

Public Document Pack

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



CS/NG

23 February 2023

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

To: Cllr Richard Lloyd (Chair)

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

Dear Sir / Madam

NOTICE OF HYBRID MEETING
PLANNING COMMITTEE
WEDNESDAY, 1ST MARCH, 2023 am 1.00 PM

Yours faithfully

Steven Goodrum
Democratic Services Manager

Please note: Attendance at this meeting is either in person in the Council Chamber, Flintshire County Council, County Hall, Mold, Flintshire or on a virtual basis.

Public speakers have been asked if they would like to address the Committee in English or Welsh.

The meeting will be live streamed onto the Council's website. The live streaming will stop when any confidential items are considered. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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

AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 3 - 6)

To confirm as a correct record the minutes of the meeting held on 1 February 2023.

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 1 MARCH 2023

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	063509	063509 - Change of Use of land to form mixed use comprising a 2 pitch family traveller site, 2 day rooms, general storage of personal business equipment. Erection of a 2.4m high wooden boundary fence, entrance gates with improved access onto Station Road (Pages 7 - 22)

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

PLANNING COMMITTEE **1 FEBRUARY 2023**

Minutes of the meeting of the Planning Committee of Flintshire County Council held remotely on Wednesday, 1 February 2023

PRESENT: Councillor Richard Lloyd (Chair)

Councillors: Bernie Attridge, Chris Bithell, Helen Brown, Rob Davies, Adele Davies-Cooke, Gladys Healey, Dave Hughes, Paul Johnson, Richard Jones, Hilary McGuill, Ted Palmer, Mike Peers and Dan Rose

APOLOGIES: Councillors: Mike Allport, Paul Cunningham and Carol Ellis

ALSO PRESENT:

Councillors Marion Bateman and Linda Thew attended as Local Members for Agenda item 6.2 (063810)

Councillor Chrissy Gee attended as an observer

IN ATTENDANCE: Chief Officer (Planning, Environment & Economy), Service Manager - Strategy, Service Manager - Development, Senior Engineer - Highways Development Control, Senior Planning Officers, Solicitor and Democratic Services Officers

44. DECLARATIONS OF INTEREST

Councillor Bernie Attridge declared a personal interest on agenda item 6.2 (063810) as he had been contacted by objectors on more than four occasions.

45. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated prior to the meeting and were appended to the agenda item on the Council's website:

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=5282&LLL=0>

46. MINUTES

The minutes of the meeting held on 11 January 2023 were confirmed as a correct record, as moved and seconded by Councillors Bernie Attridge and Mike Peers.

RESOLVED:

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

47. ITEMS TO BE DEFERRED

The Chief Officer (Planning, Environment & Economy) advised that no items were recommended for deferral.

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

The Solicitor advised the Committee that the reports on the agenda referenced the Unitary Development Plan and Local Development Plan policies as they were prepared prior to the Council formally adopting the Local Development Plan (LDP) on 24 January 2023. She advised that as the LDP was now the primary strategy and policy document against on which the Council should make decisions on planning applications and appeals, Members must take into account the LDP policies and other material considerations when determining the matters being presented. The updated position on relevant LDP policies had been reflected in the late observations circulated prior to the meeting.

RESOLVED:

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

49. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

(The meeting started at 1pm and ended at 2.55pm)

.....
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 1 FEBRUARY 2023

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
RES/ 000385/22	Sealand Community Council	Reserved Matters - Proposed Storage and Distribution Unit with ancillary offices, associated accesses, car parking, service yards, security gatehouse, electricity substation, pump house and landscaping at Plot B, The Airfields, Northern Gateway, Deeside	Miranda Bell (Applicant) spoke in support of the application.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer recommendation.
063810	Northop Community Council	Erection of 12 no. holiday lodges, reception/office and workshop/equipment store at Northop Country Park, Northop	A statement against the application was read out on behalf of the Welsh Historic Gardens Trust. John Dennan (Resident) spoke against the application. Councillors Marion Bateman and Linda Thew (Local Members) spoke against the application.	That the application be deferred to await the outcome of the current appeal lodged with the Planning Environment Decisions Wales (PEDW) for a holiday lodge chalet development within the country park (submitted under 063500) as it is considered that the applications are intrinsically linked.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
063033	-	General Matters - Change of Use of land for the stationing of caravans for residential purposes at Dollar Park, Bagillt Road, Holywell	-	That the proposal be supported subject to the conditions set out in the report, in accordance with the officer recommendation.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **1st MARCH 2023**

