained. It is considered that the use of stone walling along the new road frontage and to both sides of the access road will maintain this site character.
- 7.13 The topography of the site allows for split level housing units along the road frontage taking advantage of the aspect and views across the Dee Estuary but without overly compromising similar views from the existing building behind. This split level allows principal entrances to be at mid-floor level to the rear and also for the provision of car parking as a discreet parking court along the rear of the building. Through the removal of the two derelict air raid shelters further housing units are introduced to effectively extend the built form at both ends of the existing building. These units have their own dedicated car parking spaces and are accessed from the internal spine road.
- 7.14 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 (11). This set out which buildings the Council wanted to retain and which would be supported for demolition along with identifying areas for new development.
- 7.15 The site as a whole is allocated for 70 dwellings within policy HSG1 (11) of the UDP. 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 considered that there are a number of significant matters to be considered in the overall planning balance.

7.16 Firstly 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 and the proposal seeks to regenerate a highly visible large derelict building which is part of the curtilage listing of the wider 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 proposed does not present a level of density which is unacceptable within the character of this location, and as the scheme removes buildings within the site of lesser architectural merit and preserves the bespoke architectural character of the curtilage building in association with the adjacent Listed Buildings and their setting, it is considered that the principle of the proposal is acceptable.

7.17 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 the District Valuer in July 2020. 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.

7.18 Members are reminded that this application is identical to the 2019 approved scheme ref 057006. The Agent on behalf of the applicant and landowner at the time of the previous application made assurances to the Council that the triggered developer contributions could be provided without impacting the viability of the overall development. The Council took this on good faith and given the assurance provided had no reason to doubt the applicant.

7.19 The site has since changed ownership, with another 12 months passing since any works or attention has been made to the subject building. The new applicant/landowner reviewed the pending s106, with the intention of completing the agreement in accordance with the resolution made by committee on 3rd April 2019. However, it was then evidenced by the Applicant that the obligations set would render the development unviable. As the S106 could not be agreed or completed, the Council regrettably had no option but to refuse the application ref 057006 as the scheme could not be implemented.

7.20 The Applicant has since resubmitted the same scheme for consideration with the addition of viability, which has been evidenced and independently assessed by the District Valuer. As such affordable housing provision and financial contributions towards public open space are not possible as part of this resubmission.

- 7.21 For members information, the impact of viability towards this scheme of both conservation and new build will mean that the Council will not receive £26,762.00 to public open space previously allocated to Fron Park play area, and will result in the loss of 4 no. gifted units as the affordable housing provision, previously agreed with Housing Strategy.
- 7.22 The District Valuer acknowledges that the Infirmary Wing of the Llesty Hospital complex is of significant historic importance and has been subject to neglect since 2008. In this time the curtilage listed building has 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 curtilage 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 the Infirmary Wing, inevitably have higher build costs in comparison to conventional developments. In her opinion, the valuer concludes that enforcing the provision of affordable housing and public open space commuted sums would result in a development that is financially unviable and risks the preservation of a heritage asset.
- 7.23 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."
- 7.24 In accordance with PPW10, it is considered that the applicant has reasonably demonstrated an exceptional circumstance that justifies a relaxation to the relevant policies which concern affordable housing and public open space contributions. 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 climate, more so in terms of the unprecedented circumstances of Covid-19 and the significant impact this has had on both the local and national economy, and the developer risks faced in establishing this site.

7.25 I understand that the absence of affordable housing on this scheme is disappointing, however the inclusion of such would mean that the Infirmary Wing will not be developed, no investment will result in the building being left to decline further with its legacy slowly eroding from Holywell's Landmark History. I understand that there is a need for affordable housing, but I am also mindful that affordable homes should be viewed in terms of both the availability of affordable open market property for those who do not meet the criteria of the register and the accessibility of affordable social homes managed by RSLs and the Council alike. In the absence of affordable social units, the Applicant has expressed that the proposal will include the 'help to buy' schemes, with the majority of their business model focusing on the first time buyer, those that are equally in need of affordable homes. There should be some comfort in this, in addition to the Applicant's clear intention to develop this allocated site despite its heavy costs towards conservation.

7.26 In the context of this application, I consider that significant weight should be given to the viability assessment for the proposed scheme for the reasons discussed.

7.27 Structural Integrity

As a prerequisite to development proposals the structural integrity of the deteriorating existing building needed to be established to determine the viability of its reuse. A structural inspection was carried out by Bingham Rawlings Partnership Limited and a copy of their Report dated 28 July 2016 is included with the documentation in support of this planning application.

7.28 The Structural Report confirms that, although in a partly dilapidated state, the existing building appears to be structurally sound with all walls and floors in a good structural condition. The roof requires complete overhaul but remains structurally sound. Overall, the existing building appears structurally sound and suitable for conversion into domestic dwellings.

7.29 Heritage Asset(s)

The Llesty site contains a complex of historic buildings that relate to the original use of the site as a workhouse and later as a hospital. Two of these buildings are designated as Grade II Listed buildings whilst other buildings and structures are protected by virtue of their association with the designations and due to their location within the curtilage of the hospital. The Infirmary Building is such a building and

is therefore treated with the same level of importance as that of the Listed Buildings adjacent to the application site. Due to the historic importance of the overall site, Flintshire County Council produced a Development and Conservation Brief in February 2007 to provide background information on the site and to identify opportunities and constraints for new development, whilst preserving and enhancing the special character of the site.

- 7.30 The Infirmary wing was built in 1913 of stock brick and pressed brick facings with some terracotta features. It is evident that terraces of lawn retained by capped stone walls were also built in front of the wing at this time probably to be used as a sitting out and convalescence area for patients. There are two WWII air raid shelters in the vicinity of the building which will be demolished as part of the enabling works for the proposed scheme. Whilst this amounts to a loss of the historic fabric, it is considered that these elements did not form part of the 2013 records undertaken on site. CPAT confirm that they have no objection to the loss of the shelters, but do request the imposition of a condition which includes the photographic recording of the shelters prior to their removal.
- 7.31 It is proposed to demolish the modern extensions. These are of little architectural merit and will assist in exposing parts of the Building. The demolitions are therefore deemed to be acceptable.
- 7.32 The proposed redevelopment aims to conserve historic features of the buildings and sympathetically replace missing and redundant features. Internally the building has been largely modernised with little to no significant features of historic or architectural significance remaining. The proposed scheme aims to convert the Infirmary building to a residential use to ensure its preservation without significantly affecting the exterior and preserving the relationship with the adjacent Listed Buildings of the Lluesty Hospital site. This will be achieved by retaining the front wall and sloping grassed areas, retaining the external chimneys and internal staircases and limiting the number of new door openings in the external fabric, closure of existing door openings, retention of all original Edwardian windows, retention of the existing lead dormers to the roof and the use of cast iron rainwater goods. The open spaces will be resurfaced with the introduction of new formal planting along with discrete parking areas to the rear. The conversion of the Infirmary building to residential use is therefore considered to be acceptable.
- 7.33 The proposed development of the current car park site in front of the Infirmary was considered within the Development and Design brief. The conclusion was that this could have a negative impact upon the setting of the Edwardian building behind and the brief suggests that new build development should instead be located adjacent to the former Grade II Listed Workhouse buildings. However given the Infirmary's substantially tall and wide form and considering its

position on the elevated rear section of the site it is considered that there is scope for complementary residential development on the car park site, providing that this is designed in a way to complement the existing group of buildings. In agreeing to this additional proposal it should allow the overall development to work financially and ensure that the Edwardian Infirmary is subject to a high quality restoration scheme that will see the safeguarding of the building's historic fabric. It is considered that the proposed semi-detached and terrace house types are acceptable in design terms.

7.34 Ecology

The application is supported by a number of assessments undertaken by Clwydian Ecology; the assessment pack comprises a Protected Species Report (2016), Bat Activity Survey (2018) and Bat Mitigation Report (2018). In addition to this, due to their age, NRW requested an additional study in the form of a Bat Conservation Plan (2020).

7.35 The 2016 report confirms lesser horseshoe bats (3) are located within the darker rooms and the lift shaft, to include a *Myotis* sp hibernating within a wall cavity in the basement. Bat droppings occur within several areas of the building on all levels and although the building is deteriorating there are still opportunities for bats such as the enclosed chimneys.

7.36 The activity surveys undertaken on the 28th July and 24th August 2018 records small numbers of a variety of species using the site; Brown Long Eared (BLE), *Myotis* sp, Lesser Horseshoe and Common Pipistrelle bats. The mitigation put forward is considered to be acceptable in principle. It involves a loft space with insulation at ceiling level, traditional sarking roof felt and an entrance to the rear. Where possible the re-use of existing timbers is desired, as BLE bats are notoriously difficult to mitigate but will use sites with existing or old timbers. The Lesser Horseshoe night roost building is acceptable as are the proposed bat boxes. The artificial hibernaculum will require a more detailed specification to ensure the cool temperatures with the right humidity.

7.37 There have been ongoing discussions between NRW and the Council (County Ecologist and Case Officer) in order to resolve the objections NRW raised with regards to the long-term conservation of bats. Whilst the applicant provided information, the detail was not accepted by NRW. However, through positive engagement with all parties, I together with the County Ecologist proposed that the long term site conservation management plan including surveillance, site management, monitoring and wardening is covered by an appointed management company which would be secured by S106. The Applicant agreed this approach in their amended Bat Conservation Plan.

7.38 Therefore providing the works are undertaken in line with the Mitigation Scheme then the “maintenance of the favourable conservation status” of the species present will be maintained. NRW confirm the mitigation and the overall approach of the proposed reasonable avoidance measures are acceptable and therefore remove their objections.

7.39 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 undertake the development works and to provide the mitigation. The three tests under the regulations need to be demonstrated before a licence is 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 heritage asset 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 mix of house 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 buildings within their curtilage pre 1948, works are therefore required 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 building is deteriorating due to vandalism and exposure to the elements. The suitability of the building as a resting place for bats is therefore also 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(s) species identified. Furthermore, The 2016 report confirms “evidence

of nesting birds” within the building. Prior to development it would need to be demonstrated where the swifts and other birds, including possibly house martins nest, how disturbance of these nests can be avoided and how they can be accommodated in the converted buildings. It has therefore been agreed that mitigation for nesting House Martins and Swifts can be appropriately conditioned.

7.40 Highways

Vehicular and pedestrian access into the existing site is either from the adjacent former hospital complex, now under separate ownership, or via a narrow road entry point to the east of the main road frontage adjacent to the Old Chester Road/Halkyn Road junction. Land ownership and highways safety issues renders both of these unviable for the purposes of site access, therefore a new road access point onto Old Chester Road has been included.

7.41 The new road junction has been positioned to allow for a 2.4m x 43m visibility splay which would be necessary when joining Old Chester Road within its 30 mph speed limit restriction. In conjunction with the new access road a footpath has been introduced along Old Chester Road. The new central access road leads onto a transverse spine road giving access to car parking for the site frontage housing and to the parking court for the apartments within the converted former hospital building.

7.42 In accordance with SPGN no. 11 Parking Standards, the 2 and 3 bedroomed dwellings are to be provided with a minimum of 2 no. off road car parking spaces, and 21 no. spaces are proposed in total for the 14 apartments within the Infirmary Building. In addition to parking, cycle parking and storage is proposed to facilitate 8 cycles. The application site is accessible by a range of transport methods including private and public transport. Bus stops are available in Halkyn Road and Ffordd Milwr all of which are only a few minutes walk away.

7.43 The Highways Authority previously raised concern regarding the full extent of the proposed layout not lending itself to highway adoption, and have suggested that the extent of the adoption should be to the rear of plot 3 and alongside plot 12. This has now been resolved by the Applicant, with only minor modifications to the road/footway road layout required, however such details can be appropriately conditioned. The Highway Authority therefore raises no objection to the development subject to the imposition of conditions and the proposed legal agreement requiring the maintenance of the estate roads and footways as the responsibility of a Management Company.

7.44 Residential Living Conditions of neighbouring occupiers

Whilst the application has not received any representations, it is still necessary to ensure the residential living conditions of both existing

and future occupiers is safeguarded and maintained. The site layout as shown indicates that there would be separation distances in excess of the standards set out in SPGN no.2 Space Around Dwellings, between existing dwellings on nearby residential areas, such as The Beeches and any apartment units within the Infirmary and new properties on the site. It is not considered that there would be any significant impact on residential living conditions from the new development when completed.

7.45 Planning conditions can be imposed which attempt to control any potential disruption to nearby residential areas during the construction phases, such as the proposed Construction Traffic Management Plan. It is therefore considered the proposal does not significantly impact on the residential living conditions of neighbouring occupiers.

7.46 Residential Living Conditions for future occupiers

The space within the new scheme enables private garden areas and parking areas to be provided. This ensures adequate levels of useable outdoor space and parking for any future residents. In terms of interface distances between proposed dwellings within the site these broadly meet the requirement of the SPGN. The site is sloped and the layout and design of the new housing reflects that and the dwellings have been laid out either side of the infirmary building to minimise overlooking. It is therefore considered that the proposal would provide a sufficient amount of privacy within the dwellings and garden areas to allow the future occupiers to enjoy a reasonably undisturbed level of living conditions.

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.

The relevant issues arising from the proposal have been addressed and I therefore recommend that planning permission is granted subject to conditions and the completion of a legal agreement as set out within paragraph 2.01 of this report.

8.01 Other Considerations

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

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

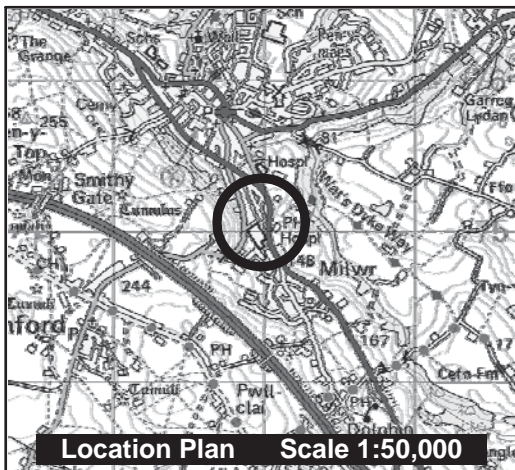
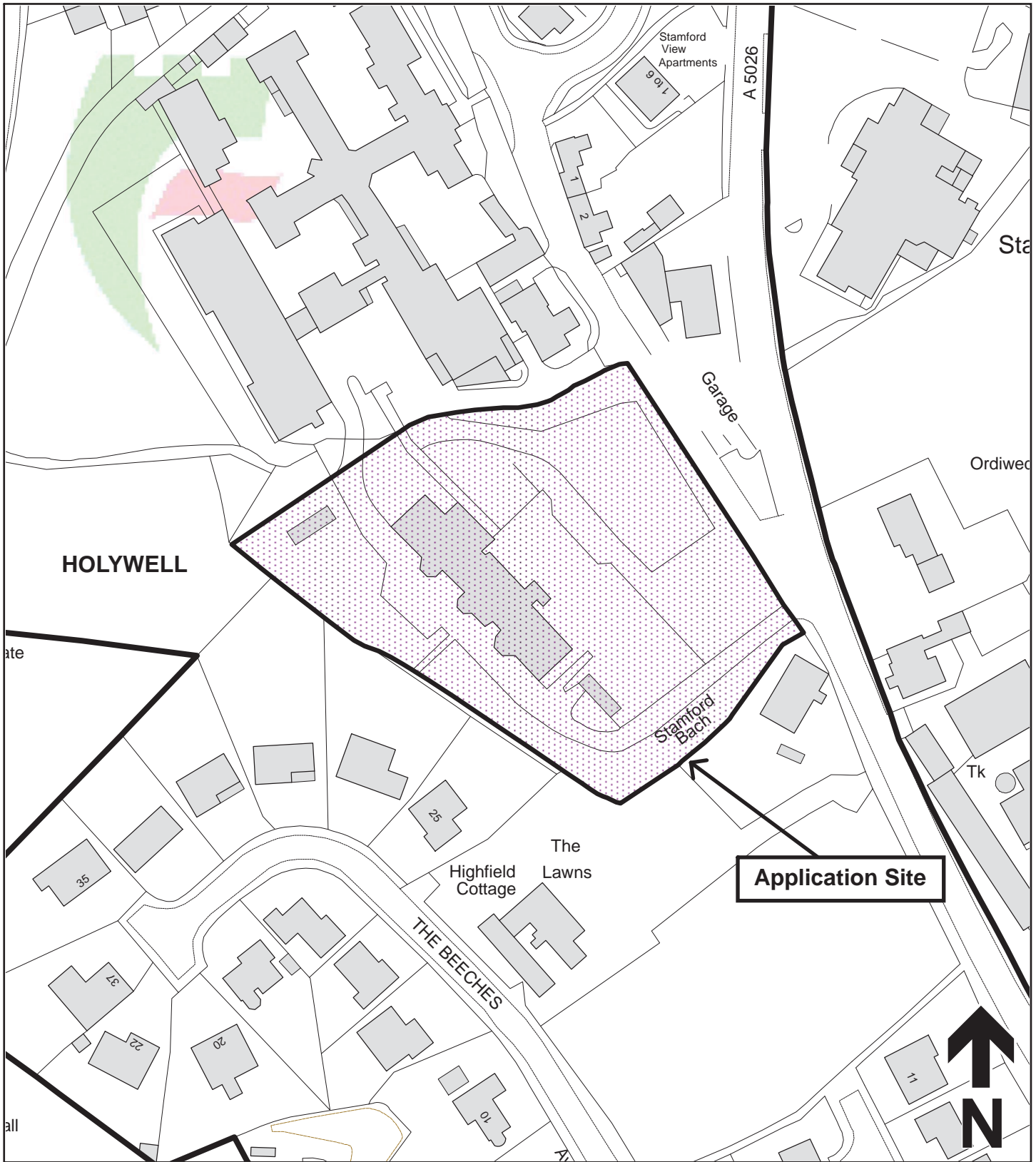
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Katie H Jones
Telephone: (01352) 703257
Email: 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 **61230**

General Notes

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Risk Assessments

Revised	Date	Description	By	Check

Consultants

Client

WW Construction

PROJECT TITLE
Lluesty Development Site

DRAWING TITLE
Former Lluesty Hospital Existing Elevations - Sheet 2

DATE
31.03@A1

ISSUED BY
JH

CHECKED BY
DH

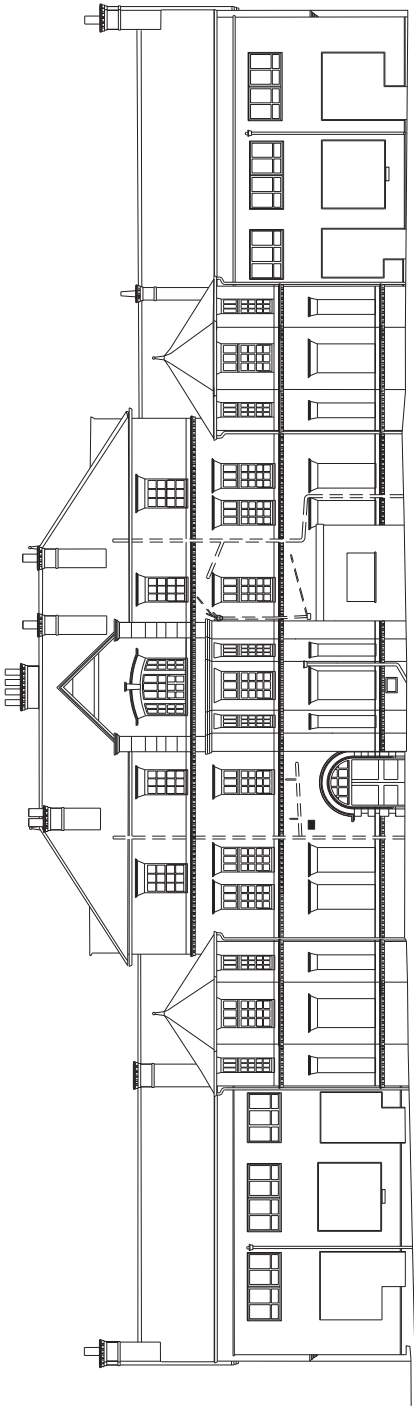
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REVISION

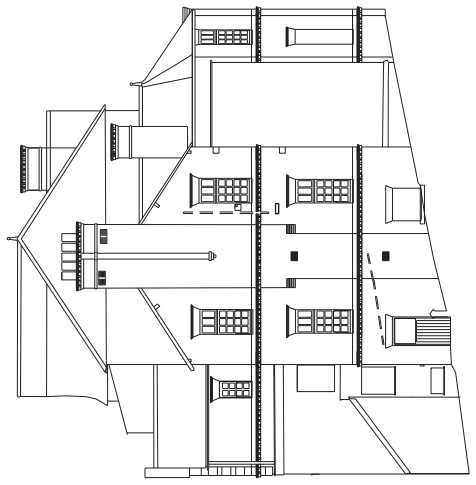
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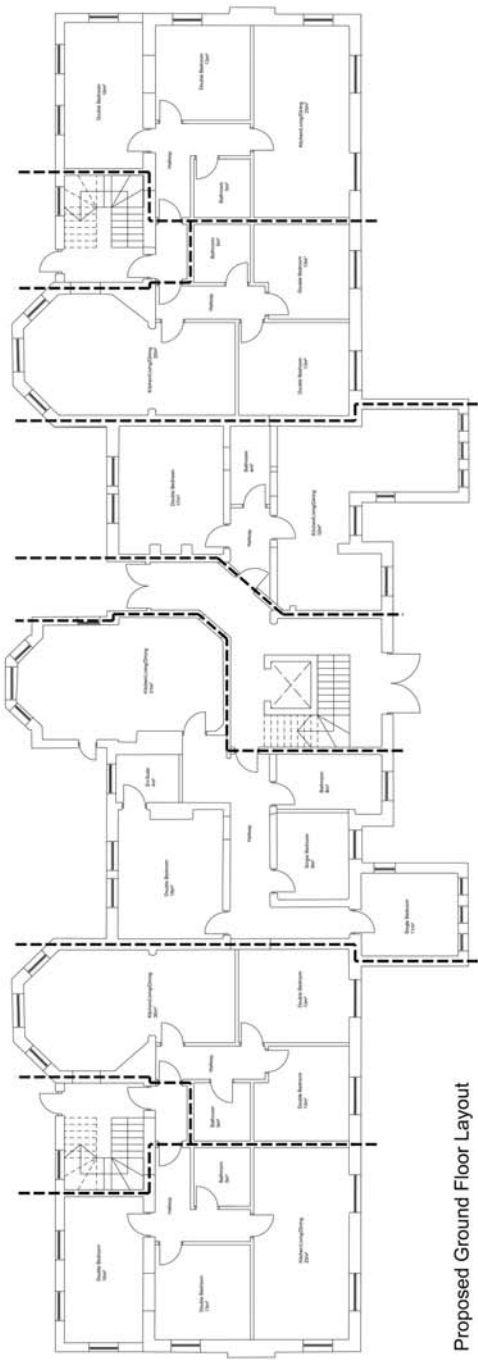


Former Lluesty Hospital Existing Rear Elevation

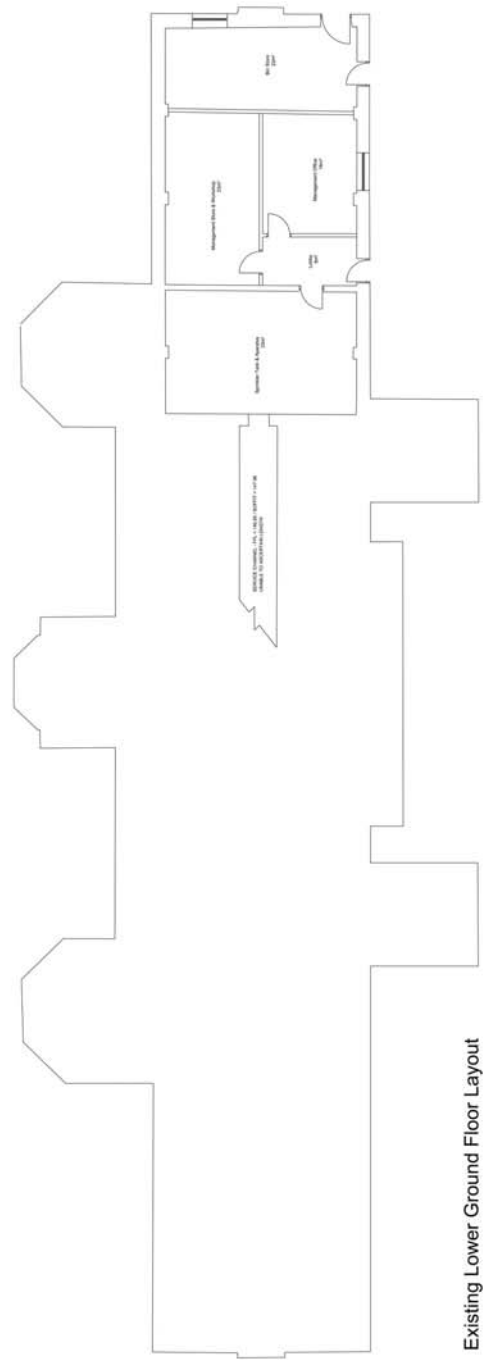


Former Lluesty Hospital Existing Right Elevation

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Proposed Ground Floor Layout



Existing Lower Ground Floor Layout



PROJECT NO: 2012/19
 RESIDENTIAL DEVELOPMENT
 Lively Hospital
 Chester Old Road
 Holywell
 CH8 7SA

DRAWING NO: UG1 & UG2 PROPOSED PLANS
 ISSUE STAGE:

DATE: 20/12/19	DRAWN: A.H	SCALE: 1:100
DRAWING NUMBER:	REVISION:	

GENERAL NOTES

Gas & electric meter cupboards - Provisional positions shown - to be confirmed by M & E consultants
 Extract terminals - Provisional positions shown - to be confirmed by M & E consultants
 This drawing should be read in conjunction with all relevant Architects, structural engineers and M&E consultants latest drawings

SEPARATING WALLS

Separating / Party Walls (via 275mm wide - excludes finishes)
 To meet Robust Detail E-WM-17 using 7.3N dense blocks

100mm Blockwork - 7.3N dense blocks
 75mm Cavity (Full fill insulation - Spec'n TBC)
 100mm Blockwork - 7.3N dense blocks

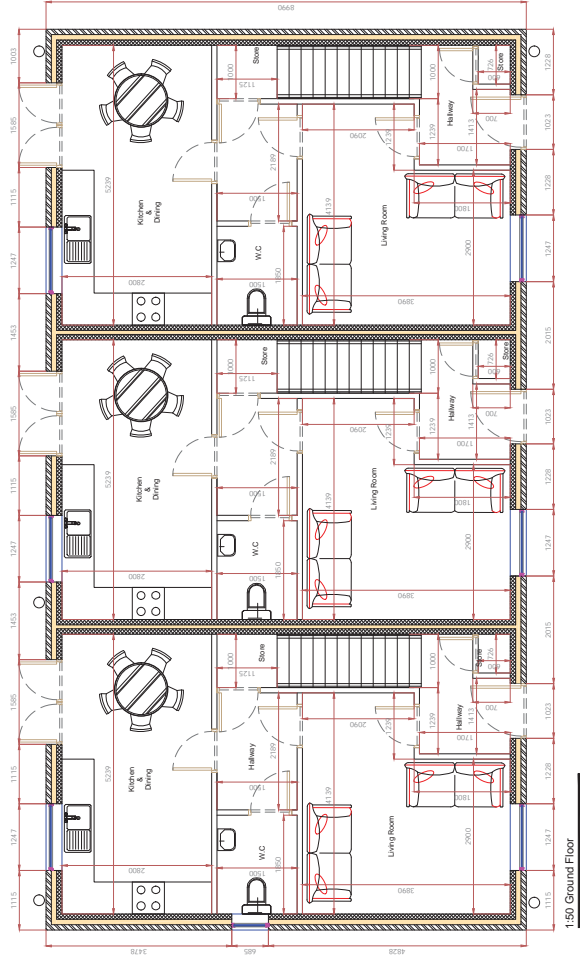
EXTERNAL WALL CONSTRUCTION

External Cavity Walls (via 300mm wide - excludes finishes)
 NEW CAVITY WALL:
 Outer leaf: 100mm facing Blockwork (see elevations for spacing)
 Cavity: 100mm (Partial fill insulation - Insulation spec to be confirmed)
 Inner leaf: medium dense blockwork, plus 12.5mm plastered + skim finish on dabs
 Thermal Performance: To achieve minimum U-V alue of 0.28W/m²K