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

SUBJECT: **FULL APPLICATION- CHANGE OF USE OF LAND TO FORM MIXED USE COMPRISING A 2 PITCH FAMILY TRAVELLER SITE, 2 DAY ROOMS, GENERAL STORAGE OF PERSONAL BUSINESS EQUIPMENT. ERECTION OF A 2.2M HIGH WOODEN BOUNDARY FENCE, ENTRANCE GATES WITH IMPROVED ACCESS ONTO STATION ROAD**

APPLICATION NUMBER: **063509**

APPLICANT: **MR ADAM YOUNG**

SITE: **LAND TO THE SOUTHEAST OF "WILLOWBROOK (PARK HOMES)", STATION ROAD, SANDYCROFT, FLINTSHIRE**

APPLICATION VALID DATE: **5TH NOVEMBER 2021**

LOCAL MEMBERS: **COUNCILLOR CHRISTINE JONES**
COUNCILLOR DALE SELVESTER

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **COUNCILLOR REQUEST- DUE TO RETROSPECTIVE NATURE OF APPLICATION AND BECAUSE OF FLOOD RISK ISSUES**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 Full application for the Change of Use of Land to form mixed use comprising a 2 pitch family traveller site, 2 day rooms, general storage of personal business equipment. Erection of a 2.2m high wooden boundary fence, entrance gates with improved access onto Station Road at land to the Southeast of "Willowbrook (Park Homes)", Station Road, Sandycroft, Flintshire

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

- 2.01
1. Time limit on commencement
 2. In accordance with approved details
 3. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 2 of Welsh Government Circular 005/2018.
 4. Notwithstanding the details hereby approved a full drainage scheme shall be submitted to the LPA within 3 months of the planning approval. Following the written agreement of the LPA the approved scheme shall be implemented.
 5. No surface water to be allowed to enter public system
 6. Within three months of this approval the following components of a scheme to deal with the risks associated with contamination at the site, shall submitted to and approved in writing by the Local Planning Authority.
 - i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 - ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.
 7. Following the written approval of condition 6, and within a time scale to be agreed with the LPA, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term

monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

8. If contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.
9. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

3.00 CONSULTATIONS

- 3.01 **Councillor C Jones:** Requests committee determination and site visit so that members can see the development in situ due to concerns over flood risk due to the proximity of the brook.

Councillor D Selvester: No written response

Queensferry Community Council: No response at time of writing

Highways: No objection to the proposal and that do not wish to make a recommendation on highway grounds.

Community and Business Protection: No objection in principle. However, this site has extensive history of potentially contaminative land uses either at, immediately adjacent to or in the vicinity of the site and which is understood to have been landfilled in the past.

Welsh Water/Dwr Cymru: DCWW note that the developer proposes to dispose of both foul flows and surface water runoff via the public sewerage system and advise that the public sewers in the vicinity of the site are foul only and therefore it is not permissible to discharge surface water runoff into a foul sewer. An alternative method of surface water disposal will need to be sought. DCWW request that suggested Conditions (conditions 4 and 5) are included with the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Natural Resources Wales: NRW are satisfied that any concerns they have can be overcome by attaching suggested condition to any planning permission granted and if the document identified below is included in the approved plans and documents condition on the decision notice:

Conditions 6-9: Contaminated Land

Approved document: Land Off Station Road Sandycroft Flood Consequence Assessment. Betts Hydro. Ref HYD655_05.11.2021.