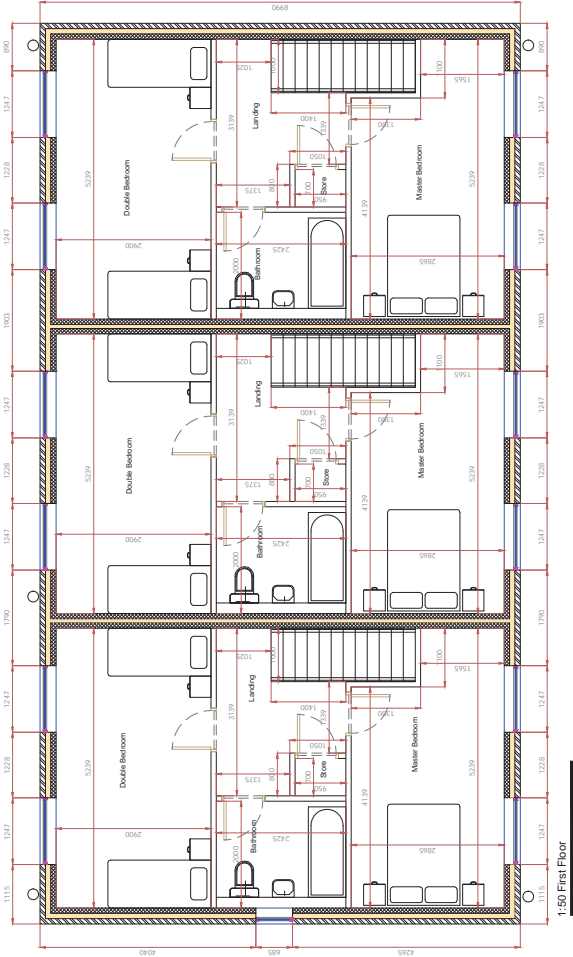
100mm Blockwork - to SE specification, plus 12.5mm plastered + skim finish on dabs

INTERNAL LOAD BEARING WALLS

100mm Blockwork - to SE specification, plus 12.5mm plastered + skim finish on dabs



1st Ground Floor



1st First Floor



BELMONT HOUSE
 2 DALTON COURT
 COLINDALE AVENUE
 DARTFORD
 ESSEX

PROJECT NO: RESIDENTIAL DEVELOPMENT
 Limesley Hospital
 Chestnut Oval Road
 Harlow
 CH8 7SA

Drawn by: Pigs 13 - 15

Scale: B. A1

Date: 20/12/19

Drawn by: A.H

Scale: 1:50

Project: BAK-10

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6. Manufacture and all discrepancies must be reported to TACP Architects Ltd

Risk Assessment

Revised	Date	Description	By	Check

Consultants

Client

WW Construction

Project Title

Lluesty Development Site

Drawn by

Former Lluesty Hospital Existing Plans - Sheet 2

Checked by

JH

Date

05-10-16

Job Number

15070

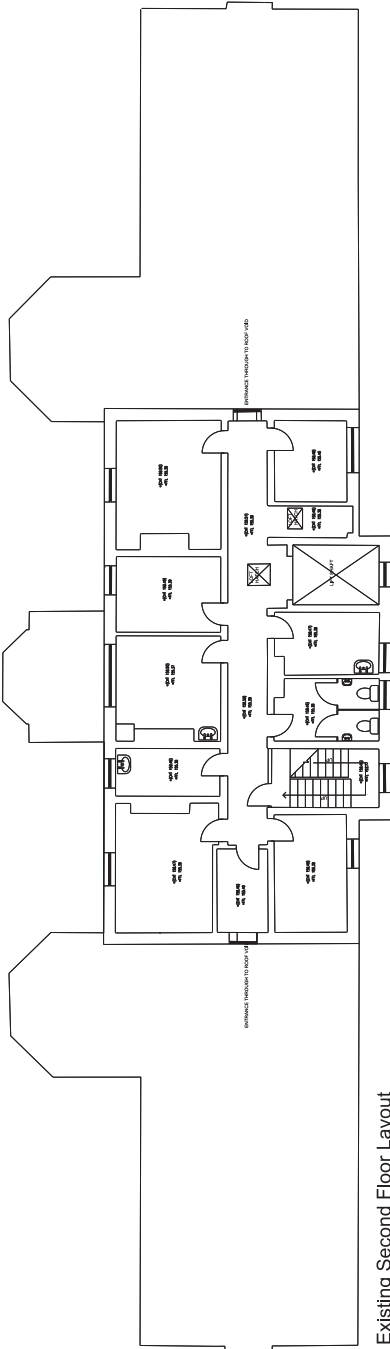
Drawing Number

EX-04

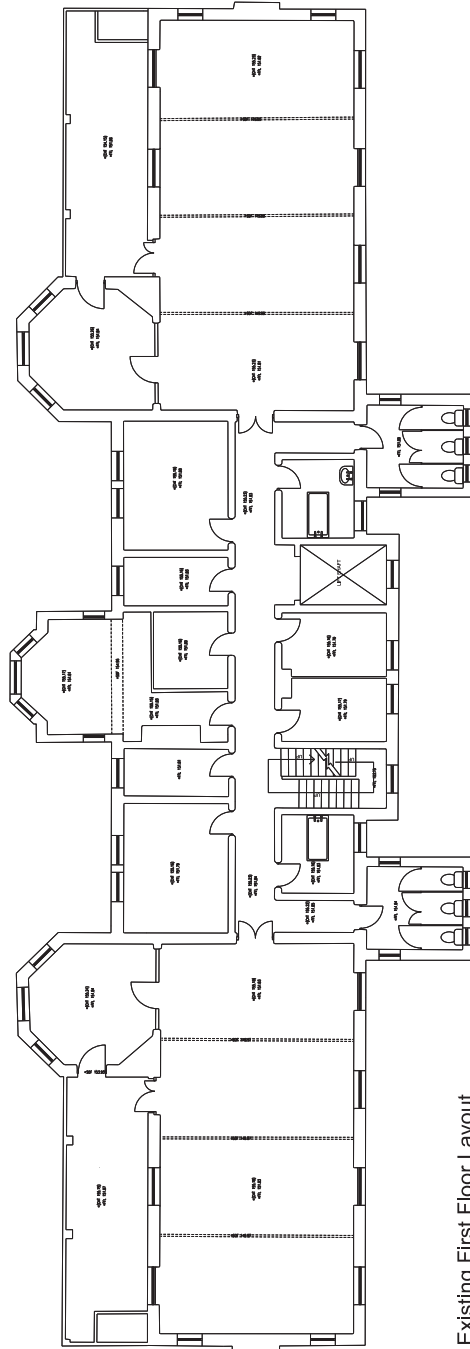
Revision

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Existing Second Floor Layout



Existing First Floor Layout

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- All dimensions shall be checked on site before commencement of shop drawings, manufacture and all discrepancies must be reported to TACP Architects Ltd

AFFORDABLE HOUSING PROVISION
3 Bed - Plots 9 & 10
2 Bed - Plots 13 & 14

Rev	Date	Description	By	Check
B	20-09-16	Notes received following planning officers comments	JH	VA
C	05-10-16	Layout amended to suit site constraints	JH	VA
D	20-03-17	Red Line Amended	JH	CE
E	20-03-17	Minor site amendments	TS	CE
F	15-05-17	Minor amendments following consultation period	JH	CE
G	18-09-17	House type plan layout revised to suit	VA	CE
H	23-02-17	Plots 5, 8 & 10 amended to form terrace block	JH	CE
J	25-03-19	Affordable housing provision indicated	VA	CE

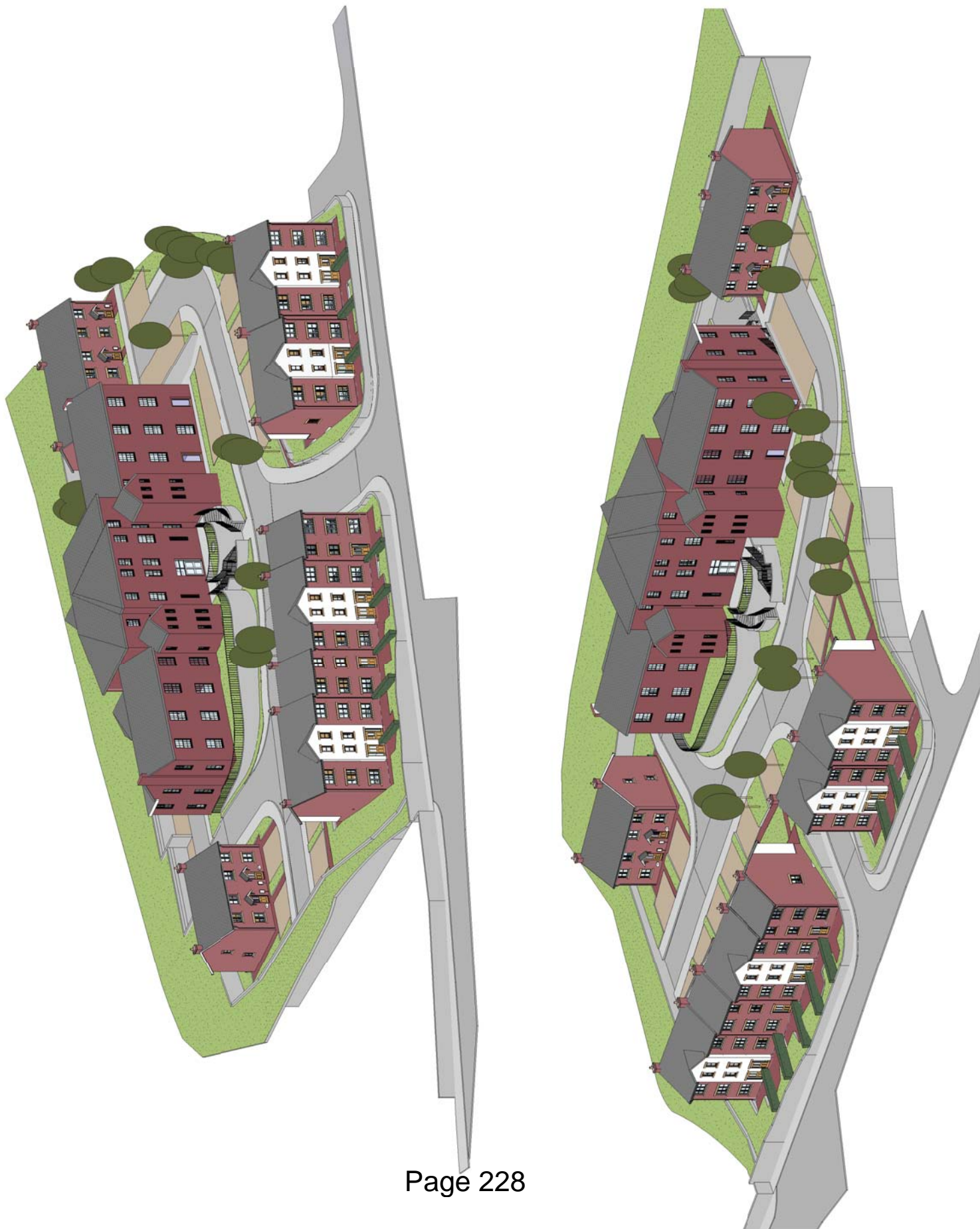
Client: WW Construction
Project Title: Luesly Development Site
Drawing Title: Site Layout
Scale: 1:200@A1
Date: 23-02-17
Drawn By: TS
Checked By: CE
Office: Wrexham
TDS Number: 15070
Drawing Number: ST-01
Revision: J

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Revisions			
Rev	Date	Description	By/Check
A	17.05.17	Revisions made following consultation period	JH CE
B	21.06.17	Points 5, 8, 9, 10 merged into form terrace block	JH CE

Comments

Client: **WW Construction**

Project Title: **Lluesty Development Site**

Drawing Title: **3D Site Perspective**

Scale: @ A1

Date: 12-12-16

Drawn By: JH

Checked By: CE

Office: Wrexham

Job Number: 15070

Drawing Number: ST-02

Revision: B

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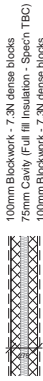
NOTES

Gas & electric meter cupboards - Provisional positions shown - to be confirmed by M & E consultants
 Extract terminals - Provisional positions shown - to be confirmed by M & E consultants
 This drawing should be read in conjunction with all relevant Architects, structural engineer and M&E consultants latest drawings

- ALL CHIMNEY STACKS TO BE CONSTRUCTED TRADITIONALLY USING FACING BRICKWORK (SEE SAMPLE) AND MORTAR.

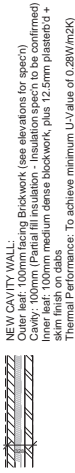
SEPARATING WALLS

Separating / Party Walls (via 275mm wide - excludes finishes)
 To meet Robust Detail E-WM-17 using 7.3N dense blocks



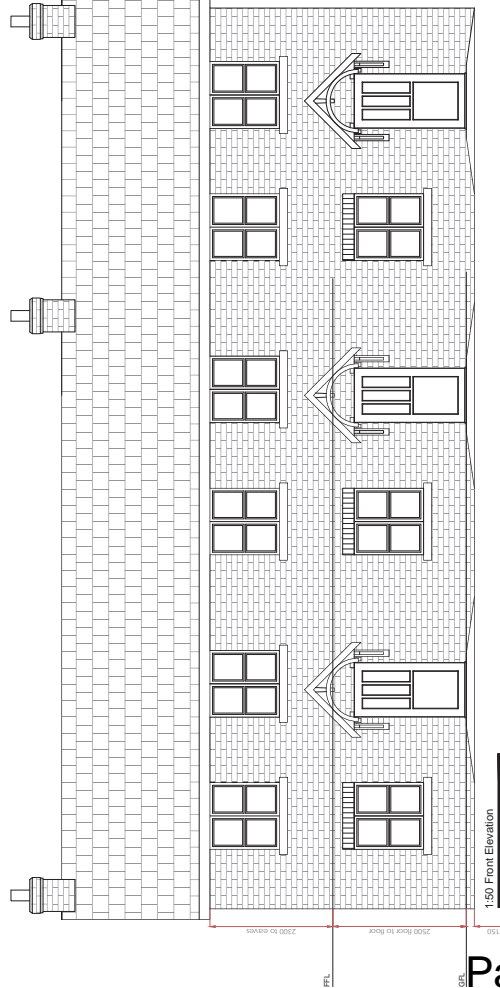
EXTERNAL WALL CONSTRUCTION

External Cavity Walls (via 300mm wide - excludes finishes)
 NEW CAVITY WALL:
 Outer leaf: 100mm facing Brickwork (see elevations for spacing)
 Cavity: 100mm (Partial fill insulation - Insulation space to be confirmed) + medium dense blockwork, plus 12.5mm plastered + skim finish on dabs
 Thermal Performance: To achieve minimum U-V alue of 0.28W/m2K)

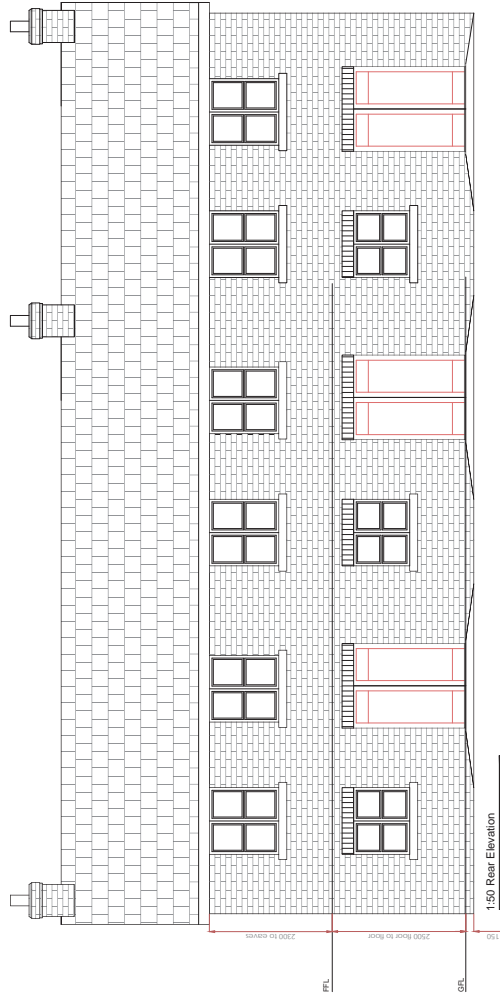


INTERNAL LOAD BEARING WALLS

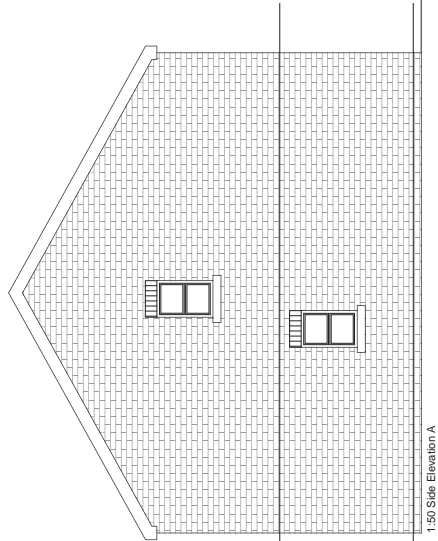
100mm Blockwork - to SE specification, plus 12.5mm plastered + skim finish on dabs



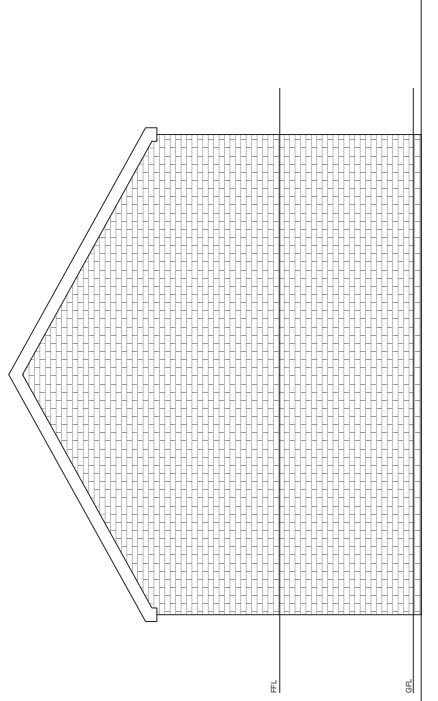
1:50 Front Elevation



1:50 Rear Elevation



1:50 Side Elevation A



1:50 Side Elevation B

MATERIAL SCHEDULE:

BRICKWORK - PLEASE SEE SAMPLE

ROOF - NATURAL SLATES

WINDOWS - WHITE UPVC

DOORS - WHITE UPVC

RAINWATER GOODS - BLACK UPVC

CILLS - ARTIFICIAL STONE CILLS

HEADS - BRICK SOLDIER COURSES



BELMONT HOUSE
 2 DALTON COURT
 CHALMERS ROAD
 DARWEN, LANCASHIRE
 BB5 8BS

PROJECT NO: RESIDENTIAL DEVELOPMENT
 Liversley Hospital
 Chester Old Road
 Helsby, Cheshire
 CH8 7SA

DRAWING NO: Plans 13 - 15

SCALE: B, A1

DATE: 20/12/19

SCALE: A, H 1:50

DRAWING NUMBER: BAK-11

REVISION

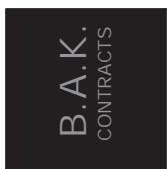
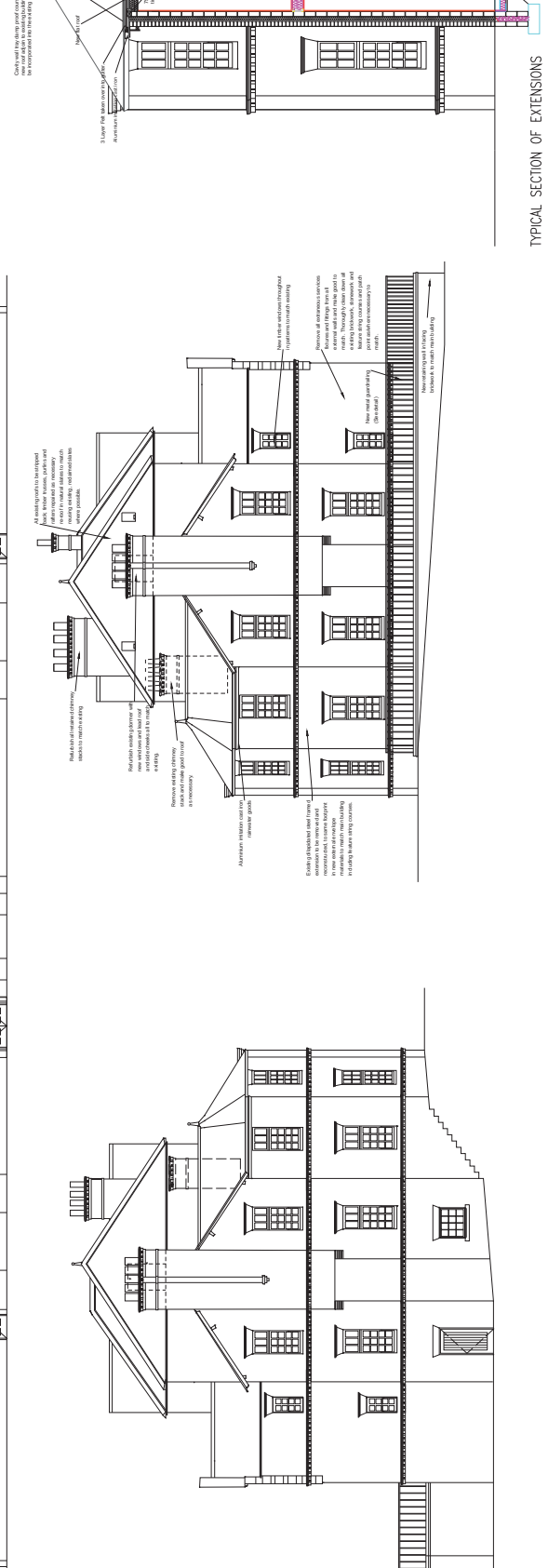
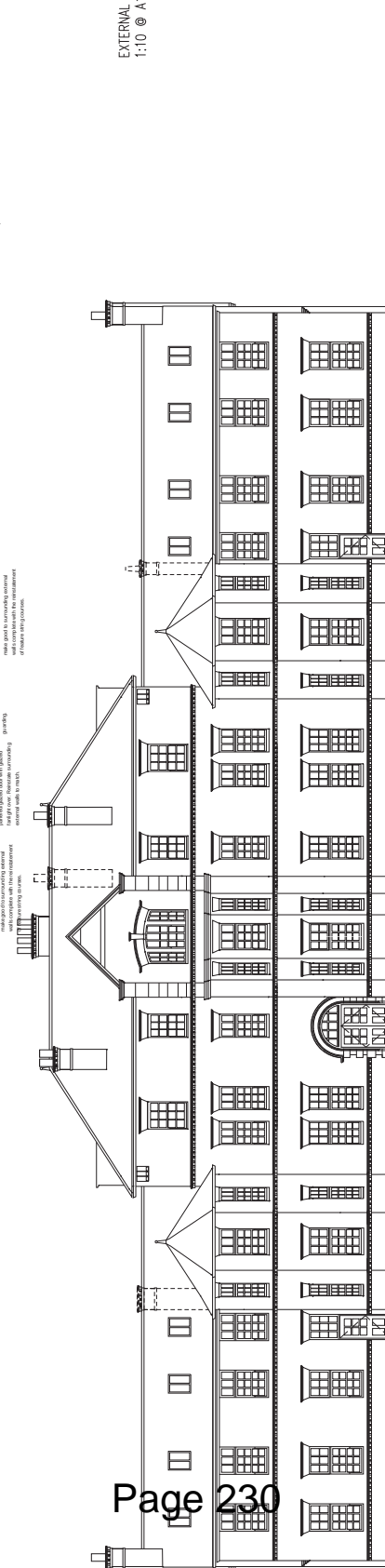
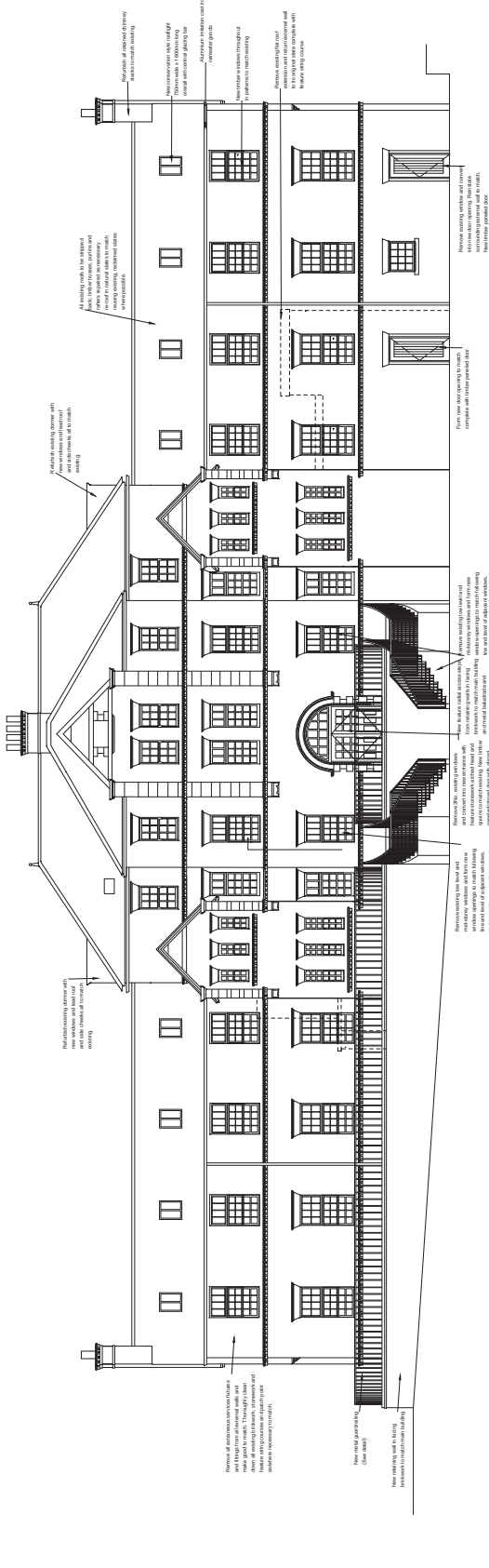
STAINLESS STEEL WALL TIES
 REINFORCING BARS AT 450 VERTICAL C/C
 AND 750 STAGGERED HORIZONTAL C/C
 REINFORCING BARS AT 450 VERTICAL C/C
 AND 750 STAGGERED HORIZONTAL C/C
 AT ALL OPENINGS. MAX. EMBEDMENT
 TO BE 50mm (TYPICAL).

DPC/DPM/
 CAVITY TRAY/
 TO ARCH DETAILS
 MIN 900
 MIN 225
 MIN 600
 FINISHES & INSULATION
 TO ARCHITECTS DETAILS
 200mm THK SUSPENDED SLAB
 REINFORCED WITH A393 MESH
 ON MIN 150mm THK WELL
 COMPACTED SAND BLUNDED

FOUNDATIONS TO BE BAKERS
 STRATA IN GEN3 MASS FILL
 (MAY BE CAST AS ONE)
 TYPICAL EXTERNAL WALL SECTION
 (1:20 @ A1)

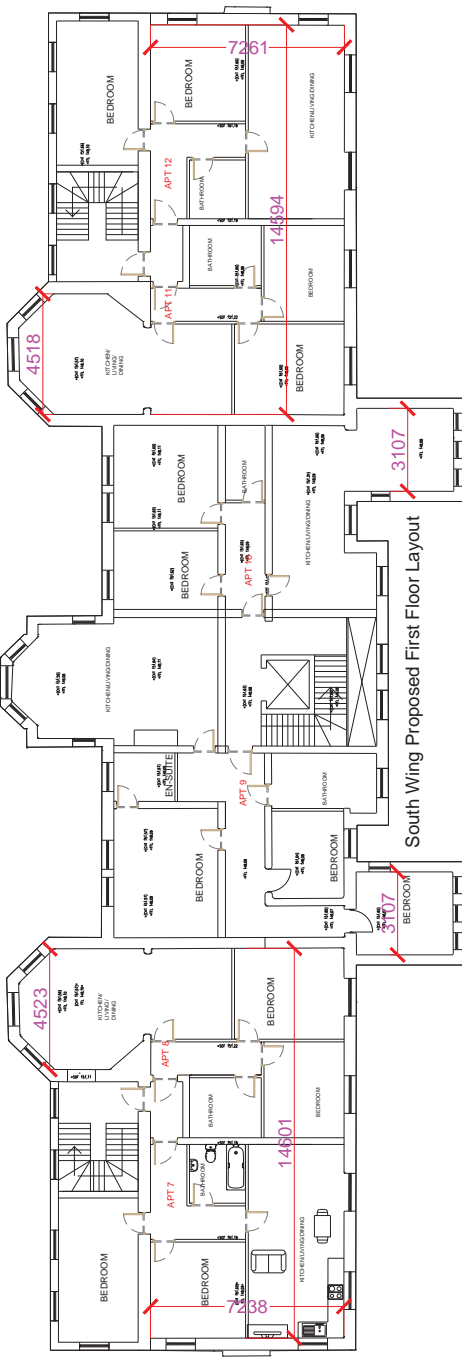
100mm AGGREGATE ULTRA BLOCK OR
 SIMILAR APPROVED
 102.5mm FACING BRICK
 STAINLESS STEEL WALL TIES TO E
 ANCHOR INTO MASS FLOOR
 ANCHOR INTO MASS FLOOR
 CONTINUOUS HORIZONTAL RIBBON OF
 20mm T.J JOISTS AT MAX 400mm
 CENTRES ON BOTH SIDES
 PERIMETER MCGOBBEN BRICK
 JOISTS FOR CHIMNEY AND
 FLOOR FINISH SUPPORT
 20mm KNAUF WALBOARD FINED TO
 UPPER FLOOR CONSTRUCTION CONSISTING OF
 GULF AND WELLED TO ADJUST TO JOISTS & ADJ
 JOISTS WITH 30mm SEMI
 CAVITY SLAB INSULATION (OR SIMILAR)
 UPPER FLOOR CONSTRUCTION CONSISTING OF
 GULF AND WELLED TO ADJUST TO JOISTS & ADJ
 JOISTS WITH 30mm SEMI
 CAVITY SLAB INSULATION (OR SIMILAR)
 ACCORDANCE WITH SPECIFIC INSTRUCTIONS
 NOTE ALL CEILING BOARDS TO BE STAGGERED
 RECTH 20mm SEMI FINISH ALL TO BE AS
 MANUFACTURERS DETAILS

EXTERNAL WALL & FLOOR JUNCTION
 1:10 @ A1

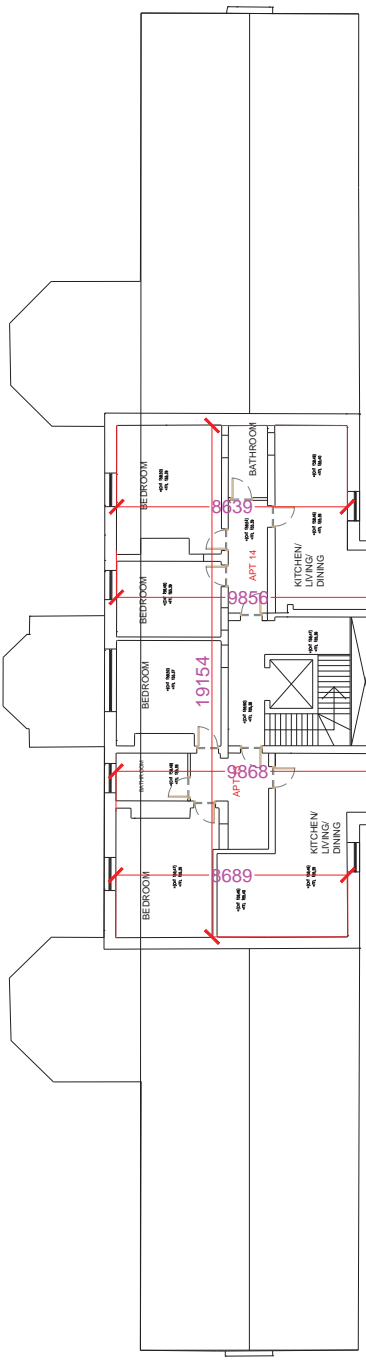


18 WALTHAMSTON
 2 DAKOTA COURT
 COMMERCIAL ROAD
 WALTHAMSTON
 EBS 3 0D5
 RESIDENTIAL DEVELOPMENT
 Luesty Hospital
 Chester Old Road
 Holywell
 CH7 7SA
 drawing title
 Elevation and section
 issue stage
 date
 07/07/20
 A-H
 scale
 1:100/1:50
 drawing number
 BAK-27
 revision

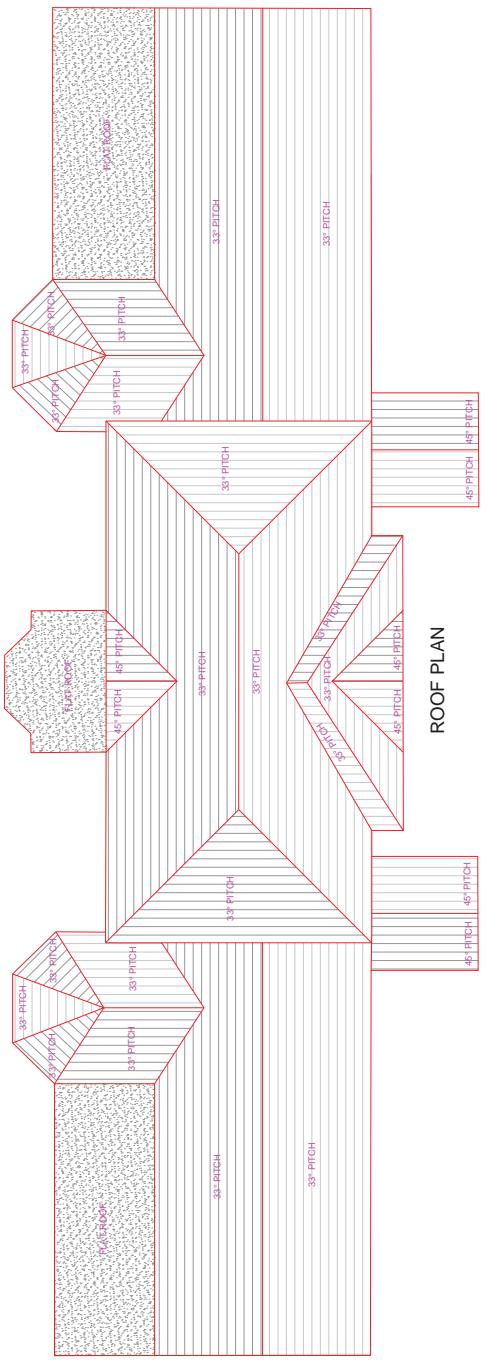
TYPICAL SECTION OF EXTENSIONS



South Wing Proposed First Floor Layout



South Wing Proposed Second Floor Layout



ROOF PLAN

GENERAL NOTES

Gas & electric meter cupboards - Provisional positions shown - to be confirmed by M & E consultants
 Extract terminals - Provisional positions shown - to be confirmed by M & E consultants
 This drawing should be read in conjunction with all relevant Architects, structural engineer and M&E consultants latest drawings

- ALL CHIMNEY STACKS TO BE CONSTRUCTED TRADITIONALLY USING FACING BRICKWORK (SEE SAMPLE) AND MORTAR.

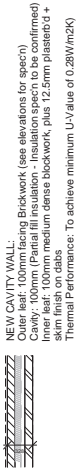
SEPARATING WALLS

Separating / Party Walls (via Z75mm wide - excludes finishes)
 To meet Robust Detail E-WM-17 using 7.3N dense blocks



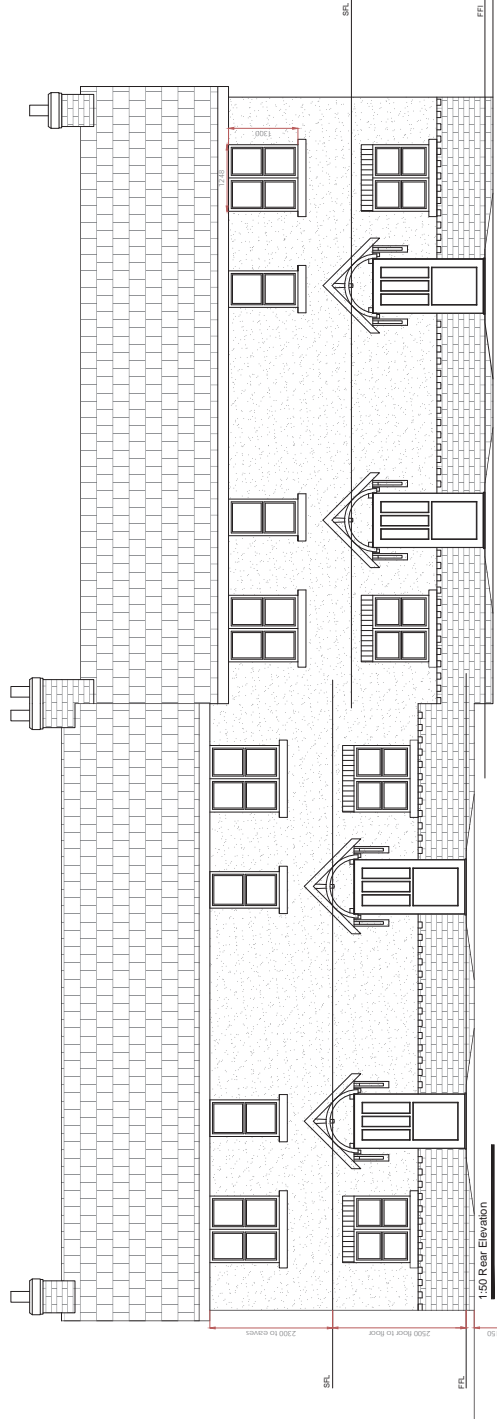
EXTERNAL WALL CONSTRUCTION

External Cavity Walls (via 300mm wide - excludes finishes)



INTERNAL LOAD BEARING WALLS

100mm Blockwork - to SE specification, plus 12.5mm plaster/d + skim finish on dabs



MATERIAL SCHEDULE:

- BRICKWORK - PLEASE SEE SAMPLE
- ROOF - NATURAL SLATES
- WINDOWS - WHITE UPVC
- DOORS - WHITE UPVC
- RAINWATER GOODS - BLACK UPVC
- CILLS - ARTIFICIAL STONE CILLS
- HEADS - BRICK SOLDIER COURSES



BRUNNEN HOUSE
 2 LANTON COURT
 COMMERCIAL ROAD
 BR3 7DB

PROJECT REF:
 RESIDENTIAL DEVELOPMENT
 Limesly Hospital
 Chester Old Road
 Holywell
 CH8 7SA

drawing title: Plots 1 - 4

issue stage:

date: 20/12/19
 drawn: C.A.H.
 scale @ A1: 1:50
 drawing number: BAK-03
 revision:

GENERAL NOTES

Gas & electric meter cupboards - Provisional positions shown - to be confirmed by M & E consultants
 Extract terminals - Provisional positions shown - to be confirmed by M & E consultants
 This drawing should be read in conjunction with all relevant Architects, structural engineer and M&E consultants latest drawings

ALL CHIMNEY STACKS TO BE CONSTRUCTED TRADITIONALLY USING FACING BRICKWORK (SEE SAMPLE) AND MORTAR.

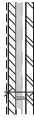
SEPARATING WALLS

Separating / Party Walls (via 275mm wide - excludes finishes)
 To meet Robust Detail E - WM-17 using 7.3N dense blocks



EXTERNAL WALL CONSTRUCTION

External Cavity Walls (via 300mm wide - excludes finishes)



NEW CAVITY WALL:
 Outer leaf: 100mm facing Brickwork (see elevations for spacing)
 Cavity: 100mm (Partial fill insulation - Insulation space to be confirmed) + medium dense blockwork, plus 12.5mm plastered + skim finish on dabs
 Thermal Performance: To achieve minimum U-Value of 0.28W/m2K

INTERNAL LOAD BEARING WALLS



100mm Blockwork - to SE specification, plus 12.5mm plastered + skim finish on dabs



MATERIAL SCHEDULE:

- BRICKWORK - PLEASE SEE SAMPLE
- ROOF - NATURAL SLATES
- WINDOWS - WHITE UPVC
- DOORS - WHITE UPVC
- RAINWATER GOODS - BLACK UPVC
- CILLS - ARTIFICIAL STONE CILLS
- HEADS - BRICK SOLDIER COURSES



BRUNNEN HOUSE
 2 LANTON COURT
 COMMERCE ROAD
 BR3 1DB

PROJECT REF:
RESIDENTIAL DEVELOPMENT
 Limesly Hospital
 Chester Old Road
 Holywell
 CH8 7SA

drawing title: **Floors 1 - 4**

issue stage:

date: 28/12/19
 drawn: A.H.
 scale @ A1: 1:50

drawing number: **BAK-04**
 revision:

GENERAL NOTES

Gas & electric meter cupboards - Provisional positions shown - to be confirmed by M & E consultants
 Extract terminals - Provisional positions shown - to be confirmed by M & E consultants
 This drawing should be read in conjunction with all relevant Architects, structural engineer and M&E consultants latest drawings

SEPARATING WALLS

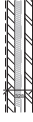
Separating / Party Walls (via 275mm wide - excludes finishes)
 To meet Robust Detail E-WM-17 using 7.3N dense blocks



100mm Blockwork - 7.3N dense blocks
 75mm Cavity (Full fill insulation - Spec'n TBC)
 100mm Blockwork - 7.3N dense blocks

EXTERNAL WALL CONSTRUCTION

External Cavity Walls (via 300mm wide - excludes finishes)

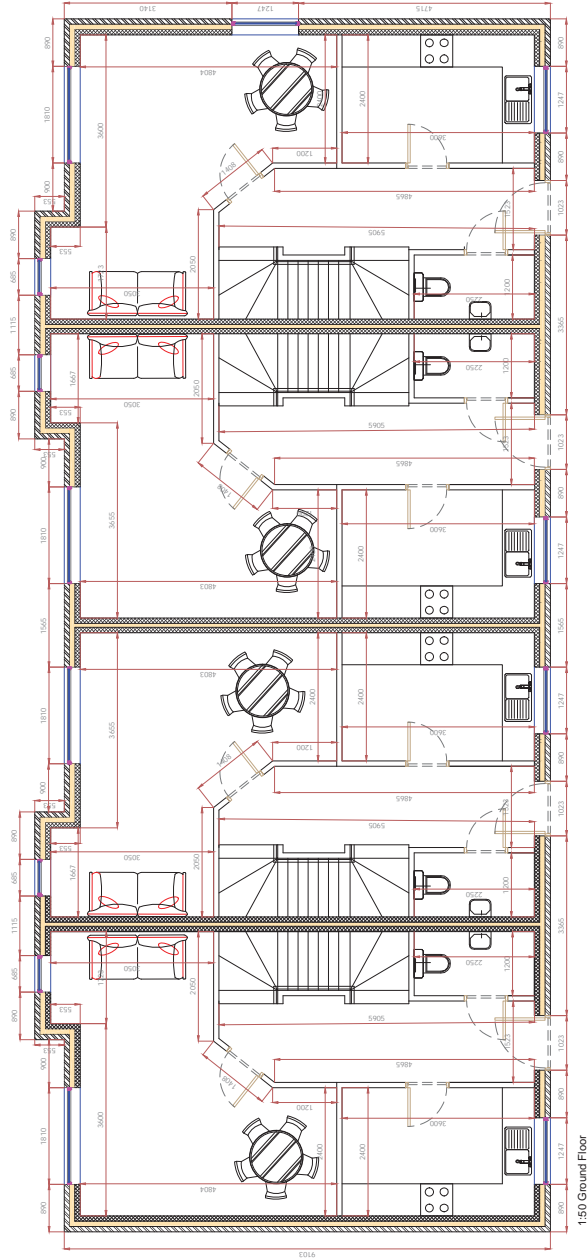


NEW CAVITY WALL:
 Outer leaf: 100mm facing Blockwork (see elevations for spacing)
 Cavity: 100mm (Partial fill insulation - Insulation space to be confirmed)
 Inner leaf: 100mm medium dense blockwork, plus 12.5mm plastered + skim finish on dabs
 Thermal Performance: To achieve minimum U-Value of 0.28W/m2K

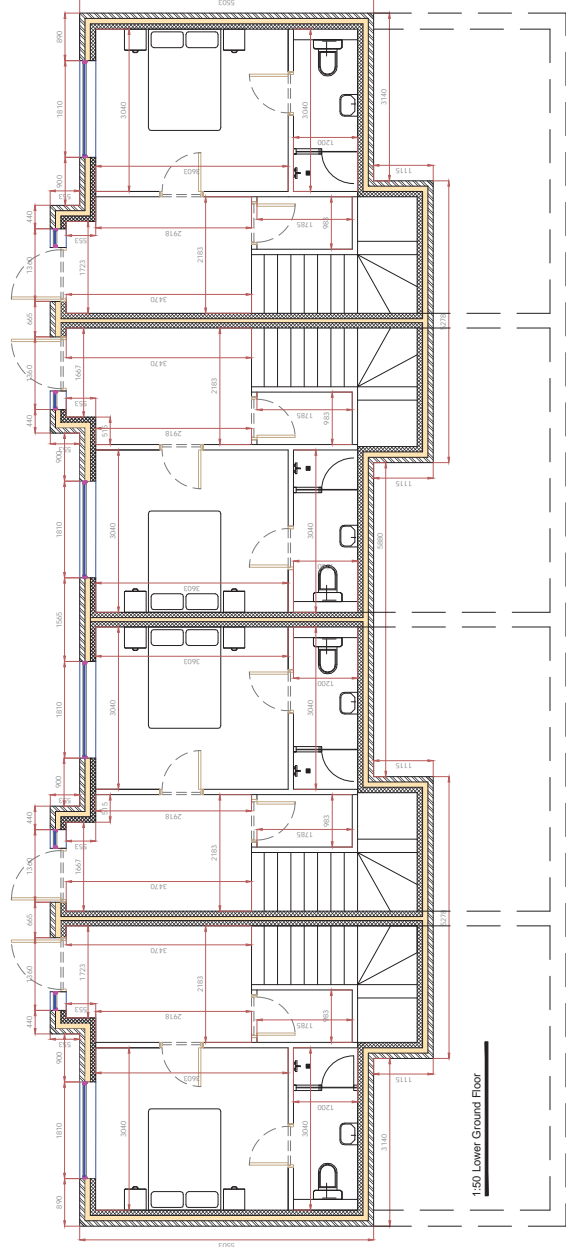
INTERNAL LOAD BEARING WALLS



100mm Blockwork - to SE specification, plus 12.5mm plastered + skim finish on dabs



1:50 Ground Floor



1:50 Lower Ground Floor



BELMONT HOUSE
 2 DALTON COURT
 CHERRY HILL ROAD
 DARWIN NT 1460
 BES 083

PROJECT NO: RESIDENTIAL DEVELOPMENT
 Luesley Hospital
 Chertsey Oval Road
 Halls Gap Vic
 CH8 7SA

Drawn By: P1618 - 4

Scale: B. A1

Date: 20/12/19

Author: A.H

Scale: 1:50

Drawn By: BAK-01

Project: 1618-04

GENERAL NOTES

Gas & electric meter cupboards - Provisional positions shown - to be confirmed by M & E consultants
 Extract terminals - Provisional positions shown - to be confirmed by M & E consultants
 This drawing should be read in conjunction with all relevant Architects, structural engineer and M&E consultants latest drawings

SEPARATING WALLS

Separating / Party Walls (via 275mm wide - excludes finishes)
 To meet Robust Detail E-WM-17 using 7.3N dense blocks

100mm Blockwork - 7.3N dense blocks
 75mm Cavity (Full fill insulation - Spec'n TBC)
 100mm Blockwork - 7.3N dense blocks

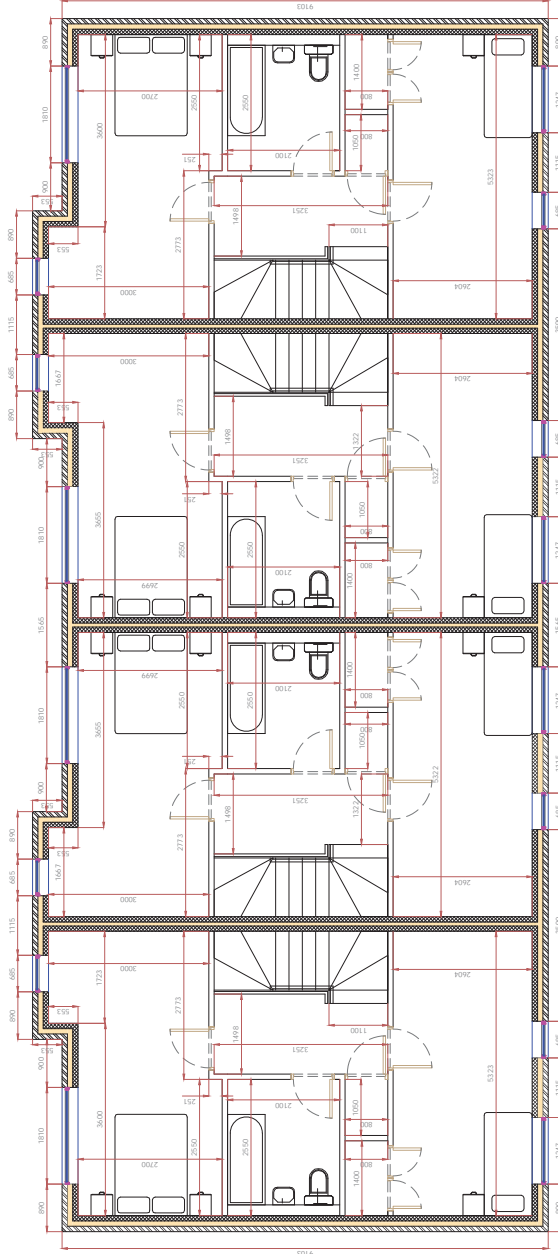
EXTERNAL WALL CONSTRUCTION

External Cavity Walls (via 300mm wide - excludes finishes)
 NEW CAVITY WALL:
 Outer leaf: 100mm facing Brickwork (see elevations for spacing)
 Cavity: 100mm (Partial fill insulation - Insulation spec to be confirmed)
 Inner leaf: 100mm medium dense blockwork, plus 12.5mm plaster/d + skim finish on dabs

100mm Blockwork - to SE specification, plus 12.5mm plaster/d + skim finish on dabs

INTERNAL LOAD BEARING WALLS

100mm Blockwork - to SE specification, plus 12.5mm plaster/d + skim finish on dabs



1:50 First Floor



BAK CONTRACTS
 2 LANTON COURT
 COMMERCIAL ROAD
 HOLWELL
 WALSLEY
 WOLFELEIGH
 WALSLEY
 WOLFELEIGH
 WALSLEY
 WOLFELEIGH

PROJECT REF: RESIDENTIAL DEVELOPMENT
 Linessy Hospital
 Chester Old Road
 Holywell
 CH8 7SA

drawing title: Plots 1 - 4

issue stage:

date: 20/12/19
 drawn: A.H.
 scale: @ A1
 1:50

drawing number: BAK-02
 revision:

GENERAL NOTES

Gas & electric meter cupboards - Provisional positions shown - to be confirmed by M & E consultants
 Extract terminals - Provisional positions shown - to be confirmed by M & E consultants
 This drawing should be read in conjunction with all relevant Architects, structural engineer and M&E consultants latest drawings

- ALL CHIMNEY STACKS TO BE CONSTRUCTED TRADITIONALLY USING FACING BRICKWORK (SEE SAMPLE) AND MORTAR.

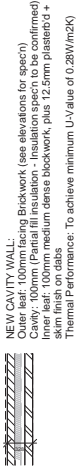
SEPARATING WALLS

Separating / Party Walls (via 275mm wide - excludes finishes)
 To meet Robust Detail E-WM-17 using 7.3N dense blocks



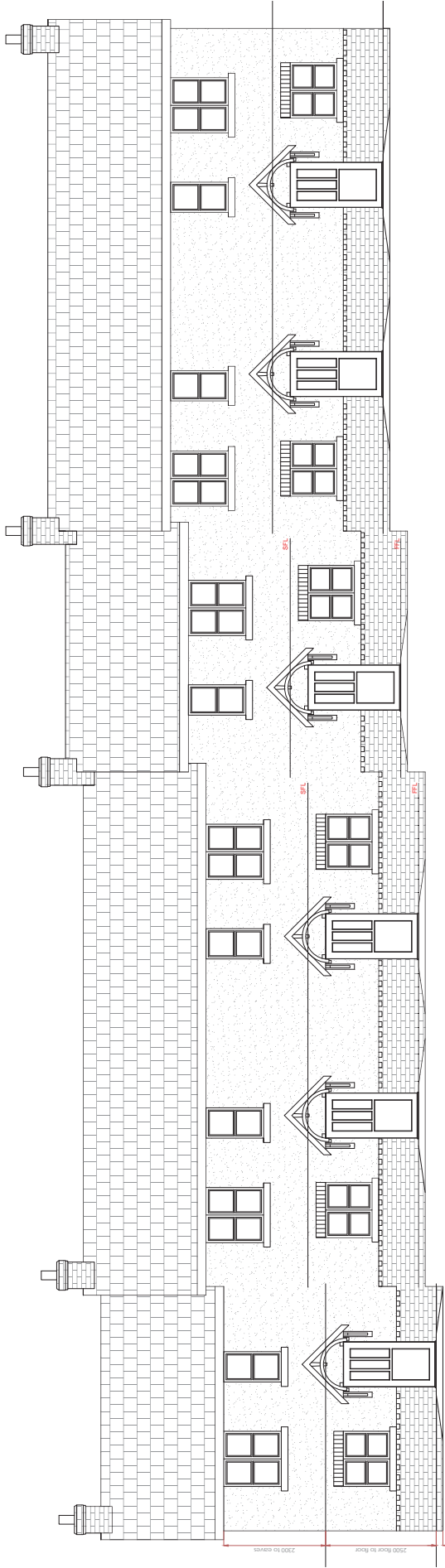
EXTERNAL WALL CONSTRUCTION

External Cavity Walls (via 300mm wide - excludes finishes)

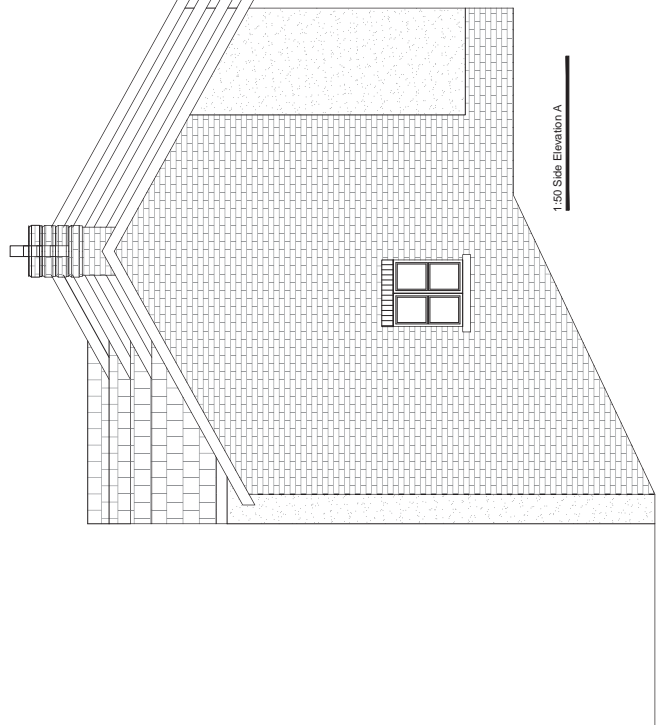


INTERNAL LOAD BEARING WALLS

100mm Blockwork - to SE specification, plus 12.5mm plastered & skim finish on dabs



1:50 Rear Elevation



1:50 Side Elevation A

MATERIAL SCHEDULE:

BRICKWORK - PLEASE SEE SAMPLE

ROOF - NATURAL SLATES

WINDOWS - WHITE UPVC

DOORS - WHITE UPVC

RAINWATER GOODS - BLACK UPVC

CILLS - ARTIFICIAL STONE CILLS

HEADS - BRICK SOLDIER COURSES



BRUNNEN HOUSE
 2 LANTON COURT
 COMPTON ROAD
 BR3 7DB

PROJECT REF:
RESIDENTIAL DEVELOPMENT
 Luesley Hospital
 Chester Old Road
 Holywell
 CH8 7SA

drawing title: **Plots 5 - 10**

issue stage:

date: 28/12/19
 drawn: A.H.
 scale @ A1: 1:50

drawing number: **BAK-07**
 revision:

GENERAL NOTES

Gas & electric meter cupboards - Provisional positions shown - to be confirmed by M & E consultants
 Extract terminals - Provisional positions shown - to be confirmed by M & E consultants
 This drawing should be read in conjunction with all relevant Architects, structural engineer and M&E consultants latest drawings

SEPARATING WALLS

Separating / Party Walls (via 275mm wide - excludes finishes)
 To meet Robust Detail E-WM-17 using 7.3N dense blocks