Please note, without the inclusion of these conditions and the document we would object to this planning application.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

5 letters of objection received which are summarised below:

- Trees removed
- Unstable land
- Road safety- Fence interfering with vehicular sightlines
- Queries over traveller status of applicant

5.00 SITE HISTORY

5.01 None relevant

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

STR2 - Location of Development

STR4 - Principle of Sustainable Development, Design and Placemaking

STR5 - Transport and Accessibility

STR8 - Employment Land Provision

STR13 Natural and Built Environment, Green Networks and Infrastructure

STR14 - Climate Change and Environmental protection

STR12 - Provision for Gypsies and Travellers

PC1 - Relationship of Development and Settlements

PC2 - General Requirements for Development

PC3 - Design

PC4 - Sustainability and Resilience of New Development

PC5 - Transport and Accessibility

PC4 - Sustainability and Resilience of New Development

PE2 - Principal Employment Area

PE6 - Protection of Employment Land

HN9 - Gypsy and Traveller Accommodation

EN6 - Sites of Biodiversity and Geodiversity Importance
EN14 - Flood Risk
EN16 - Development on or near Landfill Sites or Derelict and Contaminated Land

National Policy and Guidance

- Welsh Government Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites'
- Welsh Government Circular C 008/2018 'Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants
- Planning Policy Wales Edition 11 (February 2021)
- Future Wales 2020 - 2040

7.00 PLANNING APPRAISAL

7.01 Site

The site subject of this planning application is an irregular shaped parcel of previously developed land, which covers approximately 1600m² and is located in Sandycroft. In terms of the setting of the site within the locality, the Wildcrest Willow Brook Caravan Park is located directly to the east, industrial land is located to the north and west, whilst Station Road (unadopted at the point of access) forms the sites boundary to the south. Access to and from the site is taken via a vehicular access onto Station Road. The site is located within the settlement boundary for Sandycroft in the adopted Flintshire Local Development Plan.

7.02 Proposal

The proposed development would involve the change of use of previously developed land for use as a family traveller site accommodation comprising 2 static homes, 2 trailer caravans, 2 day room, along with the erection of a 2.2m high wooden boundary fence, gate pillars and metal gates. Each pitch would consist of 1 static home, 1 trailer caravan, 1 day room and 2 car parking spaces. This application is being applied for in retrospect.

- 7.03 The definition of 'Gypsies and Travellers' is contained within section 108 of the Housing (Wales) Act 2014. Gypsies and Travellers means:
- (a) Persons of a nomadic habit of life, whatever their race or origin, including –
- (i) Persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and
- (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and

(b) All other persons with a cultural tradition of nomadism or of living in a mobile home.

7.04 It is considered that the applicant and their family meet this definition.

7.05 **Main Issues**

The main issues to be considered with regard to this application are the principle of development, the best interests of children, as well as issues of flood risk, land contamination, drainage, access and local amenity.

7.06 **The Principle of Development**

The site is located within the settlement boundary for Sandycroft, which is a Tier 3 Sustainable Settlement in the Flintshire Local Development Plan.

7.07 Policy HN9 of the Flintshire Local Development plan is the primary development plan policy to consider in regard to the principle of this development. This policy acknowledges that despite provision being made in the Plan for the need identified in the extant Gypsy and Traveller Accommodation Assessment (2016) (GTAA) through allocations, there will be windfall development proposals for Gypsy and Traveller sites submitted during the Plan period in order to meet a specific need not identified in the current GTAA, as it represents a point in time assessment and is also due to be updated.

7.08 The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. More recently, Welsh Government have published a Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites which reflects provisions contained in the Housing (Wales) Act 2014, to ensure that local authorities meet the accommodation needs and provide sites for Gypsies and Travellers through the planning system. The Circular notes that policy requirements to 'demonstrate unmet need' would act against freedom of movement for gypsies and travellers who may wish to develop their own sites. Such restrictions should not be placed on Gypsies and Travellers. The Circular clearly states, therefore, that criteria based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites.