100mm Blockwork - 7.3N dense blocks
 75mm Cavity (Full fill insulation - Spec'n TBC)
 100mm Blockwork - 7.3N dense blocks

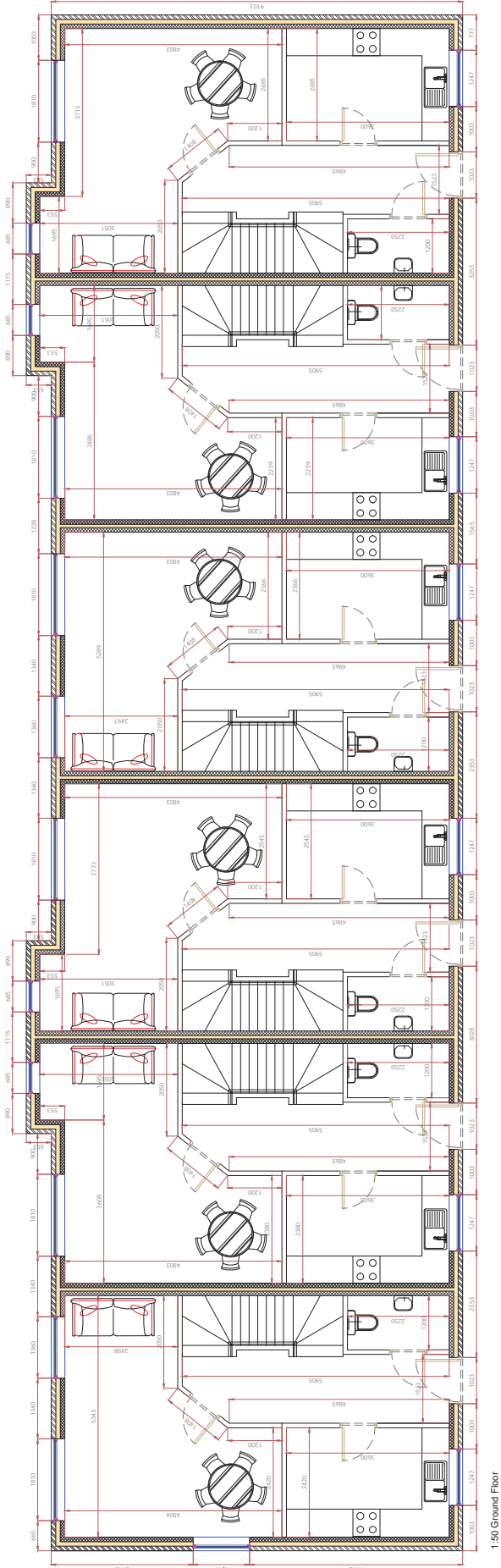
EXTERNAL WALL CONSTRUCTION

External Cavity Walls (via 300mm wide - excludes finishes)
 NEW CAVITY WALL:
 Outer leaf, 100mm facing Blockwork (see elevations for spacing)
 Cavity, 100mm (Partial fill insulation - Insulation spec'n to be confirmed)
 Inner leaf, 100mm medium dense blockwork, plus 12.5mm plaster/d + skim finish on dabs

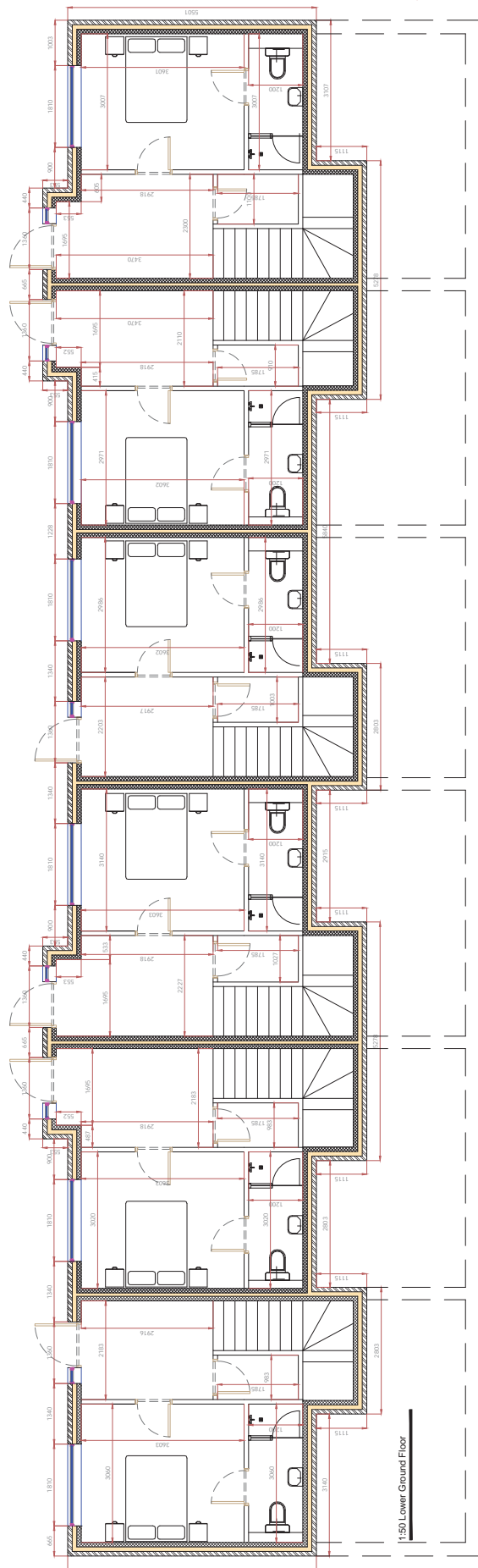
Thermal Performance: To achieve minimum U-Value of 0.28W/m²K

INTERNAL LOAD BEARING WALLS

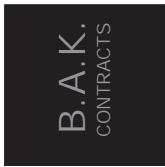
100mm Blockwork - to SE specification, plus 12.5mm plaster/d + skim finish on dabs



1:50 Ground Floor



1:50 Lower Ground Floor



BELMONT HOUSE
 2 DALTON COURT
 CHURCHILL
 DARWIN NT 08
 BES 855

PROJECT 186
 RESIDENTIAL DEVELOPMENT
 Luesley Hospital
 Chinesey Oval Road
 Hillside
 CHB 75A

Drawn by: B.S.
 P1615 - 10

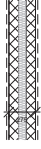
Scale: B. A1
 Date: 20/12/19
 A.H. 1:50
 Drawing Number: BAK-05

GENERAL NOTES

Gas & electric meter cupboards - Provisional positions shown - to be confirmed by M & E consultants
 Extract terminals - Provisional positions shown - to be confirmed by M & E consultants
 This drawing should be read in conjunction with all relevant Architects, structural engineer and M&E consultants latest drawings

SEPARATING WALLS

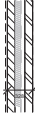
Separating / Party Walls (via Z75mm wide - excludes finishes)
 To meet Robust Detail E-WM-17 using 7.3N dense blocks



100mm Blockwork - 7.3N dense blocks
 75mm Cavity / Full fill insulation - Spec'n TBC
 100mm Blockwork - 7.3N dense blocks

EXTERNAL WALL CONSTRUCTION

External Cavity Walls (via 300mm wide - excludes finishes)

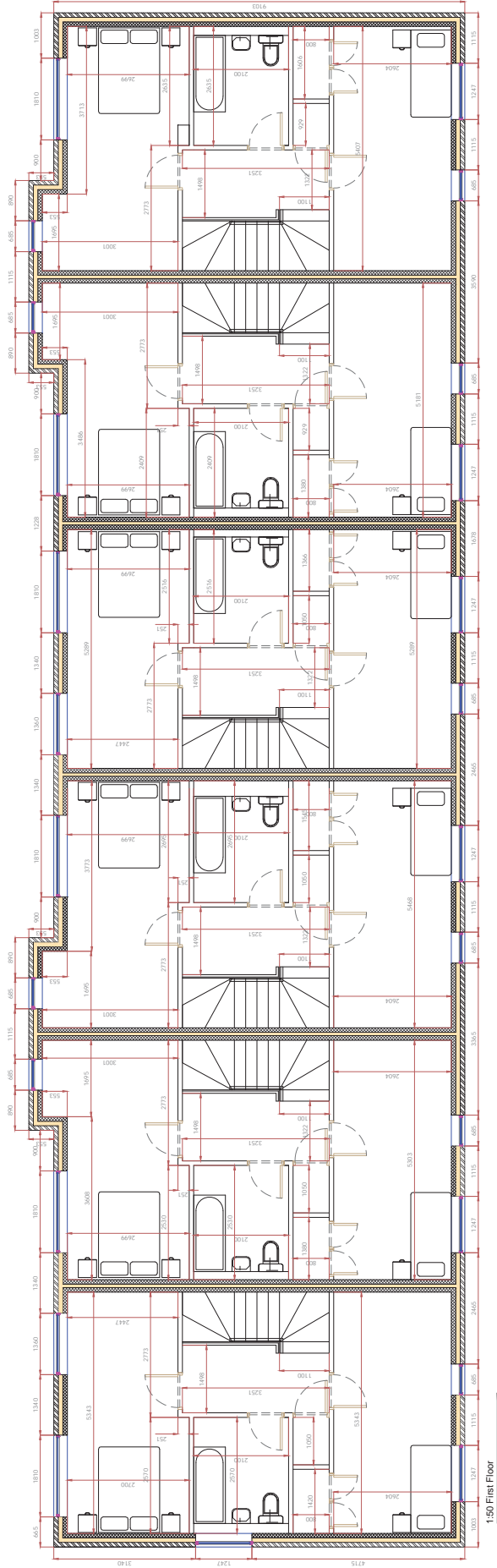


NEW CAVITY WALL:
 Outer leaf: 100mm facing Brickwork (see elevations for spacing)
 Cavity: 100mm (Partial fill insulation - Insulation space to be confirmed)
 Inner leaf: 100mm medium dense blockwork, plus 12.5mm plaster/d + skim finish on dabs
 Thermal Performance: To achieve minimum U-value of 0.28W/m2K

INTERNAL LOAD BEARING WALLS



100mm Blockwork - to SE specification, plus 12.5mm plaster/d + skim finish on dabs



PROJECT: BELMONT HOUSE 2 DALTON COURT CHESTERFIELD ROAD DARWEN BB5 5BB	DRAWN: A.H	SCALE: B.A1 1:50
PROJECT NO: RESIDENTIAL DEVELOPMENT Lloyds Hospital Chesterfield Road Huddersfield CH8 7SA	DRAWING NO: P1015 - 10	DATE: 20/12/19
DRAWN BY: BAK-06	CHECKED BY: A.H	DATE: 20/12/19

GENERAL NOTES

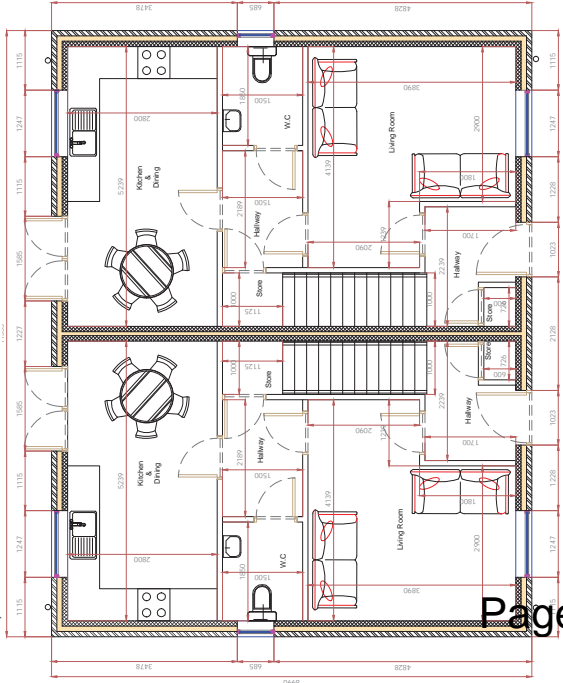
Gas & electric meter cupboards - Provisional positions shown - to be confirmed by M & E consultants
 Extract terminals - Provisional positions shown - to be confirmed by M & E consultants
 This drawing should be read in conjunction with all relevant Architects, structural engineer and M&E consultants latest drawings

ALL CHIMNEY STACKS TO BE CONSTRUCTED TRADITIONALLY USING FACING BRICKWORK (SEE SAMPLE) AND MORTAR.

SEPARATING WALLS

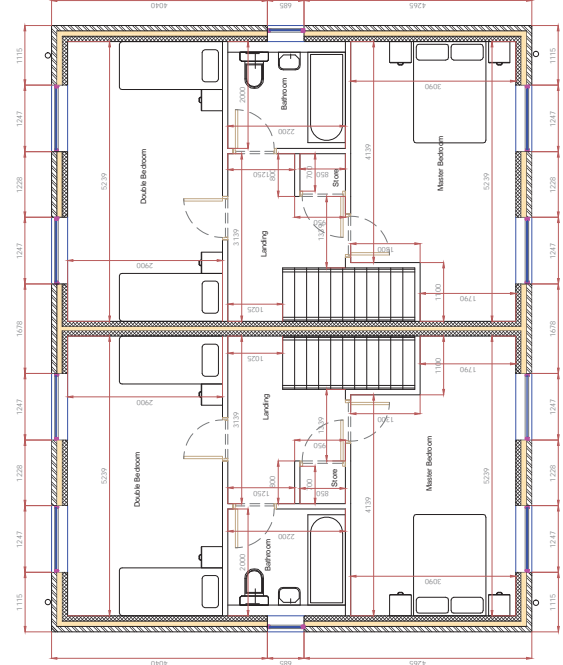
Separating / Party Walls (via 275mm wide - excludes finishes)
 To meet Robust Detail E-WM-17 using 7.3N dense blocks

100mm Blockwork - 7.3N dense blocks
 75mm Cavity (Full fill insulation - Spec'n TBC)
 100mm Blockwork - 7.3N dense blocks



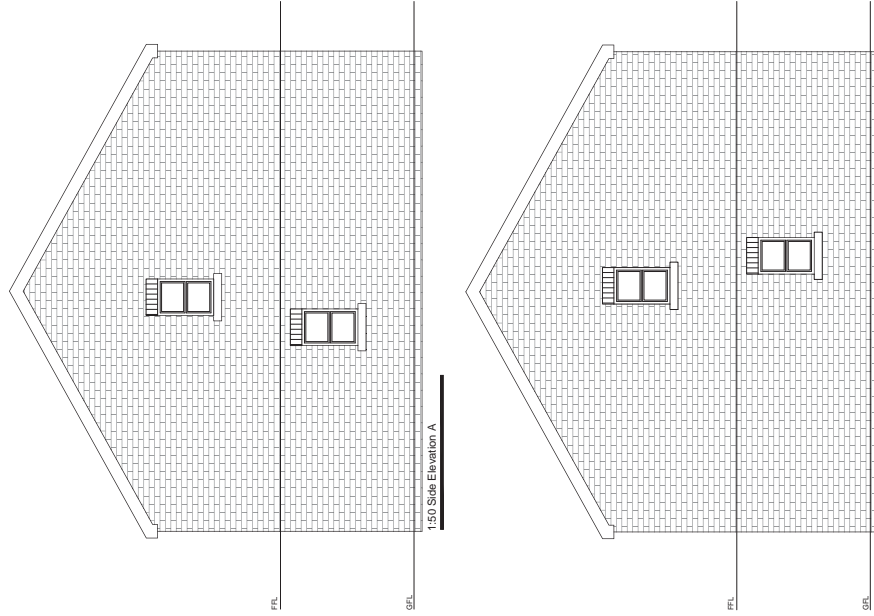
EXTERNAL WALL CONSTRUCTION

External Cavity Walls (via 300mm wide - excludes finishes)
 NEW CAVITY WALL:
 Outer leaf: 100mm facing Brickwork (see elevations for spacing)
 Cavity: 100mm (Partial fill insulation - Insulation spec'n to be confirmed) + medium dense blockwork, plus 12.5mm plaster/d + skim finish on dabs
 Thermal Performance: To achieve minimum U-V aue of 0.28W/m2K



INTERNAL LOAD BEARING WALLS

100mm Blockwork - to SE specification, plus 12.5mm plaster/d + skim finish on dabs

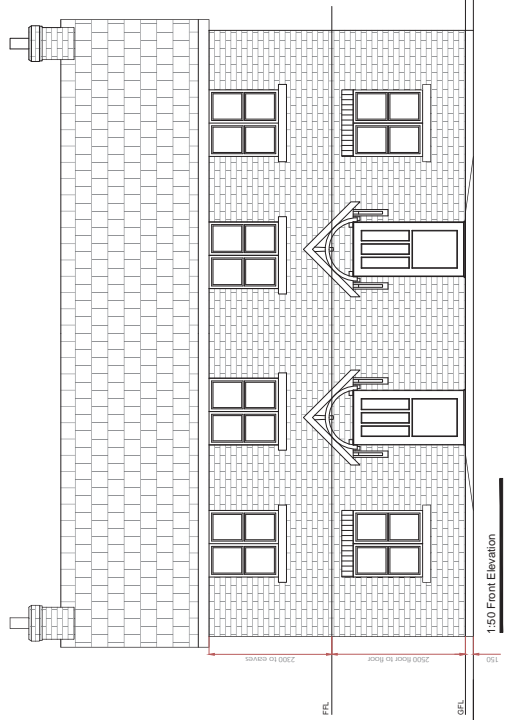


1:50 Ground Floor

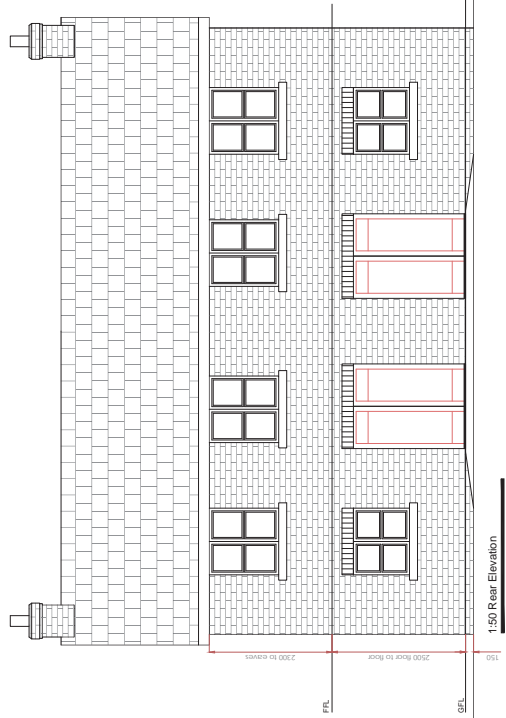
1:50 First Floor

1:50 Side Elevation A

1:50 Side Elevation B



1:50 Front Elevation



1:50 Rear Elevation

MATERIAL SCHEDULE:

- BRICKWORK - PLEASE SEE SAMPLE**
- ROOF - NATURAL SLATES**
- WINDOWS - WHITE UPVC**
- DOORS - WHITE UPVC**
- RAINWATER GOODS - BLACK UPVC**
- CILLS - ARTIFICIAL STONE CILLS**
- HEADS - BRICK SOLDIER COURSES**

B.A.K. CONTRACTS

BELMONT HOUSE
 2 DALTON COURT
 COMPTON ROAD
 DURNFERRY
 BES 6ES

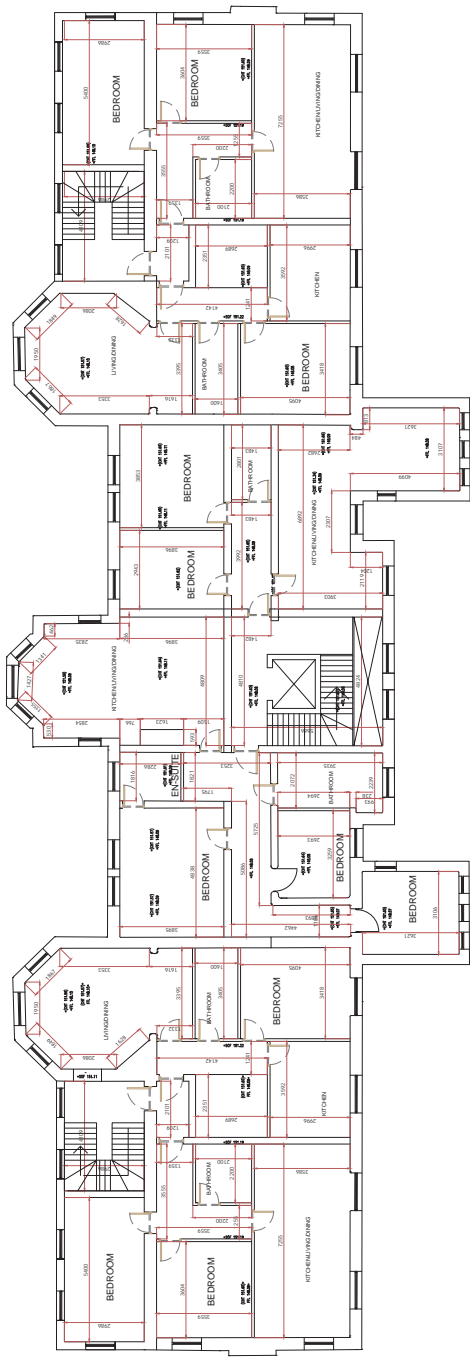
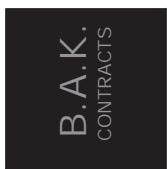
PROJECT 1807
 RESIDENTIAL DEVELOPMENT
 Llanusy Hospital
 Chester Road
 Holywell
 CH8 7SA

DRAWING NO: Plots 11 - 12

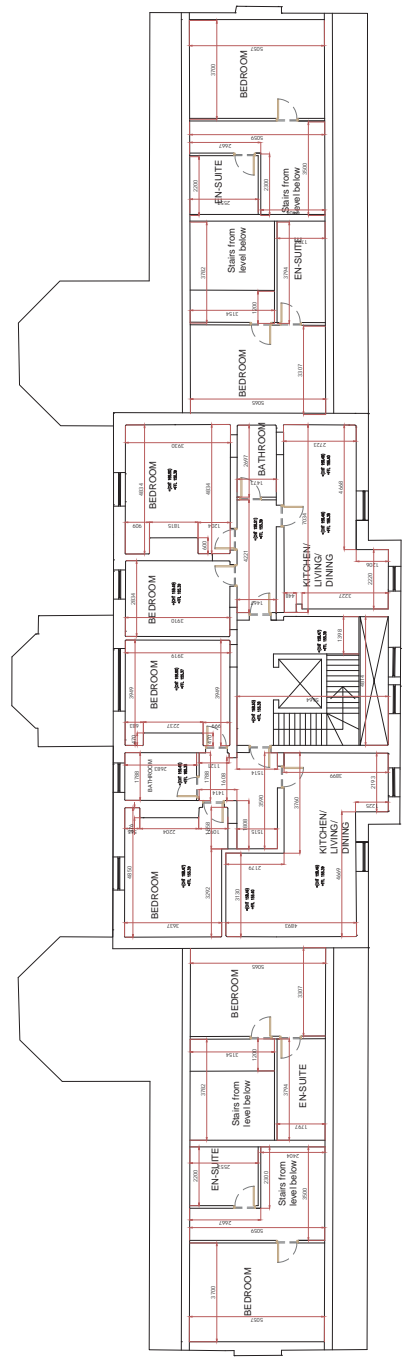
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 DATE: 20/12/19
 A.H.

PROJECT NO: BAK-09

CONTRACTOR: B.A.K. CONTRACTS LIMITED
 DRAWN: M. J. HARRIS
 CHECKED: M. J. HARRIS
 TO BE PRINTED WITH PERMISSION
 OF THE ARCHITECTS
 REVISED TO MATCH DRAWING ACTIVITY DATE
 09/06/20



South Wing Proposed First Floor Layout



South Wing Proposed Second Floor Layout



Bat Conservation Plan

Former Llesty Hospital,
Old Chester Road,
Milwr,
Holywell,
Flintshire,
CH8 7SA

Prepared on behalf of
BAK Contracts

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QUALITY MANAGEMENT

QUALITY MANAGEMENT – APPROVED PRIOR TO ISSUE			
Report Ref:	SE0910-01_BCP_J01b_DH		
Site Address:	Llesty Hospital, Old Chester Road, Milwr, Holywell, Flintshire, CH8 7SA		
Doc Title:	Llesty Hospital, Holywell - Conservation Plan, 26 th Aug20		
Issue Date:	August 2020	Revision No:	B
Prepared by:	Dr David Hackett, BSc (Hons) MLD PhD MCIEEM CEnv, Director	Signature:	
Approved by:	Amy Stanley, BSc (Hons), Senior Ecologist	Signature:	

1.0 Summary

- 1.1 Biora Ltd were commissioned by BAK Contracts in August 2020 to produce a long-term Bat Conservation Plan in response to the Natural Resources Wales' (NRW) letter (ref.: CAS-118882-B2R0) to Flintshire County Council of 27th July with regards the potential impact on bats of the proposed redevelopment of the former Llesty Hospital site, Holywell.
- 1.2 NRW requested additional information with regards the long-term conservation of bats (a European Protected Species) at this location. Specifically, NRW requested that the long-term **Bat Conservation Plan**
- 1.3 Details of the long-term management, including a dedicated bat compound, artificial roost features and a schedule of monitoring and external audit of the mitigation measures are provided in the following document.

2.0 Introduction

- 2.1 Biora Ltd were commissioned by BAK Contracts in August 2020 to produce a long-term Bat Conservation Plan in response to the Natural Resources Wales' (NRW) letter (ref.: CAS-118882-B2R0) to Flintshire County Council of 27th July with regards the potential impact on bats of the proposed redevelopment of the former Llesty Hospital site, Holywell.
- 2.2 NRW requested additional information with regards the long-term conservation of bats (a European Protected Species) at this location. Specifically, NRW requested that the long-term **Bat Conservation Plan** include the following:
- i. long-term site conservation management plan including surveillance, site management and wardening;*
 - ii. long-term post construction surveillance plan;*
 - iii. external ecological compliance audit scheme;*
 - iv. biosecurity risk assessment;*
 - v. dedication of a component area of the site specifically for long term bat conservation purposes;*
 - vi. freehold transfer of the bat conservation area to a body approved by the LPA, e.g. suitable third sector body; and*
 - vii. proposed index linked ground rent service charges to include conservation measures. Consequent provisions of this requirement to be included in any subsequent Section 106 Agreement / Unilateral undertaking.*
- 2.2 A bat survey report, submitted in 2016, in support of a previous planning application for this site, stated that two species of bats were present. Two subsequent ecological reports undertaken in 2018, identifying 4 species of bats, were submitted to support the previous application at this site (ref: 057006). These reports were:
- Bennett, D. (2018). *Bat Activity Survey for Llesty Hospital, Holywell, Flintshire*. Clwydian Ecology, Unpublished; and
 - Bennett, D. (2018). *Llesty Hospital, Holywell, Flintshire: Bat Mitigation Report*. Clwydian 2.Ecology, Unpublished.
- 2.3 The following long-term Bat Conservation Plan refers to the results and recommendations of these reports.

3.0 Bat Mitigation Proposals

3.1 Background

3.1.1 A bat survey report, submitted in 2016, in support of a previous planning application for this site, stated that two species of bats were present. Two subsequent ecological reports undertaken in 2018, identifying 4 species of bats, were submitted to support the previous application at this site (ref: 057006). These reports were:

- Bennett, D. (2018). *Bat Activity Survey for Llesty Hospital, Holywell, Flintshire*. Clwydian Ecology, Unpublished; and
- Bennett, D. (2018). *Llesty Hospital, Holywell, Flintshire: Bat Mitigation Report*. Clwydian Ecology, Unpublished.

3.1.2 The proposed mitigation for these bats, included:

- A lockable bat loft in the refurbished former main hospital building.
- A lesser horseshoe bat night-roost, to be constructed to the rear of the site in advance of any works to the main building
- A subterranean bat hibernaculum, to be constructed to the rear of the building, close to the night roost.
- Six Schwegler 2FR bat boxes will be installed into the brickwork walls on the rear elevation at a high level below the eaves. Two lots of three boxes will be installed with the internal side entrances removed to provide a larger roost space.
- Two Schwegler 1WI bat boxes will be installed on the south-east gable end wall of the main building.

3.1.3 This information was submitted as part of a current planning application for this site. Details of the structures and their locations are provided in the **Appendix**.

3.2 Surveillance and Monitoring (under licence)

3.2.1 The construction and demolition of the building will have to be carried out under the remit of a Natural Resources Wales European Protected Species licence, which will include agreed details and timing of the proposed works as it impacts of the conservation of bats at this location.

3.2.2 The following were proposed (Bennett, 2018 Bat Mitigation Report) as monitoring measures to be included within the scope of any licence agreement for this site.

- The site should be monitored for a period of **two years** (two active bat seasons) by the nominated ecologist to check the success (or otherwise) of the project. This should include an activity survey between June and mid-August as well as an internal inspection of the main bat roost area in the roof space.
- The site will be inspected before, during and after works start to ensure that the mitigation and terms of the license have been followed.
- The results from all monitoring visits will be sent back to Natural Resources Wales with the license returns.

3.3 Management Principles

3.3.1 The following are the proposed broad aims and general principles of the long-term **Bat Conservation Management Plan** to be followed subsequent to the demolition and construction work to support and maintain a favourable conservation status of bats at this location:

- Maintain and enhance suitable bat-feeding habitat throughout the site.
- Maintain or create safe passage for bats over or around buildings, new roads etc or other potentially hazardous obstacles, with particular consideration given to lighting and potential conflict with traffic, following best practice measures. Consideration will likewise be given to maintaining existing commuting routes that follow tree and hedge lines in and around the site by ensuring that no gaps are created that might otherwise discourage bat commuting.
- Monitor species and species numbers, and apply appropriate corrective measures under advice from a qualified bat ecologist where there is any significant decrease in numbers.
- All known roosting structures, including mature trees and purpose-built structures, including where there is no evidence of roosting, are to be regularly monitored to confirm structural integrity, with appropriate measures taken to rectify any defect, under licence as appropriate, as soon as feasible and in a way that would not disturb any bats at this location.
- Provide residents with information and guidance in relation to the presence, biology and legal and conservation status of bats at this location.
- Provide and maintain adequate, clearly-visible signage to inform residents and visitors to the site of the presence and legal status of the roost structures.
- Provide tool-box talks for contractors working on the site where there is a possibility of disturbance of bats and their roost structures.

3.4 Long-term Site Management, Monitoring and Wardening

3.4.1 Long-term monitoring will cover the following elements: 1., *on-going management and bat activity assessment*; 2., *external Ecological Compliance Audit Scheme*.

3.4.2 There will be regular inspection and mitigation measures (including repair, where necessary) of roost structures provided by a dedicated site, bat-licensed **Warden**.

3.4.3 **The Ecological Compliance Audit Scheme (ECAS)** will include systematic, documented, periodic and objective evaluation of the conservation status of bats at this location, including review of the efficacy of the management system and processes designed to protect the bats and their habitat, conducted by external auditor(s).

3.4.4 The ECAS is to provide **core indicators** or **performance indicators (KPIs)** with which the auditor(s) can measure performance and monitor their continual environmental improvement against set targets.

3.4.5 A qualified bat ecologist will be nominated to **warden** the site for bats, ie to check on the state of the bat conservation structures, the condition of the feeding and community areas and routes on site and to make recommendations for amendment, where necessary. Emergency repairs will be included in this remit, otherwise, recommendations are to be made to the maintenance team where structural repairs or landscape work are required with work conducted under the oversight of the nominated bat ecologist.

3.5 KPIs for Bat Conservation: Bat Numbers and Species

3.5.1 Bats are, generally, indicators of biodiversity in that **the numbers and species of bats present** throughout the year at any location will reflect the state of the habitats in which they feed. While one of the Key Performance Indicators will simply be **the number and species of bats at this location**, the site cannot be divorced from the wider environment, with bats relying on access to food sources outside of the site and recruitment and exchange of individuals with other populations. Compliance will, in this respect, mean maintaining similar numbers and species at this site. The mitigation work should not be held to account if this number falls where this reflects a fall in the region generally due to factors beyond the site level. It is, therefore, recommend that all figures are to be adjusted to account for **Welsh national trends** (eg. there was a 3.2% increase from 1999-2015 (BCT)), with statistical assessment of productivity fluctuations etc to check that results lie within an expected range and give no cause for concern. Key figures to be measured include, for each of the species recorded:

- 1 Maternity roosting and pup and juvenile counts
- 2 Night roosting
- 3 Hibernation counts

3.6 Monitoring Programme

The ECAS Monitoring Programme is to include:

- Monitoring undertaken annually for five years after the two-year licenced monitoring period.
- New roosts are to monitored by internal inspection four times annually (spring, summer, autumn, winter)
- Pre-parturition and juvenile counts at any maternity roosts
- Hibernation counts for the hibernaculum
- Monitoring schedule to include 2 no activity surveys during peak of activity in spring and summer using manual and static detectors, plus additional ad hoc monitoring to determine bat usage of the site.

4.0 Biosecurity

4.1 Biosecurity - General

- 4.1.1 Biosecurity is the term applied to the measures taken to prevent the introduction and/or spread of harmful organisms, in order to minimise the risk of transmission of infectious diseases to people, animals and plants caused by viruses, bacteria or other microorganisms. The creation of bat roost structures in the grounds of the former hospital and in the roof void of the building, create an environment where there may be increased encounter between people and bats. The aim of the biosecurity measures employed for the permitted development will be to minimise the risks of transmission of disease between bats and humans and *visa versa*.
- 4.1.2 The transmission of disease between humans and bats is extremely rare, but it is important to understand those risks in order, through provision of information and guidance, to minimise public and residents' concerns as well as to plan for worst-case scenarios.

4.2 Zoonotic Spillover

- 4.2.1 Bats have been identified as hosts of some viruses - 'zoonoses' or 'zoonotic diseases' (human diseases originating in animals) - that can impact human health. Rabies Lyssavirus and Coronavirus are two well-known examples of viruses that may be transmitted via bats.
- 4.2.2 Transmission of a virus from wild animals to humans is normally the result of human alterations to the environment. With bats, destroying their habitat (for example, by deforestation and intensive building) and the intensification of livestock farming, can mean that they are forced to live more closely to humans, livestock and pets than they would naturally, and could potentially lead to transmission of disease to humans. This transmission of pathogen from animal to human, often through an intermediary species or **vector** is referred to as **zoonotic spillover**.
- 4.2.3 Zoonotic spillover transmission is promoted by successive processes that enable an animal pathogen to establish infection in a human. The probability of zoonotic spillover is determined by interactions of several factors, including disease dynamics in the reservoir host, pathogen exposure and the within-human factors that affect susceptibility to infections. These factors can be partitioned into three phases that describe all major routes of transmission.
- 4.2.4 In the **first phase**, the amount of pathogen available to the human host in a given space and time, known as the **pathogen pressure**, is determined by interactions among reservoir host distribution, pathogen prevalence and pathogen release from the reservoir host, followed by pathogen survival, development and dissemination outside of the reservoir hosts.
- 4.2.5 **Second**, human and vector behaviour determine pathogen exposure; specifically, the likelihood, route and dose of exposure.
- 4.2.6 **Third**, genetic, physiological and immunological attributes of the recipient human host, together with the dose and route of exposure, affect the probability and severity of infection.

4.3 Coronavirus

- 4.3.1 The Secretariats of the Convention on the Conservation of Migratory Species of Wild Animals, the Agreement on the Conservation of Populations of European Bats and the Agreement on the Conservation of African-Eurasian Migratory Waterbirds have issued a statement of [facts relating to bats and COVID-19](#).
- 4.3.2 Coronaviruses are a large family (Coronaviridae) of viruses and, although they include a small number of very serious respiratory viruses (such as SARS-CoV-2, the virus that is causing the

coronavirus disease (COVID-19) pandemic), they also include a huge number of other viruses which are not harmful (such as the common cold).

- 4.3.3 The virus that causes COVID-19 has not been isolated from any of the UK's 17 resident breeding bat species, and the *there are no known zoonotic (harmful to humans) coronaviruses found in UK bats*. It is important to stress that in this pandemic it is humans, not bats, that are transmitting COVID-19 to other humans.
- 4.3.4 Many bat species need our help to survive and some bat species have legal protection (all do here in the UK) but globally many don't and much more needs to be done to ensure the survival of bats and other wildlife around the world.

Transmission of Covid19 to Bats

- 4.3.5 There have been a small number of cases where dogs, cats (both domestic pets and big cats in a zoo), and mink have tested positive for the virus following close contact with their owners/handlers, who were known or suspected to have had COVID-19 (11). None of these cases
- 3.3.6 It is not yet known whether humans can pass the COVID-19 virus to animals in the wild, but the biosecurity of this protected species must also be considered within the measures to prevent the spread of pathogens.

4.4 Rabies Virus

- 4.4.1 A small number of bats in the UK have been found to carry rabies viruses called European Bat Lyssaviruses (EBLV). There are two known rabies viruses found in the UK: EBLV-1 and EBLV-2 (these are not the same as the classical rabies virus, which has never been found in a bat in Europe). Rabies caused by infection with EBLV has only been associated with one human case in the UK and EBLVs have only been found in a small number of bats despite more than 15,000 bats having been tested by the [Animal & Plant Health Agency](#) since 1986. EBLVs are transmitted via a bite or scratch therefore there is no risk if you do not handle bats

4.5 Other diseases

- 4.5.1 Bats do not host any more disease-causing (zoonotic) viruses than any other groups of animals (mammals and birds) of similar species diversity (13). Taken as a group, bats are considered 'reservoirs' (long-term hosts) of a number of viruses but most of these are not harmful and cannot be passed to humans.

Bat Urine and Bat Faeces (Droppings)

- 4.5.2 Most commonly bat droppings accumulate underneath the roost, and below the points bats use to access a building or a roosting area. All UK bats feed on insects, so their droppings are made up of dried insect remains.
- 4.5.3 On extremely rare occasions there are health risks from allergic reactions, dust inhalation (e.g. if cleaning up very large quantities of droppings), and gastro-intestinal infection from consumption of droppings. These risks can all be avoided by following simple precautions (e.g. wearing a dust mask when clearing droppings) and maintaining basic standards of hygiene.

Bat Urine

- 4.5.4 The main concern with bat urine does not relate to human health but the fact it contains high concentrations of uric acid which can corrode metal. Bat urine also causes etching of polished surfaces and staining of light-coloured fabric and porous stone such as marble and alabaster.

4.6 Measures to prevent the spread of pathogens

- 4.6.1 The following sets out the guidance for individuals who come into close proximity to bats and/or their faeces and urine. These individuals generally fall into two categories: an unpredicted encounter by those who happen upon bats, either, typically, injured or captured within an enclosed; and, a planned encounter by professionals or amateurs with appropriate training and or licences to inspect for or handle bats.
- 4.6.2 The licensed individual will have read and have proven ability, via a training course as to the means of handling bats and protection from disease transfer. This information is available through the BCT website (<https://www.bats.org.uk/>).
- 4.6.3 Because there will be dedicated bat roosts structures within the grounds of the building and in the roof structure of the former hospital, chance encounter is going to be more likely, with perhaps individuals driven by curiosity visiting these structures. It is would be important in this instance therefore that residents are fully informed of the procedure to follow and to inform other of the procedures and that appropriate signage is used (see Appendix).
- 4.6.4 Signage and advice should include a contact number for a competent and licenced ecologist and the BCT helpline (0345 1300 228) as a source of advice.
- 4.6.5 The guidance provided by the BCT where there is imminent danger to the bat and to move the bat to safety is as follows:
- 1 If you find a grounded or injured, it is recommended that you cover your nose and mouth when you have to get near to the bat to contain it. It doesn't have to be a proper face mask – you can use a tea towel or T-shirt. Please see BCT [advice pages if you find a bat](#).
 - 2 If you do need to handle a bat (i.e. if it is grounded/injured – it is legal to handle a bat where the purpose is for rescue) wear gloves to protect yourself from any potential risk. It is always good practice to wear gloves when handling wild animals anyway.
 - 3 Minimise handling
 - 4 If the bat is injured, it can be contained in a box and a vet of the BCT helpline contacted for further advice. Further information is provided on the BCT website. (<https://www.bats.org.uk/advice/help-ive-found-a-bat/how-to-contain-a-bat>)
- 4.6.6 For more information please see the BCT pages about [bats and rabies](#) and [what to do if you find a grounded bat](#). No other zoonotic diseases have been found in UK bats.

5.0 Compound Area of Site for Long-term Bat Conservation

- 5.1 An area of land, offset around the hibernaculum and night roost, will be enclosed in a 1.8 m high chain-link fence with native species hedgerow. There will be signs attached to the entrance advising the public to keep out (see Appendix).
- 5.2 The compound will include an elevated infra-red camera overlooking the entrances with live feed. Access is to be provided to approved conservation groups interested in monitoring the activity of bats at this location.
- 5.3 The freehold of area will be transferred to an body approved by the LPA and maintenance will be funded by an index-linked ground service charge.

6.0 Management Mechanism

6.1 Details of body or Organisation Responsible for Implementation of the Bat Conservation Plan

6.1.1 The body or organisation responsible for the implementation of the Bat Conservation Plan will be BAK Contracts.

6.2 Details of the Legal and Funding Mechanism(s)

6.2.1 There will be freehold transfer of the bat conservation area to a body approved by the LPA, e.g. suitable third sector body.

6.2.2 Funding will be through a proposed index-linked ground-rent service charges to include conservation measures. Consequent provisions of this requirement to be included in any subsequent Section 106 Agreement / Unilateral undertaking.

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APPENDICES

Recommended Bat Mitigation Measures

A – Features to be provided for bats

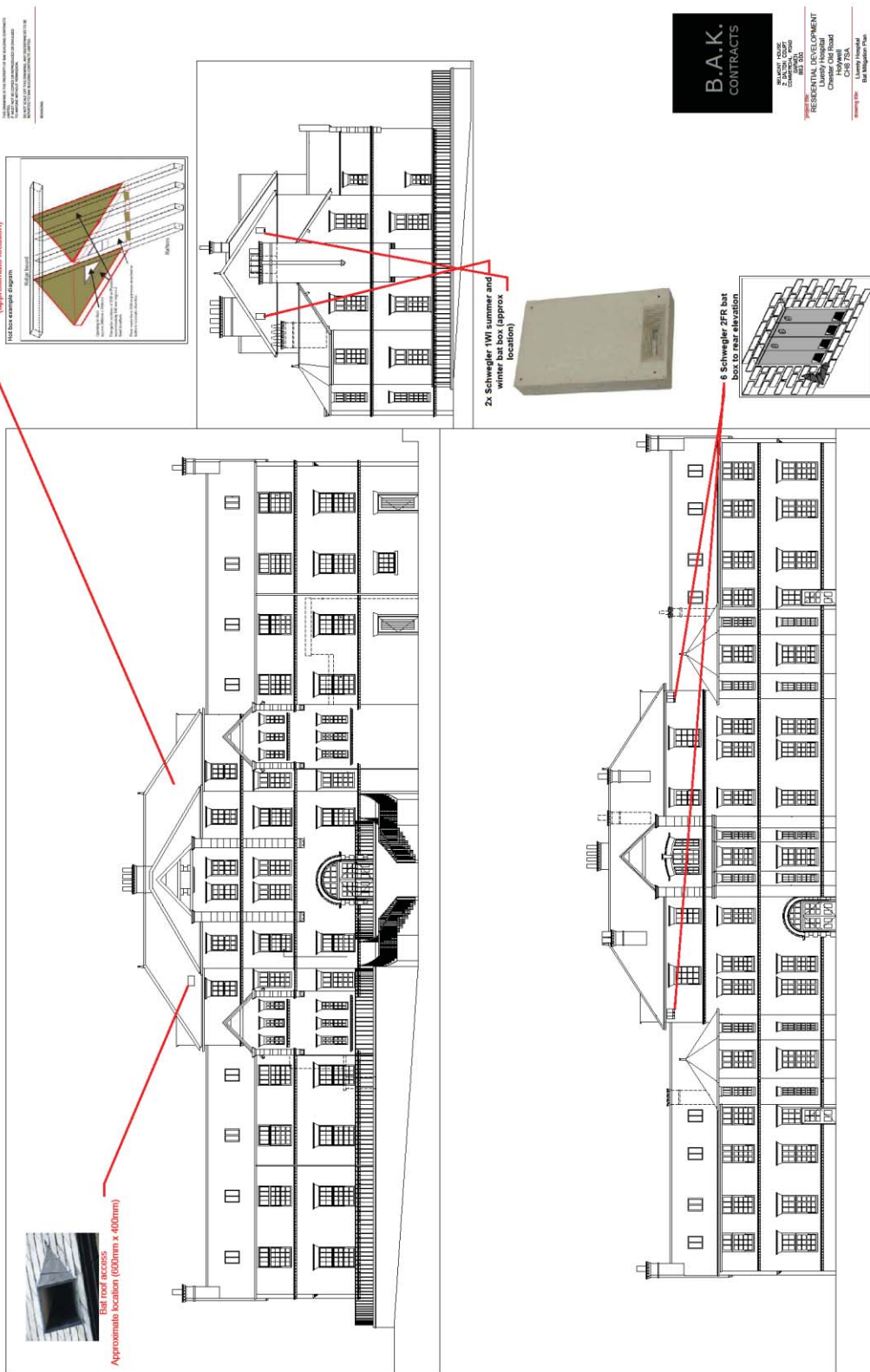
The roost features within the converted building will incorporate the following:

- A bat loft will be created above the main living areas on the top floor as shown in the diagram below. This will measure approximately 18.5 metres in length, 8.5 metres wide and the internal height will be about 2.8 metres at ridge height. The roof of this area will be lined with traditional sarking roof felt, insulation would be at ceiling level between the timber joists. All timber work will be rough sawn and left exposed to match existing. Pre-treated timber is fine to use but any after treatment (if required) would need to use chemicals shown to be safe for use around bats (Natural England list).
- A lockable/controlled access via an internal loft hatch/ladder in the ceiling of the second-floor stairwell will be created.
- Within the bat loft two long sections of 4x2 timber will be secured to one of the roof purlins. They will be placed close together but leaving a gap of 40mm available for crevice dwelling bats.
- Within the roof void and at the far end away from the main entrance a hot-box will be constructed into the roof. This will be made of plywood panels incorporating a floor with a 50cm x 50cm access point.
- An entrance will be created within the rear facing roof, this will be approximately 600 mm x 400mm. A lead flashed canopy will be constructed around the access to prevent rain ingress. A plywood baffle will be placed 2 metres inside the entrance to reduce light and air movement.
- A lesser horseshoe bat night roost building will be constructed at the rear of the site close to areas of vegetation. This will be a rendered block structure with a pitched, timber framed roof covered with slate and sarking felt, 2m x 2m x 2.5 m high. A ceiling will be installed with a hatch leading to the small roof void, a lockable and gated entrance door will be included to prevent disturbance and human use.
- The night roost building will be constructed prior to carrying out any works to the main hospital building.
- A bat hibernaculum will be constructed at the rear of the building close to the night roost approximately north facing. An L shape tunnel arrangement will be built 1 metre wide, 2 metres high and 4 metres long, the floor will be exposed earth. The tunnel will be covered with a concrete slab topped with insulation block then covered with earth to a depth of around 1 metre. The entrance will be gridded with horizontal bars with 15cm gaps. The earth will be planted with some low growing shrubs to stabilize the soil and also to provide shade from the sun.
- Six Schwegler 2FR bat boxes will be installed into the brickwork walls on the rear elevation at a high level below the eaves. Two lots of three boxes will be installed with the internal side entrances removed to provide a larger roost space.
- Two Schwegler 1WI bat boxes will be installed on the south-east gable end wall of the building.

Plan 1: Location of Proposed Bat Mitigation Features



Plan 2: Proposed location and details of bat mitigation features in former hospital building



Bat Roost

Plan 3: Proposed Location and Detail of Bat Compound

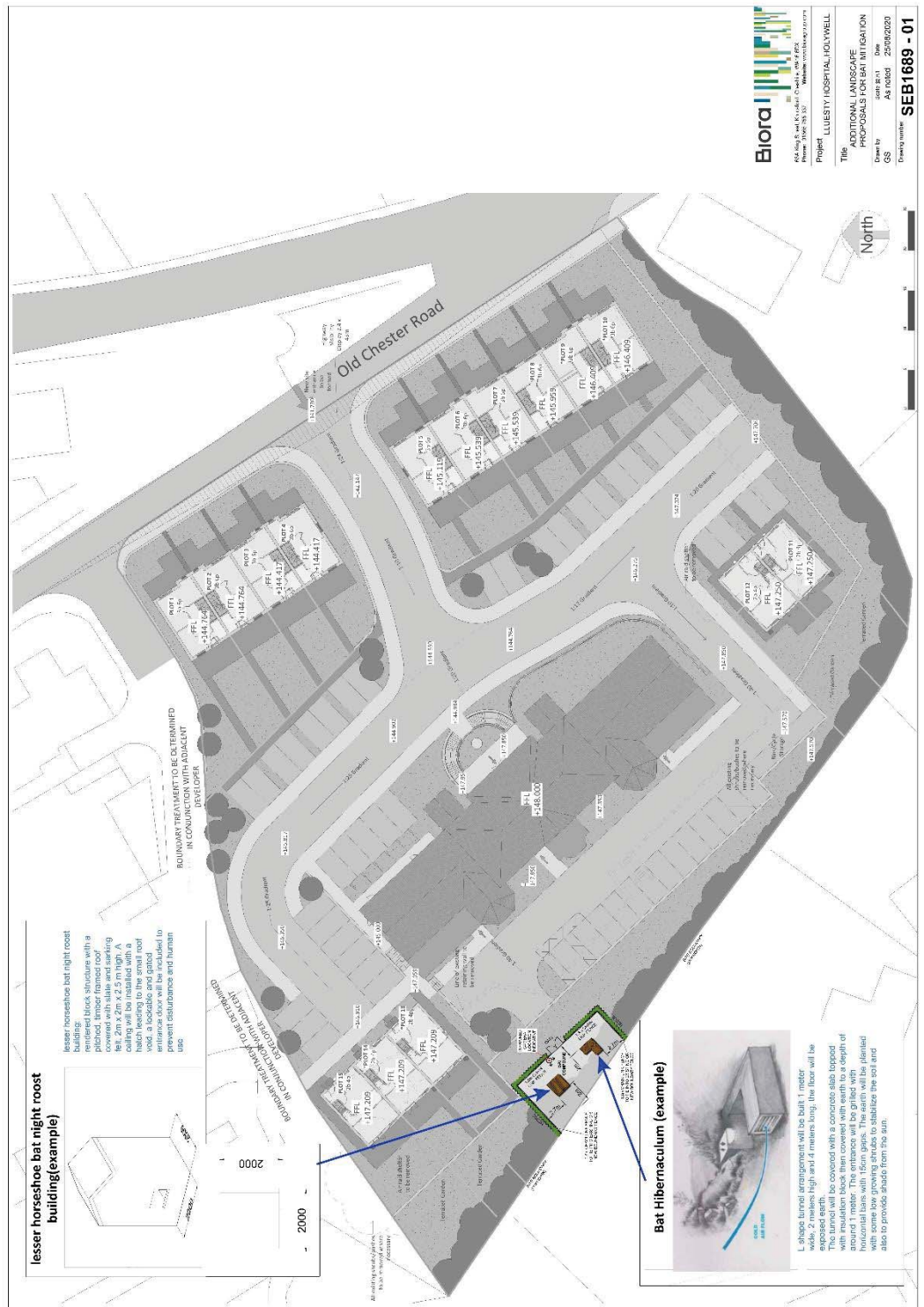
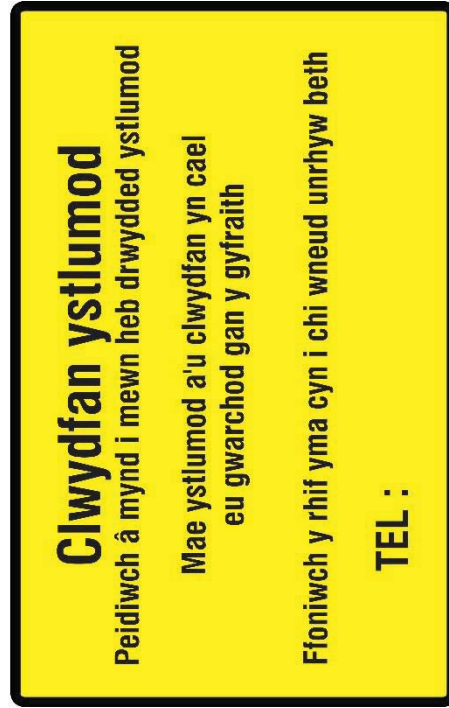


Figure 1: Proposed Bat Signage



Statement from the Applicant

**RE: APPLICATION REFERENCE 061230 & 061231, Former Llesty Hospital Infirmary Building,
Old Chester Road, Holywell, CH8 7SG**

As the applicants for the above referenced applications we would like to take this opportunity to urge the committee to grant permission. The building has been in our ownership for nearly twelve months now and we would like nothing more than to progress the building works on site. The building has fallen into disrepair under the previous owners and this will only worsen if the site is left unattended.

We want to deliver a premium quality, affordable housing scheme to the local borough. We will also endeavour to employ local trades and labour for the duration of the project. The building will be restored in a sympathetic manner to restore it to its former glory. As part of the application we conducted a viability report which demonstrated there are serious abnormal costs associated with this project and as such it can't support any S106 contributions. This was confirmed as accurate by the council's surveyor. Whilst this will be disappointing to the council I would like to highlight that the properties we are building will all be offered for sale with the Help To Buy scheme and 98% of our sales in the past six years have been to first time buyers.

Kind regards,

Statement from local Ward Member

Cyfeirnod/Ref: 061230

Cynnig/Proposal: Residential development including 15No. new housing units and the change of use/conversion of the former Llesty Hospital Infirmary Wing into 14No. apartments.

Lleoliad y Safle/Site Location: Former Llesty Hospital, Old Chester Road, Milwr, Holywell, Flintshire, CH8 7SA

~~This a landmark development for the town which I support~~ as the local County Councillor. It will complete the regeneration of the old Llesty site, and complement the work which has been done so far to the old workhouse site. This will completely transform the perspective of Holywell when entering the town from the A55. Instead of being greeted by two neglected large buildings, the gateway will be a modern development which blends the historic with the modern. The regeneration of this site into residential properties will be an important contribution to the economic future of the town. The development will further diversify the housing stock in the town, which has to be welcomed. These proposals are part of a development which constitute the largest housing construction project currently in the town.

However, I need to raise the following points:

1. While there is a full Highways evaluation and report, even with a rebuilt junction at Halkyn Road and Old Chester Road, the speed limit on Halkyn Road the A5026, is 40 mph. Residents and myself, have concerns about this speed limit. The increase in the volume of traffic joining a 40mph and what is regarded by residents as a 'fast road' is a concern. The junction needs to be robust and safe as it is in close proximity to the Stamfordgate Hotel, the Telegraph Garage and the junction with the B5123 at the Calcot.
2. That while having a safe junction on the on the A5026 is important, so is preventing Old Chester Road which leads from Llesty to the Town Centre, becoming a short cut for traffic. This road is residential, very narrow and does not have a pavement for much of its length. Residents are concerned about the present levels of traffic, let alone any increase. Traffic needs to be diverted away from this road.

Holywell West | Gorllewin Treffynnon

[07907 225866](tel:07907225866)

Facebook: Cllr Paul Johnson - Holywell West

Twitter: CllrPaulJohnson

Flintshire County Council | Cygnor Sir y Fflint

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH OCTOBER 2020**

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

SUBJECT: **FULL APPLICATION – RESIDENTIAL DEVELOPMENT FOR 20 NO. DWELLINGS AND ASSOCIATED GARDENS AND CAR PARKING AT FFORDD PANDARUS, MAES PENNANT, MOSTYN.**

APPLICATION NUMBER: **060783**

APPLICANT: **WAITES CONSTRUCTION LTD**

SITE: **FFORDD PANDARUS, MAES PENNANT, MOSTYN**

APPLICATION VALID DATE: **4TH DECEMBER 2019**

LOCAL MEMBERS: **COUNCILLOR P. HEESOM**

TOWN/COMMUNITY COUNCIL: **MOSTYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE **MEMBER REQUEST AND SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

SITE VISIT: **YES**

1.0 SUMMARY

- 1.011 This is a full application for the proposed erection of 20 No. affordable dwellings with associated gardens and car parking on land at Ffordd Pandarus, Maes Pennant, Mostyn.
- 1.02 For Members information the site is within the Council's Strategic Housing & Regeneration Programme (SHARP) and is within the settlement boundary of Mostyn as defined in the Flintshire Unitary Development Plan.

1.03 This application has been resubmitted subsequent to a previous application for the same scale of development on the site which was withdrawn under 059707 in October 2019. It has also been the subject of further consultation following the submission of revised documentation.

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

2.01 That conditional planning permission be granted subject to the following:-

Conditions

1. Time limit on commencement.
2. In accordance with approved plans/details.
3. Samples of materials to be submitted and approved.
4. No development to commence until site levels and finished floor levels of buildings have been submitted and approved. Development to be undertaken with approved details.
5. Siting, layout, design of the means of site access to be in accordance with details to be submitted and approved.
6. Forming of site access not to commence until detailed design have been submitted and approved.
7. Facilities to be provided within the site for the parking and turning of vehicles prior to occupation of any dwelling(s) to which it relates.
8. Details of design, traffic calming, signing, surface water drainage, street lighting to be submitted and approved prior to commencement of any other site works.
9. Positive means to prevent surface water run-off onto carriageway to be submitted and approved.
10. No development to commence until a Construction Traffic Management Plan has been submitted and approved.
11. No dwelling shall be occupied until a full Travel Plan and Transportation Implementation Strategy (TIS) has been submitted and approved.
12. Hard/Soft Landscaping Scheme to be submitted and approved.
13. No development shall commence unless and until a scheme has been submitted and agreed that satisfied the policy and planning requirements relating to the retention of affordable housing.
14. No development shall commence unless and until a scheme has been submitted and agreed to satisfy policy and planning guidance requirements relating to public open space and recreation.
15. No development to commence until a scheme for the integrated drainage of the site has been submitted and

approved. Development to be carried out in accordance with approved details.

16. Tree/hedgerow protection measures to be implemented prior to the commencement of any site works.
17. First floor windows within rear /gable elevation of Block D to be high level (1.7m cill height)
18. No development to commence until a Scheme for Reasonable Avoidance Measures has been submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member Councillor P. Heesom

Request site visit and Planning Committee determination.
Preliminary views express concerns relating to i) the impact of overdevelopment on the character of the site /surroundings (ii) adequacy of access /parking

Mostyn Community Council

Object to the proposal for the following reasons:-

- a) Whilst acknowledging the need for more affordable housing do not consider that the scale of development is sympathetic to the site/surroundings
- b) question whether the development will meet a specific identified need
- c) increase in traffic movements and inadequacy of car parking
- d) single storey accommodation would be more appropriate
- e) existing area off green space will be lost
- f) consider that there is a need to secure community infrastructure improvement through a Section 106 Obligation

Highways Development Control

Request that any permission includes conditions in respect of access, parking, design, surface water run-off and the need for a Construction Traffic Management Plan. Travel Plan and Transport Implementation Strategy.

Community and Business Protection

No adverse comments.

Welsh Water/Dwr Cymru

No objection subject to the imposition of a condition to secure a satisfactory scheme of foul drainage.

Education

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

Ysgol Bryn Pennant Primary School

Capacity (at January 2019) 129 (excluding nursery)

Current NOR (at January 2019) 106 (excluding nursery).

Number of Surplus Places = 23.

Percentage of Surplus Places 17.83%.

Ysgol Treffynnon Holywell Secondary School

Capacity (at January 2019) 600

Current NOR (at January 2019) 477.

Number of Surplus Places = 123.

Percentage of Surplus Places 20.50%

Primary School Calculation

School Capacity 129 x 5% =6.45% (6)

Trigger for Contributions 129 -6 =123

Number of units 14 x Primary Multiplier 0.24 = Child Yield 3.36 (3)

Child Yield 3 x Cost Multiplier £12,257.00 = Developer Contribution
£36,771

Current Numbers on Roll 106 = Child Yield 3 = Potential Numbers
on Roll 109

Do not exceed trigger for Contributions

Secondary School Calculation

School Capacity 600 x 5% = 30

Trigger for Contributions 600-30 =570

Number of units 14 x Secondary Multiplier 0.174= Child Yield 2.44
(2)

Child Yield 2 x Cost Multiplier £18,469.00 = Developer Contribution
£36,938

Current Numbers on Roll 477 = Child Yield 2 = Potential Numbers
on Roll 479

Do not exceed trigger for Contributions

Housing Strategy Manager

Advises that there is the following registered need for housing in
Mostyn

Property Type

1 bed flat	31
2 bed flat	12
2 bed house	14
3 bed house	3
4 bed house	9
Sheltered 1 bed bungalow	18
Sheltered 1 bed bungalow	1

Council Ecologist

No objection subject to the imposition of a pre-commencement condition to secure Reasonable Avoidance Measures to protect ecological interests during site clearance.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

11 No. letters of objection received, the main points of which can be summarised as follows:-

- Application should not be dealt with under emergency procedure but reported to Planning Committee for determination
- Inaccuracies within the originally completed application forms as the site is not vacant, there is an existing mature tree to the rear of 34 Ffordd Pandarus which is not referenced and proposal does involve the change of use of land.
- Over-development/inappropriate design.
- Inadequate access/parking.
- Limited visibility onto Ffordd Pandarus
- Loss of garage facilities and limited off street parking will contribute to congestion /disturbance
- Unacceptable impact on privacy/amenity.
- Loss of community greenspace
- Only playing field is too far
- Negative affect on house prices
- Loss of view of green space negatively affect mental health
- Developer should pay compensation for emotional distress
- Insufficient notice as site not listed within SHARP scheme on regeneration page of Council website
- Tree removal
- Concern about structural integrity of boundary
- Have other sites been considered
- Houses should be for Mostyn people

Letter received from Rt Hon D Hanson on behalf of a resident who considers that there is other more suitable land available for development on the edge of the village, the proposal would represent overdevelopment of the site, and there will be a detrimental impact on the living conditions of elderly residents concentrated in vicinity of the site.

5.00 SITE HISTORY

5.01 059707 – Residential development for 20 No dwellings with associated gardens and car parking – Withdrawn 21/10/19

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy GEN3 – Development in the Open Countryside.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy WB1 – Species Protection.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG1 (41) – New Housing Development Proposals.

Policy HSG3 – . Housing on Unallocated Sites Within
Settlement Boundaries

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

Policy HHS10 – Affordable Housing Within Settlement
Boundaries.

Policy HSG11 – Affordable Housing in Rural Areas.

Policy EWP17 – Flood Risk.

Policy IMP1 – Planning Conditions & Planning Obligations.

Additional Guidance

Planning Policy Wales (PPW) Edition 10

Technical Advice Note 5 – Nature Conservation & Planning.

Technical Advice Note 12 – Design.

Technical Advice Note 15 – Development & Flood Risk.

Technical Advice Note 18 – Transport.

Supplementary Planning Guidance Note 2 – Space About
Dwellings.(SPGN2)

Supplementary Planning Guidance Note 23 – Developer
Contributions to Education

Local Planning Guidance Note 9 – Affordable Housing.

Local Planning Guidance Note 13 – Open Space Contributions

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes the erection of 20 No. dwellings with associated change of use of land to form gardens and parking on land at Ffordd Pandarus, Maes Pennant Mostyn.

7.02 Site Description

The application site amounts to approximately 0.5 hectares of land which runs in a linear form predominantly in a north - west to south - easterly direction to the rear of existing properties at Ffordd Pandarus and Ffordd Ddyfrdwy, Mostyn.

7.03 The site is currently occupied by grassed areas, garages and a hardstanding, the topography being such that the site slopes from the north – south with level changes of approximately 3m.

7.04 Proposed Development

The plans submitted as part of this application propose the erection of a total of 20 No. 2 storey dwellings comprising a mix of 12 No. 1 & 2 bedroom apartments and 8 No. 2 bedroom houses which are intended to meet affordable housing needs. There would be 2 main pockets of development accessed from a central turning head arrangement as follows:-

A. North West

Within the area of the site it is proposed to site 8 No. dwellings comprising 2 x 3 No. terraced units and a pair of semi-detached dwellings. (Blocks A & B)

B. South-East

Within this part of the site it is proposed to accommodate 2 No. apartment blocks.(C & D)

7.05 Vehicular access to serve the development is proposed from an existing road off Ffordd Pandarus.

7.06 It is proposed that the dwellings be constructed having facing brick/render external walls with concrete tile roofs.

7.07 Main Planning Considerations

It is considered that the main planning issues can be summarised as follows:-

- Principle of development having regard to the planning policy framework.
- Proposed scale of development/house types/site layout.
- Impact on the privacy/living conditions of residents in proximity to the site.
- Adequacy of existing highways and access arrangements to serve the scale of development proposed.
- Adequacy of foul drainage.
- Leisure/Educational Requirements.
- Affordable Housing.

7.08 Principle of Development

For Members information, the site which amounts to approximately 0.5 hectares in area is located within the settlement boundary of

Mostyn, a Category B settlement in the Flintshire Unitary Development Plan. The principle of residential development for general and specific housing need in such locations is generally supported subject to the safeguarding of relevant development management considerations. There is however clear evidence of affordable housing need in the locality as referenced by the Housing Strategy Manager to justify the proposed development.

7.09 Scale/House Types/Site Layout

The proposed site area amounts to approximately 0.50 hectares in total. The erection of 20 dwellings would represent 40 dwellings per hectare (dph) an increase in the 30 dph specified as a minimum of the Flintshire Unitary Development Plan in Policy HSG8 that is sought to be achieved as a minimum on unallocated sites within settlement boundaries. The proposal would however in my view represent an acceptable scale/form of development having regard to the character of the site and existing development adjacent to its boundaries.

7.10 In addition the introduction of 2 storey dwellings would be reflective of this existing character, the layout reflecting the form of development in proximity to the site and subject to control over the use of materials, it is my view that development would be acceptable and can be supported.

7.11 Impact on Privacy/Living Conditions

Of particular importance in consideration of this application, is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those existing dwellings adjacent to the site are safeguarded as part of the proposed development. The proposed layout takes into account the relationship of the site to existing development at Ffordd Pandarus, Ffordd Ddyfrdwy and Y Gerddi, particularly at these dwellings are closest to the application site and in order to ensure that the separation distances would be acceptable to avoid overlooking having regard to Supplementary Planning Guidance Note 2 – Space About Dwellings.

7.12 North – West Parcel

Within the north west parcel of the development a pair of semi-detached dwellings (Block A) and 1 No of the proposed terraces of 3 No units (Block B) would have their rear elevations within 10m of the common site boundary with existing 2 No storey dwellings at 4-16 Ffordd Pandarus.. The separation distances between the dwellings would be approximately 26m. A separate terrace of 3 No dwellings would have a blank gable relative to properties at Ffordd Pandarus providing a separation distance of approximately 19m. . These distances referenced would be acceptable having regard to SPGN2.

7.13 In terms of the frontage relationship of these units to existing bungalows at 25-43 Ffordd Ddyfrdwy there would be no direct

interface relationship between Block A or the blank gable associated with Block B relative to the existing bungalows. The central block of terraced units would however be within 26m of the existing bungalows the relationship interspersed by a parking area/associated landscaping and boundary treatment. It is considered that the relationship of the existing /proposed dwellings would be acceptable having regard to SPGN2.

7.14 South – East Parcel

The south – east parcel of the proposed development is located between existing properties at 32 -42 Ffordd Pandarus, 49 -61 Ffordd Ddyfrdwy and 7/9 Y Gerddi.

7.15 The rear of the apartment blocks (C & D) would be located within approximately 6m of the common site boundary with existing properties at Ffordd Pandarus. Along this boundary there is a hedgerow varying in height between approximately 3- 4m and a mature tree to the rear of 34 Ffordd Pandarus which will not be impacted by the proposed development. The separation between the rear elevations of the dwellings would be approximately 22 -23.5m which would be acceptable having regard to SPGN2. As the units would however be within 5m of the boundary and to minimise the impact on the living conditions of the occupiers of existing properties, it is recommended that the first floor windows be high level (minimum sill height of 1.7m) which can be secured by condition.

7.16 The gable elevation of Block D would be located within 17m of the rear elevation of No 9 Y Gerddi. It is proposed to introduce a window into the gable elevation of Block D but this would also need to be high level to avoid overlooking in accord with SPGN2. This can be secured by condition if the application is supported

7.17 The frontages of Blocks C & D would be sited within approximately 22.5 – 25m from the rear of existing bungalows at 49-61 Ffordd Dyfrdwy. Whilst there would be no direct interface relationship between the units in accord with SPGN2, it is considered that to minimise the impact of development that adequate screening is provided on the common site boundary to safeguard the living conditions of occupiers of existing /proposed

7.18 Adequacy of Access

Whilst the objections to the development on highway grounds are duly noted, consultation on the aspect of the development has been undertaken with the Highway Development Control Manager in order to assess the adequacy of the existing highway network in proximity to the site and acceptability of the proposed site layout.

7.19 It is considered that the site is located within a sustainable location and recent works undertaken by the housing department have increased parking provision within residents' curtilages at Maes

Pennant to help reduce the impact on street parking in proximity to the site. Whilst it is acknowledged that the parking provision is below the maximum referenced in Local Planning Guidance Note 11, there is a minimum provision of 1 space per 2 bed property and 2 spaces per 3 bed. The level of private car ownership /usage within a SHARP scheme is generally at a reduced level given the forms of tenure, with more reliance on other forms of sustainable transport. It is therefore considered that a travel plan would be required in the event of planning permission being granted.

- 7.20 In addition and in noting the objections received as part of the application and notwithstanding the above requirement, a technical assessment of the acceptability of the proposed access/site layout to serve the development has been undertaken with there being no objection subject to the imposition of conditions as outlined in paragraph 2.00 of this report.
- 7.21 Adequacy of Foul/Surface Drainage
The adequacy of the drainage to serve the proposed development has been the subject of consultation with Dwr Cymru/Welsh Water who raise no objection subject to the imposition of a condition to secure a satisfactory scheme of foul drainage.
- 7.22 Leisure/Educational Requirements
Members will be aware that applications of this type are the subject of consultation with the AURA (Leisure Services) and the Capital Projects and Planning Unit with the Local Education Authority.
- 7.23 The consultation has established that:-
- a) As there would be no on-site recreational provision the development would require the payment of a commuted sum of £733 per dwelling the monies used to enhance junior play provision at Maes Pennant Play Area.
 - b) That given that there is adequate capacity at Ysgol Bryn Pennant Mostyn, (Primary) and Ysgol Trefynnon Holywell (Secondary) that an educational contribution(s) would not be required.
- 7.24 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'.
- 7.25 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.
- 7.26 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.
- 7.27 I am advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into at Mostyn and am satisfied that on application of the tests set out above the leisure contribution would satisfy these requirements.
- 7.28 The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards play and recreation facilities. Accordingly, it is proposed that conditions in respect of the above are imposed such that no development is permitted to commence until a scheme to address this issue is submitted and agreed.
- 7.29 Affordable Housing
Whilst the site is owned by the Council, it is proposed to be developed to meet affordable housing need which must still operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing. Accordingly, safeguards should still properly be sought to ensure the retention of the same in the future.
- 7.30 It is therefore proposed to impose a condition to ensure that no development commences until a scheme detailing the precise means and method by which the affordability of these units will be retained in perpetuity is submitted to and agreed in writing by the Local Planning Authority. The proposal is therefore acceptable having regard to Policy HSG10 of the Flintshire Unitary Development Plan and LPGN9 – Affordable Housing.
- 7.31 Other Matters
As a result of the consultation exercise additional concerns have been raised in connection with the development There are particular

concerns over the loss of community green space and the alternative playing field being located too far from the site. For Members information the application site is not designated as green space in the Unitary Development Plan whereas other land nearby is identified as greenspace. The site takes the form of a strip of rather poor quality grassed land which does not meet criteria in policy L3. In addition the playing field alongside Mostyn Community Centre is some 50m from the northernmost part of site and some 300m from the southernmost part of the site which is well within reasonable walking distance of a new development. In addition concerns over the structural integrity of the banking on the site boundaries has been referenced although no evidence submitted to substantiate these concerns. This is an issue which would be addressed during the construction phase should permission be granted. Whilst these comments are duly noted in my view, they carry limited weight in the overall planning balance.

8.00 CONCLUSION

8.01 In conclusion, it is my view that the scale/form of the development proposed would be sympathetic to the character of the site and surroundings. There is no objection from the Highway Development Control Manager and it is considered that the scheme is acceptable in accord with planning policy.

8.02 Accordingly, I recommend that planning permission be granted subject to the imposition of conditions as referenced within paragraph 2.01 of this report.

8.01 Other Considerations

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

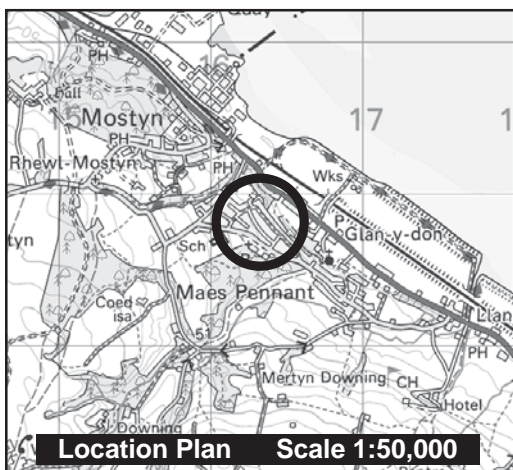
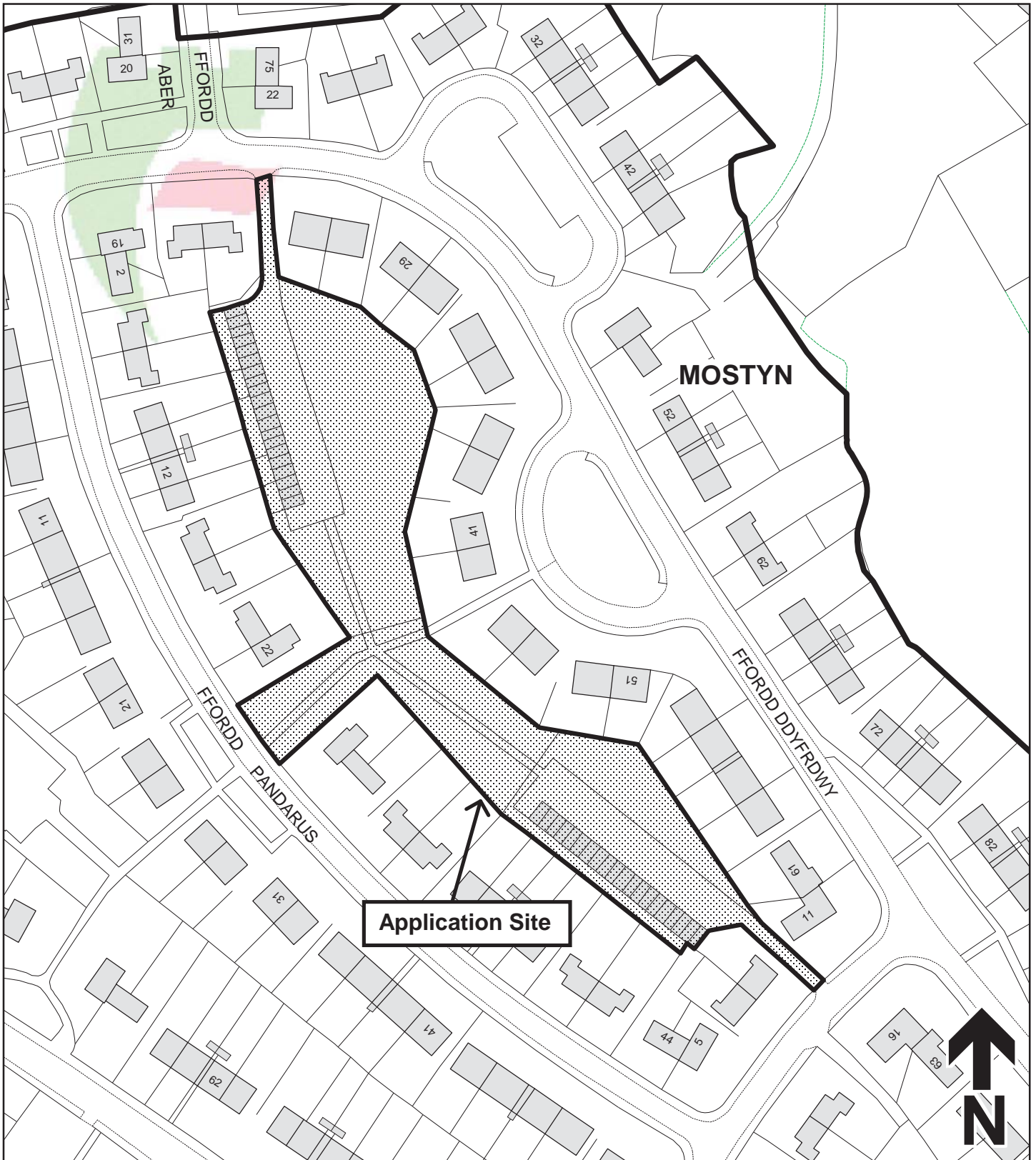
National & Local Planning Policy


Responses to Consultation

Responses to Publicity



Contact Officer: Mark Harris
Telephone: (01352) 703269
Email: Robert.m.harris@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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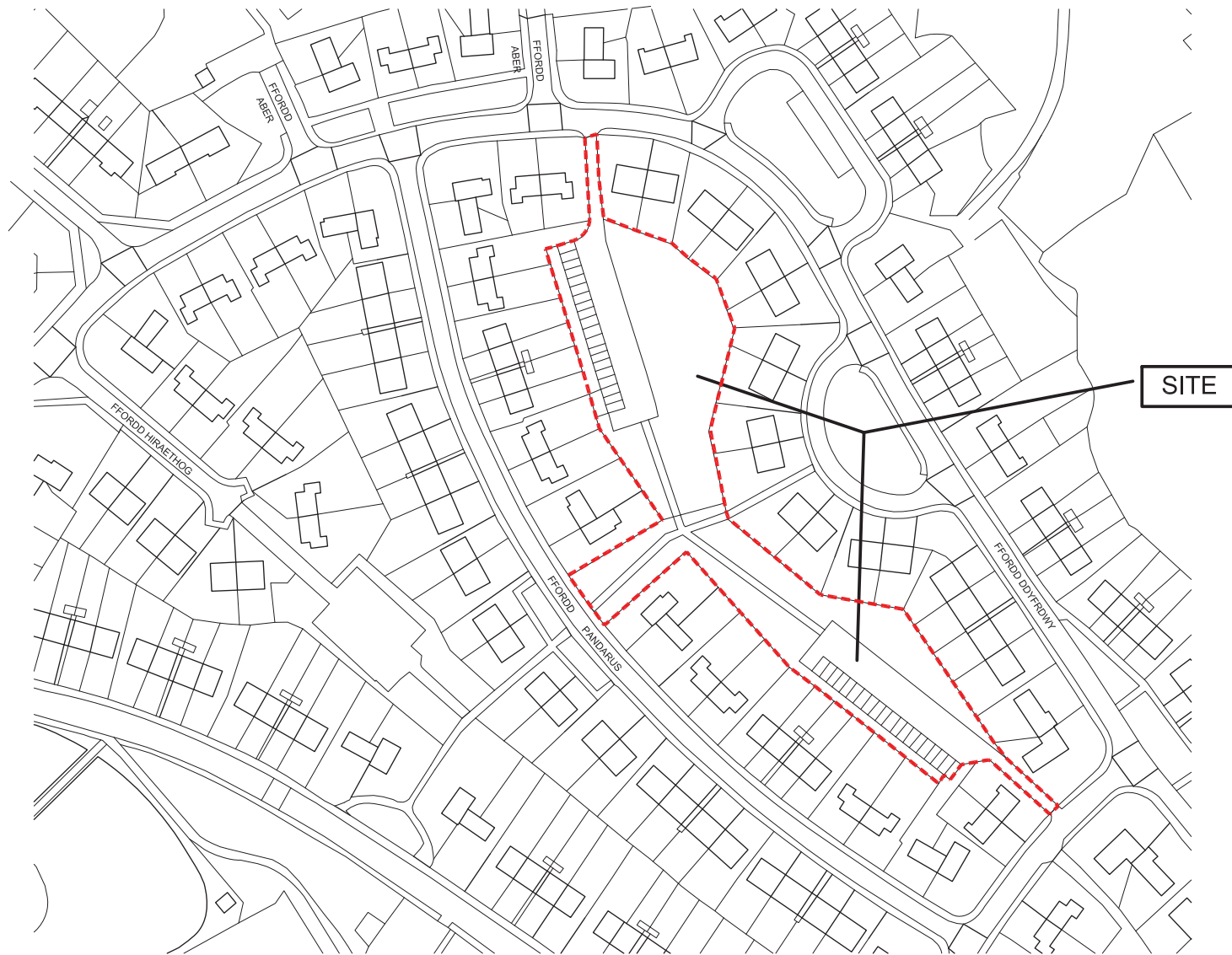
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OS Map ref	SJ 1679
Planning Application	60783

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NOTES

Drawing based on Promap survey information. Any discrepancies to be reported to the architect.

Site Area
0.54 Hectares - 1.34 Acres



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0 - JULY 2017	SJ
INITIAL ISSUE	
REVISION - DATE	DRWN CHKD

FOR APPROVAL

Ffordd Pandarus
Mostyn
Holywell
CH8
FOR
WATES RESIDENTIAL

SITE LOCATION

PROMAP
Scale 1:1250 @ A3

HALLIDAY CLARK
ARCHITECTS

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Ilkley LS29 9LW W hallidayclark.co.uk

Dwg. No. 671.34 (-) 021 FP Rev. -



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Key



Schedule of Accommodation

8 no. 1 Bed Apartment	48sqm (516sqft)
8 no. 1 Bed Apartment	11sqm (118sqft)
8 no. 2 Bed House (Type 2)	73 sqm (785 sqft)
Total	25 units

SITE AREA
 - 1400m²
 - 0.54 Hectares
 - 1.28 Acres

Q - 19.08.2019	ED	Boundary line of gardens added to be confirmed with Ffynnon CC.
P - 19.08.2019	ED	Hedging added to proposal boundary.
O - 13.08.2019	ED	Apartment Units revised in order to address aspect distance concerns from Planning Officer.
M - 14.08.2019	KM	Apartment Units revised in order to address aspect distance concerns from Planning Officer.
L - 05.03.2019	JW	10m ² Parking Spaces added
K - 28.12.2018	SJ	Layout revised. WDGQR units introduced as per Wales instruction
J - 01.11.2017	SJ	Section line thro' apartments introduced.
I - 15.09.2017	SJ	Topic introduced. Drawing revised to approval.
H - 05.09.2017	SJ	Schema revised in line with Wales and FCC comments. Wales to review with FCC
G - 07.08.2017	SAE / DCH	3 & 4 Bed properties replaced by 2 Bed T1 @ plots 1 & plot 5
F - 13.07.2017	SJ	Section lines indicated. Section 1 issued.
E - 03.07.2017	SJ	Turning head added to the entrance of the site.
D - 08.06.2017	SJ	Left hand entrance road enlarged as discussed to 4.1m. T3 internal layout tweaked (pedestrian enlarged). Emergency vehicle distances added for clarity. Former entrance road reduced to footpath with soft landscaping. Revised road layout, extra plot added as per D3 instruction. Extra car space added at entrance to site. Bin Store omitted.
C - 07.06.2017	SJ	Enlarged left hand entrance road. Land grab to be confirmed with FCC and Wales. Bin store moved. Former entrance road reduced to footpath.
B - 17.05.2017	SAE	Revised following meeting with planners.
A - 14.05.2017	SAE	Revised inline with FCC comments
-	MJS	INITIAL ISSUE
REVISION - DATE	DRWN/CHKD	

FOR APPROVAL

Flordd Pandarus
 Mostyn
 Holywell
 CH8

FOR
 Wales Residential

Proposed Site Layout

Scale As indicated @ A1

HALLIDAY CLARK
 ARCHITECTS

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 Busby L22 9PL W hallidayclark.co.uk

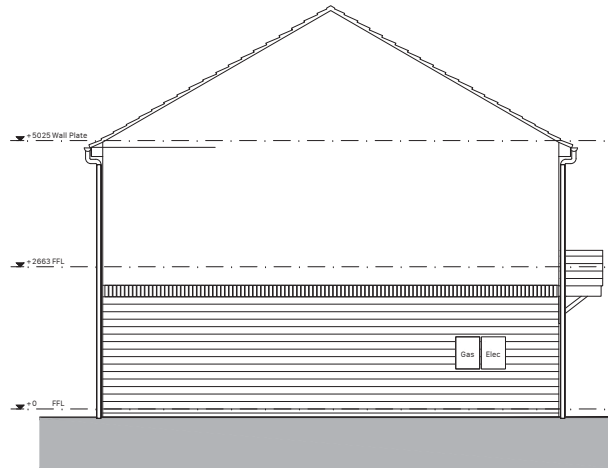
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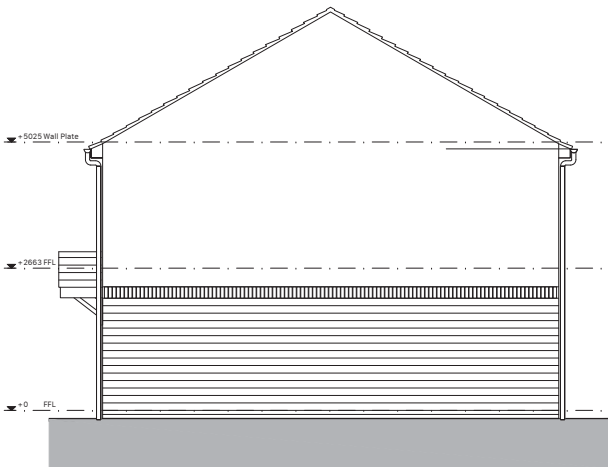
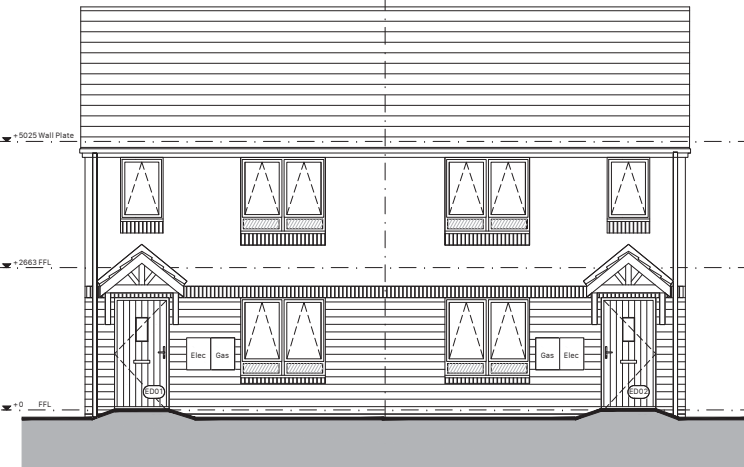
NOTES

- NOTES:**
- DO NOT SCALE FROM DRAWING.
 - DRAWING TO BE READ IN CONJUNCTION WITH HALLIDAY CLARK SITE PLAN AND WATES CONTRACTORS PROPOSALS.
 - ALL STRUCTURAL DETAILS NEED TO BE CONFIRMED WITH STRUCTURAL ENGINEERS.
 - ANY MOVEMENT JOINTS AND/OR BED JOINT REINFORCEMENT SHOWN ARE INDICATIVE ONLY AND TO BE ACCORDING TO STRUCTURAL ENGINEERS DETAIL AND DESIGN.
 - KITCHEN LAYOUTS INDICATIVE ONLY. SUBJECT TO FINAL DESIGN & APPROVAL. TO BE READ IN CONJUNCTION WITH LATEST KITCHEN MANUFACTURER LAYOUTS.
 - SWITCHES, SOCKETS, VENTILATION & SERVICE CONTROLS TO BE AT HEIGHT USABLE BY ALL (BETWEEN 450mm & 1200mm FROM FFL)
 - ALL ENTRANCES TO BE WELL ILLUMINATED & HAVE LEVEL ACCESS THRESHOLD.
 - ALL BOILER FLUES TO BE MINIMUM 150mm FROM RWPS AND A MINIMUM 300mm FROM A OPENING LIGHT OF ANY WINDOW.



HOUSE TYPE 29 HOUSE TYPE 29

HOUSE TYPE 29



HOUSE TYPE 29 HOUSE TYPE 29

HOUSE TYPE 29



Proposed Block A Elevations

1:50

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02.12.2019	JW	ED
INITIAL ISSUE		
REVISION - DATE	DRWN	CHKD

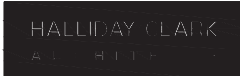
FOR APPROVAL

**Ffordd Pandarus
 Mostyn
 Holywell
 CH8**

**FOR
 Wates Construction Ltd**

Block A Elevations

Scale **1:50 @ A1**



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 HXley LS29 8PL W hallidayclark.co.uk

Dwg. No. **671.34 (21) 013** Rev. -

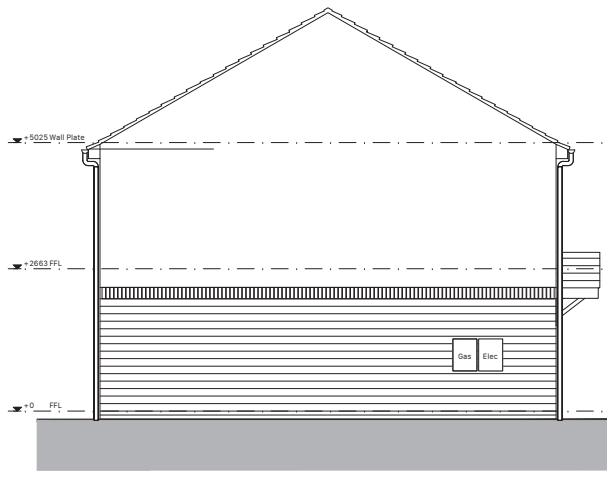
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NOTES

NOTES:
 DO NOT SCALE FROM DRAWING.
 DRAWING TO BE READ IN CONJUNCTION WITH HALLIDAY CLARK SITE PLAN AND WATES CONTRACTORS PROPOSALS.
 ALL STRUCTURAL DETAILS NEED TO BE CONFIRMED WITH STRUCTURAL ENGINEERS.
 ANY MOVEMENT JOINTS AND/OR BED JOINT REINFORCEMENT SHOWN ARE INDICATIVE ONLY AND TO BE ACCORDING TO STRUCTURAL ENGINEERS DETAIL AND DESIGN.
 KITCHEN LAYOUTS INDICATIVE ONLY. SUBJECT TO FINAL DESIGN & APPROVAL. TO BE READ IN CONJUNCTION WITH LATEST KITCHEN MANUFACTURER LAYOUTS.
 SWITCHES, SOCKETS, VENTILATION & SERVICE CONTROLS TO BE AT HEIGHT USABLE BY ALL (BETWEEN 450mm & 1200mm FROM FFL)
 ALL ENTRANCES TO BE WELL ILLUMINATED & HAVE LEVEL ACCESS THRESHOLD.
 ALL BOILER FLUES TO BE MINIMUM 150mm FROM RWPS AND A MINIMUM 300mm FROM A OPENING LIGHT OF ANY WINDOW.



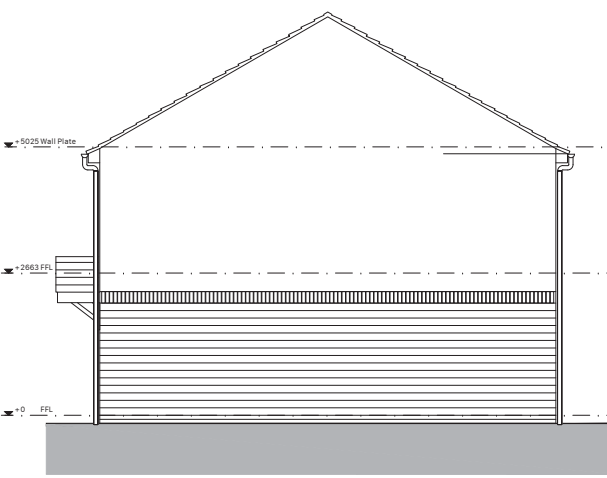
HOUSE TYPE 29 HOUSE TYPE 29 HOUSE TYPE 29



HOUSE TYPE 29



HOUSE TYPE 29 HOUSE TYPE 29 HOUSE TYPE 29



HOUSE TYPE 29

Page 281



Proposed Block B Elevations
 1:50

02.12.2019	JW	ED
INITIAL ISSUE		
REVISION - DATE	DRWN	CHKD

FOR CONSTRUCTION

**Ffordd Pandarus
 Mostyn
 Holywell
 CH8**

**FOR
 Wates Residential**

Block B Elevations

Scale **1:50 @ A1**



Halliday Clark Limited T 01943 604 123
 1 Lower Railway Road E info@hallidayclark.co.uk
 HX1 2JY W hallidayclark.co.uk

Dwg. No. **671.34 (21) 014** Rev. -

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NOTES

EXTERNAL WINDOW NOTES

Frame
Material: UPVC
Lintel to a 4 design

Hinges to have built in restrictors, except for escape windows (where indicated on drawings).

Ground floor windows to be fitted with 2 no. separate security locking devices Chubb CH BK 101 with 1 no. key per window or alternatively a three point locking system.

Refer to Architectural Elevations for all window handling.

Trickle ventilators to be fitted to all window heads to comply with building regulations.

Max U-value 1.40W/m²K.

Glass
All Windows to be double glazed
For all obscured glazing please refer to elevations

All glazing to be toughened and laminated if...

1. Below 900mm airt
2. within 300mm horizontally of a door to.

All toughened glass to be heat soak tested

- Obscured glass
- Toughened glass

EXTERNAL DOOR NOTES

Front and Rear Doors
Material: UPVC
Lintel to a 4 design
Door Style: TBC by Wates

SCHEDULE OF FACING MATERIALS

- Walls:**
1. Silicone/acid cement render (to First Floor) Colour: TBC
 2. Western Multi Red facing brick with natural mortar with a red brick soldier course above. (to Ground Floor)
 3. Cottage style stone (apartments only)

Rainwater Goods:

Black UPVC

Roof

Marley Modern roof Tiles

Window Cills

Red brick snap header to ground & first floor windows
Red brick soldier course

D - 05.02.2020	Block D Side elevation windows removed.	SMH
C - 12.12.2019	Block C added to drawing.	JW
B - 27.09.2019	Block updated following planning comments.	JW
A - 05.03.2019	Block updated following planning comments.	JW
Revised for PLANNING ISSUE		
INITIAL ISSUE		SM
REVISION - GATE		DRWN: CHAD

FOR APPROVAL

**Fferdd Pandarus
Mostyn
CH8**

**FOR
WATES RESIDENTIAL**

Block C & D GA Elevations

Scale **1:100 @ A1**

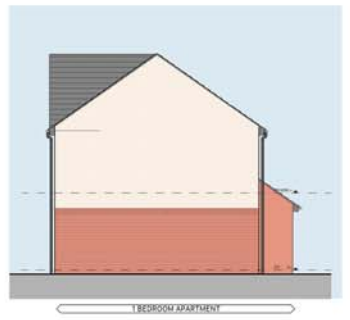
**HALLIDAY CLARK
ARCHITECTS**

Halliday Clark Limited
1 Lower Railway Road
Walsley LS29 8FL
T 01943 604123
E info@hallidayclark.co.uk
W hallidayclark.co.uk

Dwg. No. **671.34 (-)-023** Rev. **D**



BLOCK C



BLOCK D



Statement from Community Council

FOR THE ATTENTION OF THE PLANNING COMMITTEE

Mostyn Community Council has received notification of Planning Application 060783 by Messrs Wates Ltd for the provision of 20 units of housing on land by Ffordd Pandarus, Maes Pennant, Mostyn.

Council has consulted local residents and the community and has asked that its considerations are put to the planning committee.

Members have received strong representations to oppose the application as it stands, and wishes that the committee is advised of its views about the proposals.

Members have resolved that the site area cannot support the number of units suggested and it does not consider that as it stands the proposals constitute sustainable development.

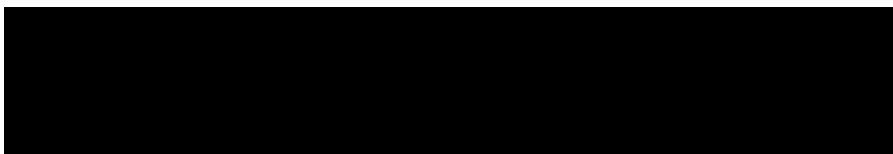
Members consider that the units suggested for the section of the land by Y Gerddi are too many for that part of the site. Their view is that the units suggested for this part of the site cannot in terms of the quality of life and general well-being required be achieved. The proposed units are at odds with the planning guidance for such a form of safeguarded living intended, and in order to try to squeeze in the number of units proposed they do not have adequate windows lighting and a sufficient and acceptable degree of space around buildings as is required by policy.

Members consider that this area of the site should provide amenity use and the provision of safe parking for the development as a whole.

Members wish the proposals to be amended to remove these units in this area from the proposals.

Members also have received representations of concern about the provision of the access and egress for the proposals and of deep concern is the proposed use of what is a pedestrian pathway as the highway access and egress for the development. This wholly inadequate bearing in mind that the proposals are under consideration for senior citizens and people in need of supported living.

Members also raised concerns about the access to the site from what is a heavily used internal village road where there are along the entire length pensioners bungalows with warden style maintenance.

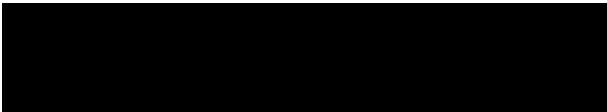


Members view is that the character and appearance of the village street context in this area is only suitable for the inclusion of a limited number of such assisted and supported senior citizens accommodation, and that if the numbers of units are in accordance with the required safety and the established community character and appearance.

Further concern is that the consideration of this site is in the context of an established village layout and committed to ensuring that any decision has the benefit of an appropriate site meeting.

Please confirm your receipt of this notice and provide assurance that if the committee considers this matter they will take on board the residents and local councils views.

Yours sincerely



Statement from local resident

Cyfeiriaf eich sylw at y sylwadau sydd eisoes wedi'i danfon mewn gwrthwynebiad i'r cynllun yma gan y gymuned hon. Rydym dal i ddisgwyl am ymateb i bwyntiau fel;

Beth oedd canlyniad i'r ymholiad plwm yn y ddaear a'r adroddiad natur yn sôn am y gytref ddichonol draenogod? Beth am golled tir gwyrdd o fewn cyrraedd llais nifer o deuluoedd a phreifatrwydd y rhai fydd yn cael eu goruchwyllo gan y fflatiau yma? Beth am y tir sydd eisoes wedi cael hawl adeiladu ar ffiniau'r pentref, a diffyg trafnidiaeth gyhoeddus, parcio, ac isadeiledd tebyg? Beth am y coed ar y safle, enwedig yr onnen? Sut feder yr adran argymhella ystyried cynllun sy'n methu dilyn cymaint o'r amcanion dylunio da gan ddogfen Polisi Cynllunio Cymru gan Lywodraeth Cymru? Beth am effaith ar iechyd meddwl y preswylwyr, a sut mae'r datblygwyr wedi archwilio'r nifer fawr o'r gymuned hon sydd mewn oed a dim ar y we? A llawer mwy.

Yn y gymuned hon nid ydym yn gweld sut mae'r adran a Wates yn gallu bwrw 'mlaen heb hyd yn oed ymateb i'n pryderon. Falle bod ganddynt ateb i bob un o'r cwynion uchod ond nid ydym wedi clywed gair, felly ni fedrwn farnu. Yr unig beth yr ydym wedi derbyn yma yw wal dawelwch. Mae gennym hawl i dryloywder fel preswylwyr ac nid ydym yn ei dderbyn o gwbl gyda'r prosiect yma. Nid yw ein lleisiau, safbwynt a lles yn cael eu hystyried. Rydym yn disgwyl gwell.

I refer your attention to the comments that have already been sent in opposition to this scheme by this community. We are still waiting for a response to points such as;

What was the result of the lead in the ground enquiry and the nature report mentioning the viable bass colony? What about the loss of green land within reach of the voice of many families and the privacy of those who will be supervised by these apartments? What about the land that has already been allowed to build on the village boundaries, and the lack of public transport, parking, and similar infrastructure? What about the trees on the site, particularly the ash? How can the department recommend considering a scheme that fails to follow so many of the good design objectives from the Welsh Government's Planning Policy Wales document? What about the impact on the mental health of residents, and how have the developers examined the large number of this community that is aged and not on the web? And much more.

In this community we do not see how the department and Wates can proceed without even responding to our concerns. Perhaps that they have an answer to each of the above complaints but we have not heard a word, so we cannot judge. The only thing we have accepted here is a wall of silence. We have a right to transparency as residents and we do not accept it at all with this project. Our voices, perspective and wellbeing are not taken into account. We expect better.

Statement from Local Resident

Ref: 060783

Land of Ffordd Pandarus, Maes Pennant, Mostyn, CH89PT.

My name is [REDACTED] and I am writing to support this application as I have been living with my mother now for over a year waiting to be housed in Mostyn, I have a 4 year old son who is in Ysgol Bryn Pennant in Mostyn and we have been sleeping in the floor of my mums spare bedroom as she lives in a bungalow, I would like to see these houses being built as it would hugely help out the community and people like myself who are desperate to be housed.

Thank you

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28th OCTOBER 2020**

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

SUBJECT: **RETROSPECTIVE CHANGE OF USE FOR OPERATING SITE AS B1, B2 AND B8 USES FOR A TEMPORARY PERIOD OF 18 MONTHS COMPRISING THE RECYCLING AND STORAGE NON-HAZARDOUS CARPET WASTE AND RETENTION OF EXISTING BUILDINGS FOR OFFICES AND MANUFACTURING INCLUDING ANCILLARY STORAGE.**

APPLICATION NUMBER: **061489**

APPLICANT: **ENDURMETA LTD**

SITE: **300 RECYCLING, UNITS A-D, DEVA INDUSTRIAL ESTATE, SANDYCROFT, DEESIDE**

APPLICATION VALID DATE: **14th July 2020**

LOCAL MEMBERS: **CLLR D WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBERS REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 The proposal is a full planning application for a Retrospective change of use to plastic and end-of-life tyre recycling facility and retention existing buildings comprising B1, B2 and B8 uses on land at Deva Industrial Park, Factory Road, Deeside.

1.02 The main issues for consideration are:

- The principle of development,

- Character and appearance of the landscape,
- Highways safety,
- Designated nature conservation sites
- Visual Impact and Design
- Flood Risk
- Drainage
- Fire Risk

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

- 2.01
1. Temporary permission for a period of 18 months
 2. In accordance with the submitted plans
 3. No operations hereby permitted shall take place after 18 months from the date of this permission.
 4. All waste material shall be removed from the site within 18 months of the date of this permission.
 5. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

3.00 CONSULTATIONS

- 3.01 Local Member – Cllr D Wisinger
 Raised concerns regarding fire risk and requested committee determination

Queensferry Community Council

Raises the following concerns:

- Two serious fires at the have taken place at the site.
- Shredded carpet on the river bank
- The site is in close proximity to a plant that stores gas bottle
- The safety and well-being of residents and the concerns of the community council must be taken into consideration.

Highways Development Control

As the Highway Authority confirm that they have no objection to the proposal and do not wished to make a recommendation on highway grounds

Community and Business Protection

Have no adverse comments to make regarding this proposal.

North Wales Fire and Rescue Service

Have no observations to make in respect of access for fire appliances and water supplies.

Welsh Water/Dwr Cymru

The proposed development site is crossed by an 18 inch Steel Raw Water Main with the approximate position being marked on the attached Statutory Water Main Record. Under the Water Industry Act 1991. Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 4.5 metres either side of the centreline of the public watermain.

Notwithstanding this, they request that the condition outlined above and additional advisory note are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Natural Resources Wales

The FCA submitted confirms that the site is at significant flood risk from the tidal river Dee, particularly in the event of a breach to the flood defences. A breach may cause rapid inundation of the site as outlined in the FCA. Due to the nature of the proposals and the existing less vulnerable land use we raise no objection to the application on flood risk grounds.

The site currently operates under waste exemptions, registered with Natural Resources Wales. The site will require a bespoke environmental permit with Natural Resources Wales to operate in line with the details provided in their planning application. Accompanying the environmental permit, the site will be required to operate in accordance with a Fire Prevention & Mitigation Plan, as well as an Environmental Management System.

The local authority will be required to undertake a HRA assessment on the proposals.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

At the time of writing, one response has been received to the raising the following concerns:

- Site represents a risk to the adjacent major hazard site.
- Proposal is retrospective and the council have not taken action

- The proposal has been incorrectly labelled as a mixture of B2 uses, with the importation of waste carpet for reuse should be considered Sui Generis.
- Waste carpet contains various toxic chemicals and recycling needs to be carefully monitored and managed.
- Historical plastic and tyre waste to not form part of the application.
- No evidence has been provided in relation to the relocation to another site.
- The operations are unacceptably hazardous, and that permission should be refused, and an Enforcement Notice with Stop Notice issued to cease the operations.
- The proposal is contrary to policies EM3, EM7, EWP6, EWP7, EWP8 and EWP12 of the Flintshire UDP. The proposal is also contrary to national planning policy provided in PPW.

5.00 SITE HISTORY

5.01 060057 (withdrawn 16/08/2019) - Retrospective change of use to plastic and end-of life tyre recycling facility and retention existing buildings comprising B1, B2 and B8 Uses

060354 (withdrawn 15/04/2020) - Retrospective application for operating the site as a B1, B2 and B8 use for the recycling and storage non-hazardous and non-mixed wastes and retention existing buildings comprising the same uses.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1: New Development

STR3: Employment

STR7: Natural Environment

STR10: Resources

GEN1: General Requirements for Development

D1: Design Quality, Location and Layout

D2: Design

TWH2: Protection of Hedgerows

WB2: Sites of International Importance

WB3: Statutory Sites of National Importance

WB5: Undesignated Wildlife Habitats

AC13: Access and Traffic Impact

AC18: Parking Provision and New Development
EM1: General Employment Land Allocations
EM3: Development Zones and Principle Employment Areas
EM7: Bad Neighbour Industry
EWP6: Areas of Search for New Waste Management Facilities
EWP7: Managing Waste Sustainably
EWP: Control of Waste Development and Operations
EWP12: Pollution
EWP13: Nuisance
EWP14: Derelict and Contaminated Land
EWP17: Flood Risk

Supplementary Planning Guidance

Supplementary Guidance Note 3: Landscaping
Supplementary Guidance Note 8: Nature Conservation and Development
Supplementary Guidance Note 11: Parking Standards
Supplementary Guidance Note 21 – Environmental Impact Assessment (2017)
Supplementary Guidance Note 29: Management of Surface Water for New Development

Planning Policy Wales Edition 10

Technical Advice Notes
Technical Advice Note 5 – Nature Conservation and Planning
Technical Advice Note 11 – Noise
Technical Advice Note 12 – Design
Technical Advice Note 15 – Development and Flood Risk
Technical Advice Note 18 – Transport
Technical Advice Note 21 – Waste
Technical Advice Note 23 – Economic Development

7.00 PLANNING APPRAISAL

7.01 Site Description

7.02 The site is located within a well-established industrial area which contains a variety of other industrial uses. The surrounding land use is primarily industrial, with the site in close proximity to the operational railway and other industrial land uses, including waste transfer and recycling centres. The nearest residential properties are approximately 600m and 620m to the north and south respectively.

The site is adjacent to a Hazardous Substance Consent and River Dee SAC/SSSI.

7.03 Proposal

This application is for the: Retrospective change of use for operating site as B1, B2 and B8 uses for a temporary period of 18 months

comprising the recycling and storage non-hazardous carpet waste and retention of existing buildings for offices and manufacturing including ancillary storage.

- 7.04 The site will accept two products for reuse, firstly the importation of textiles in the form of waste carpet. The carpet is stored, shredded and exported as a saleable product for the equestrian industry. Secondly, the importation rubber crumb material for reuse comprising the colouring, bagging and storage prior to export for use as a soft surfacing material.
- 7.05 Based on current tonnage projections, the site will accept:
- <10,000 tonnes per annum of waste carpets for shredding; and,
 - <2,500 tonnes per annum of tyre/rubber crumb for colouring
- 7.06 The application is for a temporary 18month period, at which time the he site will be clear of all waste and other material. A condition is included to ensure no waste remain at the site following the expiration of the permission.
- 7.07 Policy
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:
- 7.08 STR1 New Development - Advises that development should generally located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites.
- 7.09 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 he 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 both STR1 and STR10.
- 7.10 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.
- 7.11 The site is within an area designated under Policy EM3: Development Zones and Principle Employment Areas, which directs B1, B2 and B8 uses to this location subject to the following tests:

- The site is not allocated for a specific employment use by virtue of policy EM1 or EM2;
- the proposal is of an appropriate type and scale for both the site and its surroundings;
- the proposal will not have a significant adverse impact on residential or other amenity or unacceptably restrict neighbouring land uses;
- the proposal provides satisfactory onsite parking, servicing and manoeuvring space and that the highway network (including access and egress) is adequate to safely cater for the type and volume of traffic generated by the proposal; and
- the proposal has no significant adverse impact on the integrity of nature conservation sites, the landscape and historic features.

7.12 In addition, Policy EM7: Bad Neighbour Industry which supports development which is potentially polluting on sites designated under policy EM3. The site is located within an area characterised by heavy industry has been used for a variety of industrial uses for a significant amount time albeit without a formal consent.

7.13 Whilst the proposal includes the handling of waste, the reuse and storage of waste textiles falls within a B2 and B8 use class as set out within the Land Use Gazetteer. As such, it is considered that the proposed use falls within B1, B2 and B8 use classification and does not require a sui generis waste permission. As the application is sole for development which falls within the B1, B2 and B8 use classes, it is considered that the requirements of both, Policy EWP7 of the adopted Flintshire Unitary Development Plan and TAN21, do not need to be met.

7.14 Visual Impact
Policy GEN 1 seeks to ensure that development harmonises with the site and surroundings. Policy Policies D1 and D2 seek to ensure that development is of a good standard of design, taking into account location.

7.15 The site is within the Queensferry coastal and estuary urban area, classified within Landmap as an extensive, often linear and interconnected urban area along the edge of the coast & estuary, with larger towns, sprawling suburban edges and large scale heavy industry including docks with a low visual and sensory value. The main nearby receptors would be users and customers of the industrial sites on the Deeside Industrial Park and are not be regarded as sensitive receptors. The proposal will have a localised impact upon the users of the adjacent footpath impact of the development would be limited because of the wider industrial landscape.

- 7.16 Ecology
Policy WB1 supports development where it would not have a significant adverse effect on important species or their habitats.
Policy WB2: Sites of International Importance seeks to ensure that development will not have an adverse effect on internationally designated sites. Policy WB3 Statutory Sites of National Importance states that there is a presumption against development which would have a significant adverse effect on the nature conservation interest of the site. The River Dee SSSI/SAC is directly to the north of the site. The River Dee SSSI/SAC is primarily designated for its migratory fish eg Atlantic Salmon but also for Otter.
- 7.17 Planning permission can only be granted if it can be demonstrated that there is no likely significant effect on the designated features of the River Dee SAC/SSSI. Under the precautionary principle if there is an element of doubt then permission cannot be granted. The Local Planning Authority has carried out a Test of Likely Significance, as recommended by NRW and concluded that there would be no direct effects on either the Dee Estuary or the River Dee but there is the potential for indirect effects caused by changes in air and water quality due to the potential for critical overload in particular the “in-combination effects”.
- 7.18 In line with the requirements of the Conservation of Habitats and Species Regulations the LPA has carried out an Appropriate Assessment which has considered the impacts of the development, alone and in combination with other plans and projects.
- 7.19 Highways
Policy AC 13 permits proposals where approach roads to of an adequate standard and safe vehicular access can be provided to and from the main highway network. The site is access via Factory which forms part of the highway network. The application has been the subject of consideration by the Local Highway Authority. The highways officer raises no objection to the proposal.
- 7.20 Flood Risk
Policy EWP 17: Flood Risk supports development within areas at risk of flooding where it is justified and subject to detailed tests to ensure that any flood risk can be effectively managed and would not increase the risk of flooding off-site. The application site lies within Development Advice Zones C1 and within the boundary of the 1 in 1,000-year floodplain. Based on Figure 2 of TAN15 the site comprises a less vulnerable development as no permanent disposal of waste will take place on the site. The site comprises previously developed land within an area identified for employment use within the Unitary Development Plan.

- 7.21 A Flood Consequences Assessment (FCA) accompanies this application and has been subject to consultation with Natural Resources Wales (NRW), Due to the nature of the proposals and the existing less vulnerable land use NRW raise no objection to the application on flood risk grounds.
- 7.22 Fire Risk
Policy GEN 1 supports development where it would not have a significant adverse impact on other users of nearby land/property. The proposal includes the management of waste which is potentially flammable. Fire, if not controlled, could pose a risk to neighbouring users of land and property, including the LPG storage and distribution on the adjacent site, the impact of which could have wider consequences.
- 7.23 Two fires were reported at the site in February and May 2018. The first fire was minor and no formal fire investigation was undertaken, however the subsequent fire resulted in investigations by both North Wales Fire and Rescue Service and an independent forensic investigator. The reports conclude that the most probable source of the fire, on both occasions, was a piece of equipment used for the removal of pocket spring from mattresses. Following the third fire, the machine was removed from use and pocket spring were no longer processed at the site. Since the fire in July 2018 there have been no further fire on site.
- 7.24 In addition to no longer using the equipment or processing the waste which resulted in the previous fires, the Applicant has introduced a number of fire mitigation measures including the thermal cameras and probes to monitor the waste during storage, a dampener used during shredding, and concrete and metal fire resistant boundary treatments adjacent to the storage and shredding areas.
- 7.25 Consultation has taken place with Natural Resources Wales, The Fire Service and the Health and Safety Executive in relation to fire risk and the proposal impact on the adjacent Hazardous Substance Consent. None of these consultees raised any concerns in relation to fire risk
- 7.26 The site will require a bespoke environmental permit with Natural Resources Wales to operate in line with the details provided in their planning application. Accompanying the environmental permit, the site will be required to operate in accordance with a Fire Prevention & Mitigation Plan.

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.

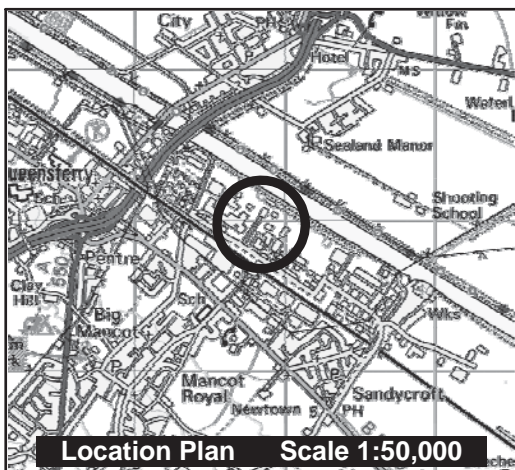
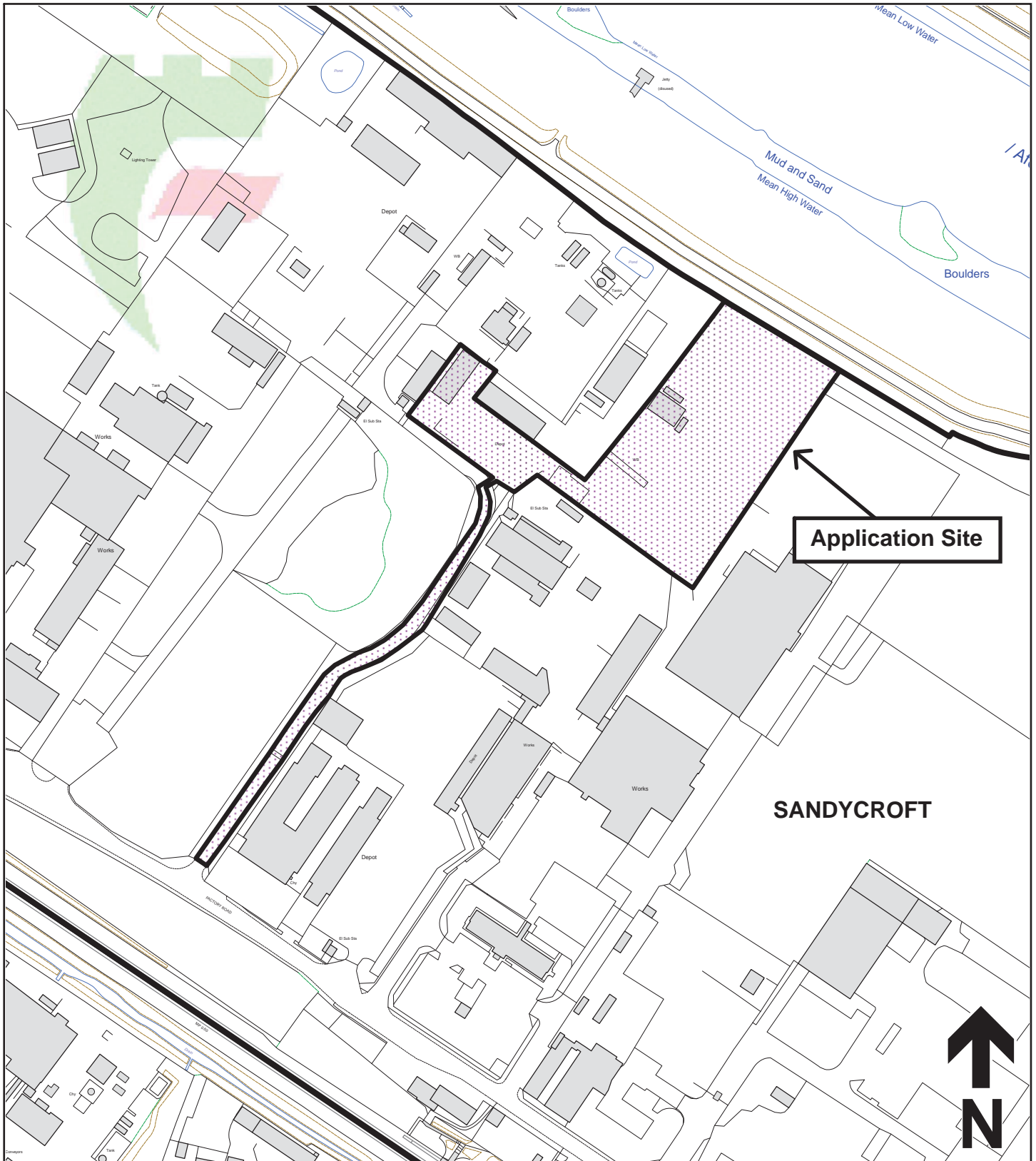
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Daniel McVey
Telephone: 01352 703266
Email: Daniel.McVey@Flintshire.gov.uk



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

Legend



Planning Application Site



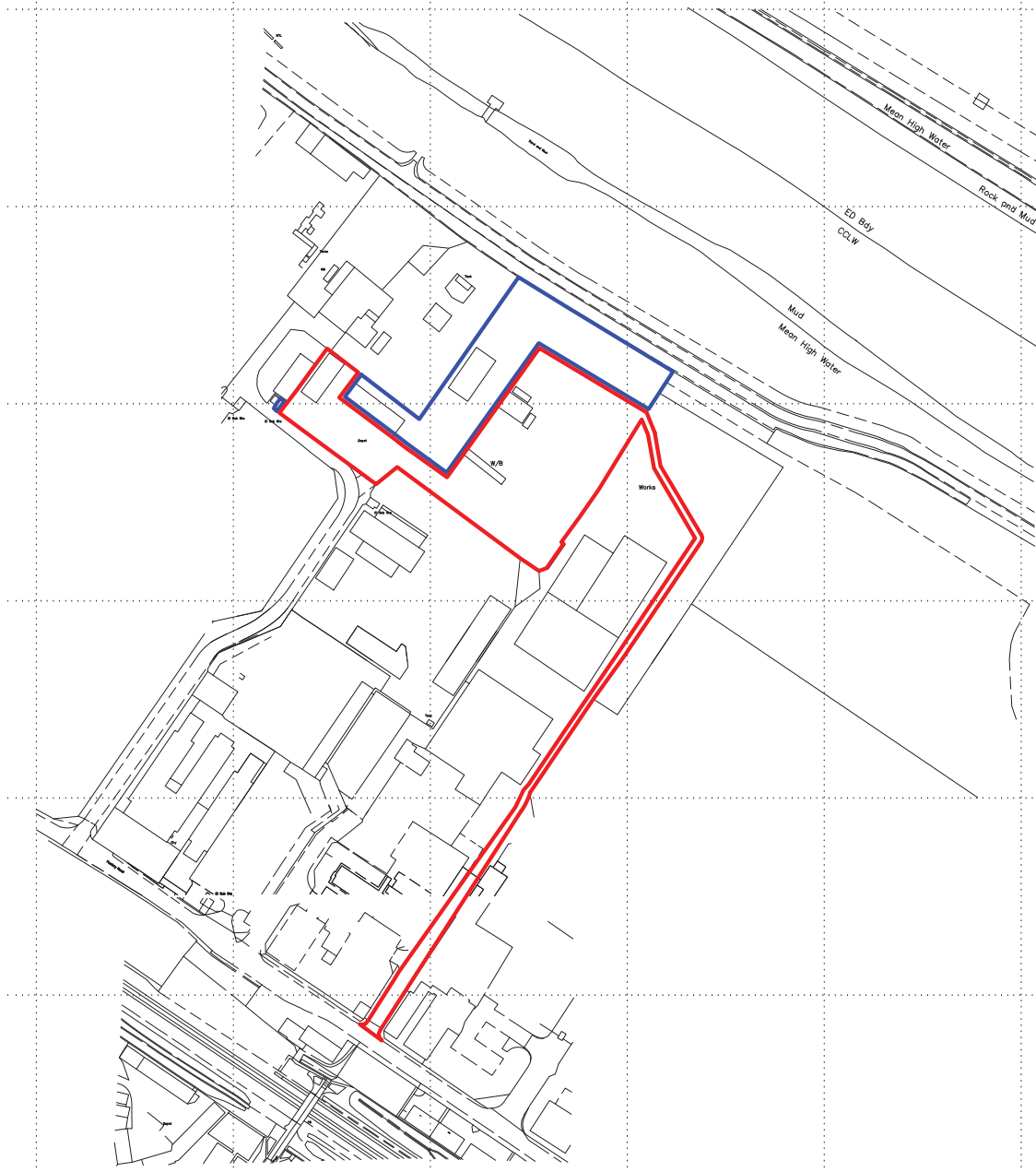
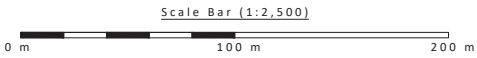
Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3268

Planning Application **61489**



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REVISION HISTORY

Rev	Date	Init:	Description:
-	02.07.20	CP	Initial Drawing
A	13.07.20	CP	Application boundary amended

KEY

- Application boundary
- Other land within applicant's control

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Oaktree Environmental Ltd
 Waste, Planning and Environmental Consultants



DRAWING TITLE
 SITE LOCATION PLAN

CLIENT
 Endurmeta Ltd

PROJECT/SITE
 Units A & D, Deva Industrial Park, Factory Road,
 Deeside CH5 2QJ

SCALE @ A3	JOB NO	CLIENT NO
1:1,250	4088	2580

DRAWING NUMBER	REV	STATUS
001/2580/02	A	Issued

DRAWN	CHECKED	DATE
CP	--	13.07.20

Material Storage Area Details - Proposed Following Planning Conditions Adhered To

Plan Ref	Description	Storage form	Max Length / Width (m)	Max Height (m)	Approx. Area (m2)	Conversion	Approx Volume (m3)	Approx Tonnage	Storage Duration	Comments
AREA 1	Storage area for shredder carpet for equestrian use	Shredded / processed	20	4	300	0.333	400	100 - 150	<1 week	Stored loose and loaded onto bulker lorries
AREA 2	Overflow storage area for carpets	Bale stack and loose	20	3	200	0.666	400	100 - 150	<2 weeks	Area used as contingency in the event of breakdowns
AREA 3	Acceptance and storage area for carpets prior to processing	Bale stack and loose	20	3	200	0.666	400	100 - 150	<2 weeks	Main waste acceptance and storage area
AREA 4	Storage area for baled carpets prior to processing	Bale stack and loose	20	1	100	0.666	67	20	<72 hours	Acting as the bale breaking area
AREA 5	Carpets prior to shredding	Loose	15	1	120	0.333	40	15	<72 hours	Once baled, material is a commodity
AREA 6	Post shred carper temporary storage area	Shredded	10	1	40	0.333	13	5	<12 hours	As above
AREA 7	1 tonne storage bags of finished play rubber (tyre crumb)	1 tonne bags	15	1	100	1	100	100	<4 weeks	All material is product and sold as a commodity to equestrian, leisure and commercial industries

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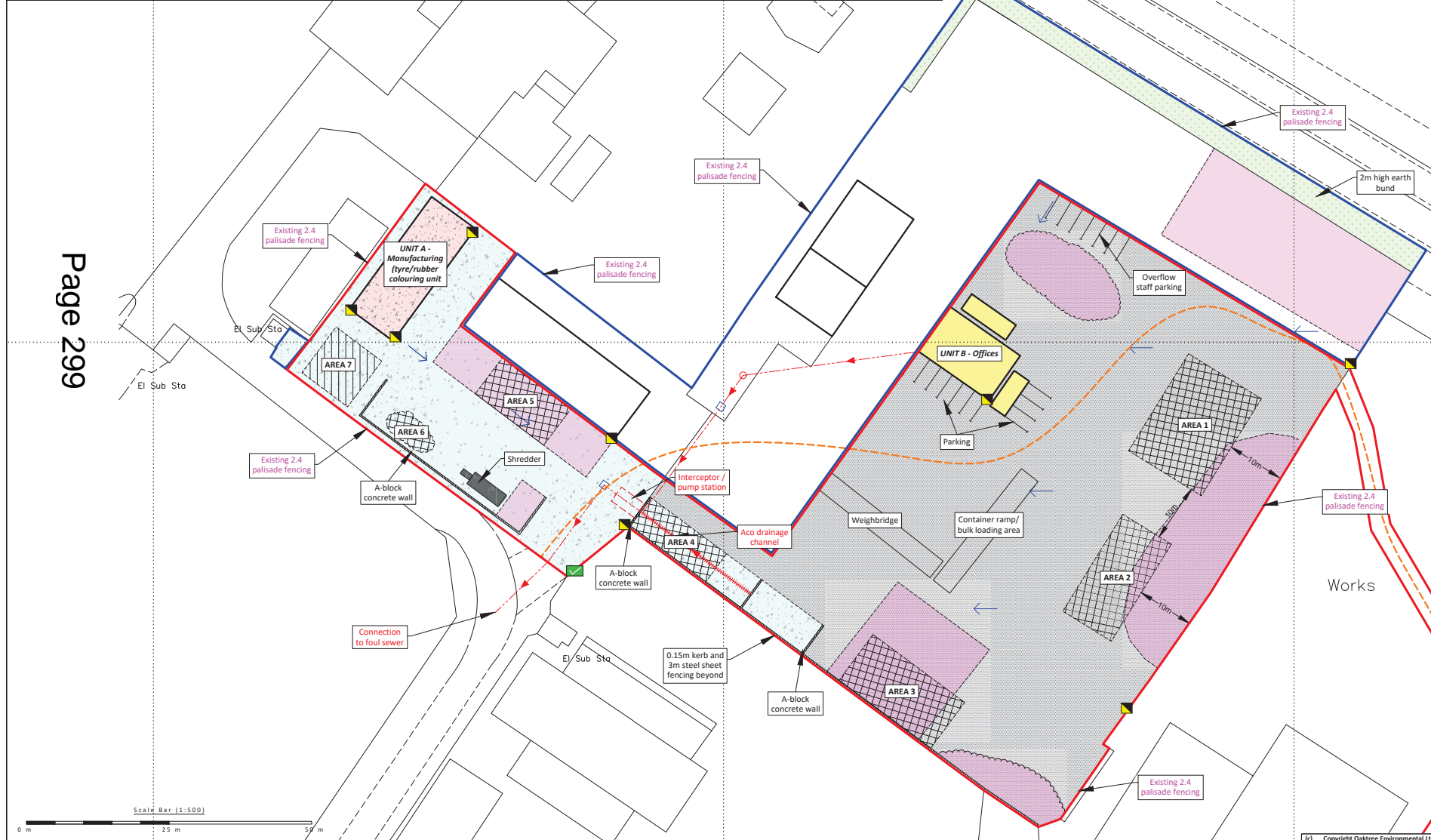
Title:	001/2580/07
Drawing No:	EXISTING & PROPOSED LAYOUT PLAN
Client:	Endurmata Ltd
Site:	Units A-D, Deva Industrial Park, Factory Road, Deeside CH5 2QJ
Date:	13 July 2020
Printed At:	A2
Scale:	1:500
Revision:	-
Job No:	001
Client No:	2580
Drawn By:	CP
Checked:	

Key:

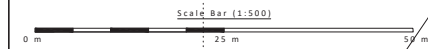
- Application boundary
- Other land within applicant's control
- Waste storage areas
- Product storage (non-waste)
- Concrete areas
- Workshops / manufacturing units
- Other buildings (offices, etc.)
- Stone surface / free draining
- Access route for emergency services
- Surface water drainage fall
- Foul (contaminated) water drainage
- Manhole
- Gully/catchment pit
- Fire assembly point
- CCTV cameras (indicative)
- Historic waste piles to be cleared by 30th Sept 2021

- Notes:**
- Drawing for indication only.
 - All measurements must be verified on site.
 - Pile sizes and separation distances shown have been based using Natural Resources Wales Fire Prevention & Mitigation Plan guidance document.
 - Elevations of units are shown on Drawing No. 001/2580/04.

Revision Details:			
Rev:	Int:	Description:	Date:
-	CP	Initial drawing	13/07/20

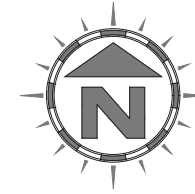


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Scale Bar (1:25,000)

0 km 1 km 2 km



NOTES

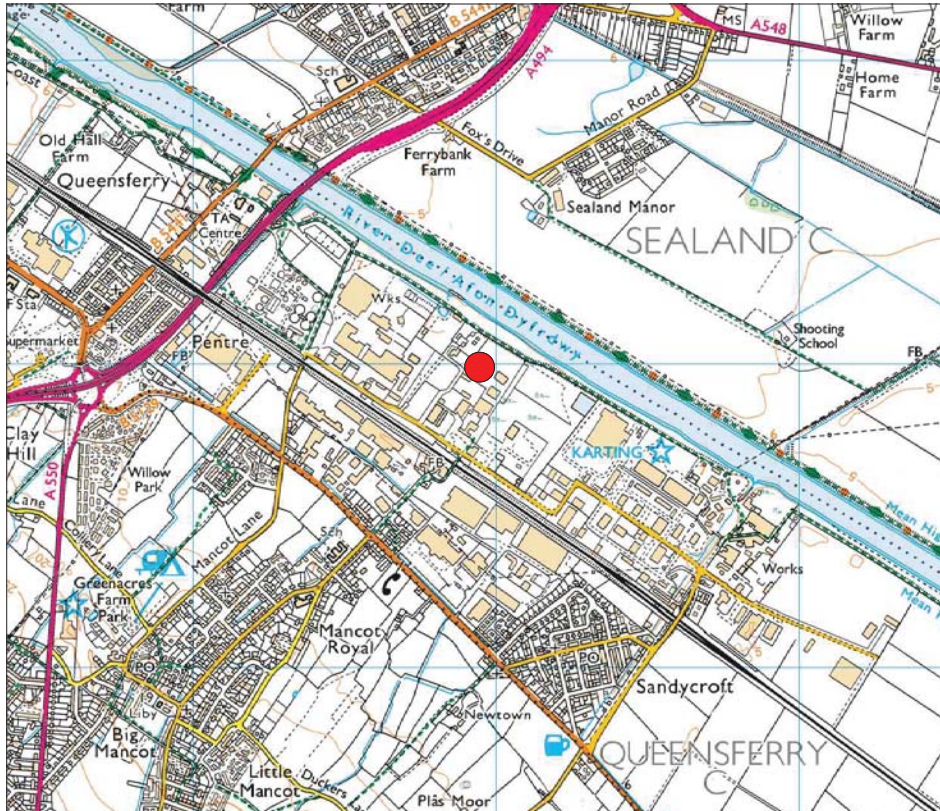
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REVISION HISTORY

Rev	Date	Init:	Description:
-	02.07.20	CP	Initial Drawing

KEY:

 Site location



Oaktree Environmental Ltd
Waste, Planning and Environmental Consultants



DRAWING TITLE
SITE LOCATION MAP

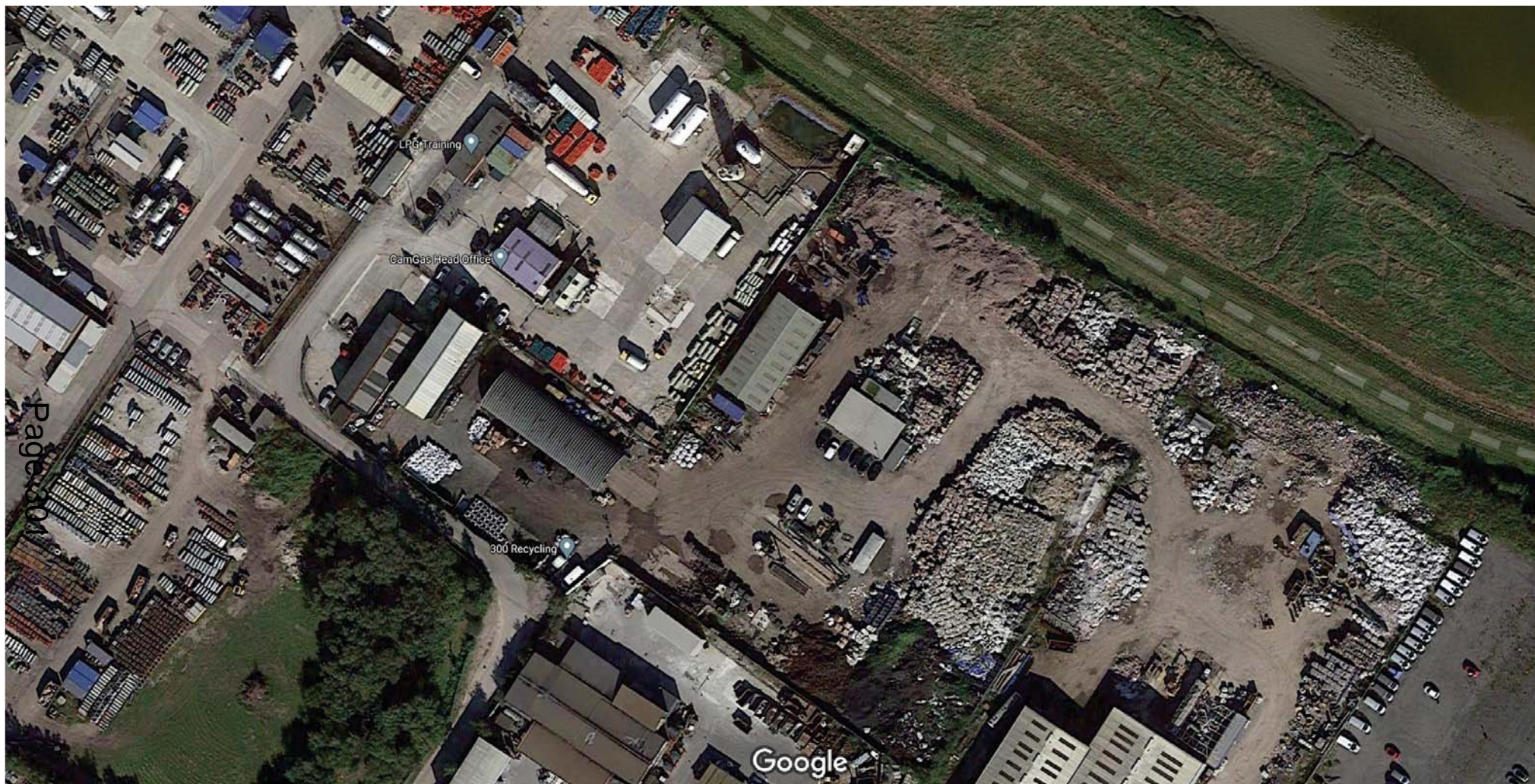
CLIENT
Endurmeta Ltd

PROJECT/SITE
Units A & D, Deva Industrial Park, Factory Road, Deeside CH5 2QJ

SCALE @ A4	JOB NO	CLIENT NO
1:25,000	4088	2580

DRAWING NUMBER	REV	STATUS
001/2580/01	-	Issued

DRAWN	CHECKED	DATE
CP	--	02.07.20



Title: 001/2580/04			
Drawing No: EXISTING ELEVATIONS & FLOOR PLAN			
Client: Endurmata Ltd			
Site: Units A & D, Deva Industrial Park, Factory Road, Deeside CH5 2QJ			
Date: 13 July 2020	Printed At: A2	Revision: A	
Scale: Elevations not to scale = floor plan 1:100 & 1:200			
Job No: 001	Client No: 2580	Drawn By: CP	Checked:

UNIT D - OFFICES

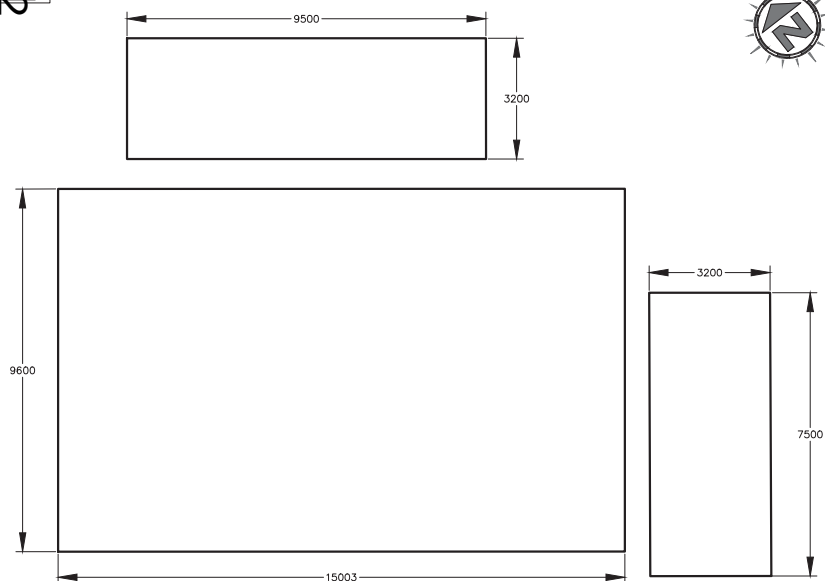


UNIT A - MANUFACTURING & COLOURING BUILDING ELEVATIONS

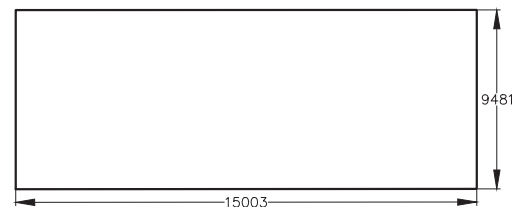


Page 3 of 2

UNIT D - OFFICES FLOOR PLAN



UNIT A - MANUFACTURING & COLOURING BUILDING FLOOR PLAN



- Notes:
1. Drawing for indication only and not to scale.
 2. All measurements shown are in millimetres
 3. There have been no alterations to the buildings upon Endurmata Ltd's occupancy on site.
 4. Further measurements can be provided to the LPA on request.
 5. Colours of all buildings are clearly demonstrated in the photographs.
 6. It was not possible to obtain a side elevation of Unit A therefore the length of the building is only used as a reference.
 7. All photographs were taken on 28/03/2019.
 8. Positioning of the photographs can be provided to the LPA on request.

Revision Details:			
Rev:	Int:	Description:	Date:
-	CP	Initial drawing	02/07/20
A	CP	Added floor plans	13/07/20

Statement from Agent

I am writing on behalf of the applicant in relation to the application site.

The site is situated in a prime industrial location and the proposed use of carpet recycling and non-waste tyre shred colouring complies fully with Planning Policy. The two products are then sent for re-use in Flintshire and surrounding areas for equestrian, recreational and leisure industries.

Concern has been raised due to historical issues at the site i.e. fires caused by hired plant malfunction. Operations have reduced to a level where it is considered the risk from fire is low due to the acceptance of one waste type, low storage volumes and the applicant's commitment to include fire breaks exceeding the required separation distances shown in Natural Resources Wales' Fire Prevention & Mitigation guidance. In addition to this, processed carpet undergoes continual testing using thermal imaging technology and temperature probes. The site is also exempt from the Environmental Permitting Regulations due to the low risk nature of the activity, particularly in terms of fire and amenity.

The site has previously manufactured and sent significant quantities of material for the commercial market, including Chester Zoo. There is a significant demand for this type of product, which diverts waste from landfill and provides much needed employment in these difficult times.

In conclusion, the application demonstrates that potential impacts from the site have been mitigated and that it is an acceptable land use. We would respectfully request that members grant planning permission in accordance with the planning officer's positive recommendation.

Statement from local Business

Statement to Flintshire Council Planning Committee 28th October 2020 (250 words)

We are asking Members to refuse the application on the basis of an unacceptable risk and to instruct officers to serve an enforcement notice immediately.

The site has been operating unlawfully since January 2017. It is beyond doubt that the nature of activities taking place are inherently risky immediately next to a major hazard site - that the site is within an industrial area does not negate the need to fully consider risk. National planning policy advocates a precautionary principle. If Members hold any doubt whatsoever over the risks posed by the operation, then national policy should be followed. To grant permission for an inherently risky operation would place the Council at significant risk of negligence if a further incident took place.

It is not only a question of risk, but also the consequences of risk. It is only by luck and the diligence of the fire service that the previous fires were contained. There are many examples of where incidents have occurred at major hazard sites causing widespread devastation. There is simply no need for the Council to set aside risk and approve in the face of clear evidence that the precautionary principle should be followed.

The applicant has had ample opportunity to provide detailed risk assessments – an approval simply cannot be issued. We have instructed Counsel to review the officer's report on this application, when available, and will circulate Counsel's opinion on this report in good time before the Committee makes its decision on the application next week.