7.09 Paragraph 7 of the Circular advises that the Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities to ensure the sustainable development principle is met. In terms of wellbeing goals the guidance references a 'Wales of cohesive communities. Paragraph 8 goes on to advise that 'Housing is a fundamental issue that affects the lives of people across Wales,

including our Gypsy and Traveller communities'. In particular the guidance requires that '...Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community'.

7.10 Paragraph 12 recognises that 'Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage'. Paragraph 14 explains that the Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure 'that accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met'.

7.11 Paragraph 36 explains that 'when identifying sites the planning authority should work with the Gypsy and Traveller Community'. Paragraph 37 explains that 'issues of site sustainability are important for the health and well-being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks'.

7.12 Policy HN9 seeks to assess the suitability of the location of the proposed gypsy and traveller site by ensuring that in a sequential sense, sustainable locations within or adjacent to existing settlements with access to local services are considered first. The proposal would meet this criteria.

7.13 Policy HN9 goes on to advise that:

In all instances the proposal should satisfy the following criteria:

- a. The site is well related to suitable community facilities and services for the prospective occupants;*
- b. The site is capable of being served by utilities including sustainable waste disposal and recovery and emergency services;*
- c. The site affords satisfactory amenity standards both for its occupants and for neighbouring land uses;*
- d. The site is not in an area at high risk of flooding given the particular vulnerability of caravans.*

7.14 These points are expanded later in the report but in general the site occupies a sustainable location within walking and cycling distance of services and facilities within this and nearby settlements; it is located in an area that is served by waste disposal services and is easily accessible from the highway network by emergency services if required; the site has a generous amount of associated land and is well screened and adequately separated from neighbouring development; Natural Resources Wales have confirmed that they are satisfied that flood risk concerns are satisfactorily managed and do not consider the site a risk, as explained in more detail below.

7.15 It is considered that the proposal complies with this policy.

- 7.16 The circular itself provides expanded guidance at paragraph 37 in respect of the sustainability of sites and the site should be assessed in this context. Whilst not an exhaustive list, the items to consider when assessing whether or not a site is suitable includes:
- opportunities for growth within family units;
 - the promotion of peaceful and integrated co-existence between the site and the local community;
 - access to health and education services;
 - access to utilities including water, waste water disposal and waste collection services;
 - access by walking and cycling, public transport and private motor vehicles (including emergency vehicles);
 - suitable nearby or on-site safe play areas;
 - contribution to a network of transit sites which reduce the need for long-distance travelling or unauthorised encampments;
 - not locating sites in zone C2 risk of flooding and only considering sites for location within zone C1 risk of flooding in line with guidance contained in TAN 15, given the particular vulnerability of caravans; and
 - regard for areas designated as being of international, national and local importance for biodiversity and landscape
- 7.17 It is considered that the site meets the specified criteria, specifically as it both offers the opportunity for growth within the family units on site by promoting an appropriate location for a permanent home, but that it also provides good connectivity to the local communities and the facilities they offer. The site is within the settlement boundary for Sandycroft which is a sustainable settlement in the adopted LDP. It is a sustainable location for new development given the availability of services and facilities and also proximity to other settlements in Flintshire, and Deeside specifically.
- 7.18 The advice and guidance within the circular provide the framework when determining these types of planning applications. It is considered that the principle of this development is acceptable with due regard to all relevant National and Local policies and advice. The site represents a sustainable location, appropriate for the level of development proposed and in addressing a specific housing need.
- 7.19 The site is located within a Principal Employment Area in the Local Development Plan. Policy PE2 is supportive of appropriate employment development in these areas. It does not necessarily preclude other forms of development where it may be appropriate to allow them and in accordance with other development plan policies. Policy PE6 seeks to protect the loss of existing, designated or allocated employment land and buildings. However, the land subject to this application is relatively small and would possibly not be appropriate or attractive for an employment use because of its size constraints and the presence of existing residential accommodation

to the west. The land has been unoccupied and unused apart from what appears, from submitted aerial photos, to be for some overspill parking at various points in the past. It is not considered that the proposal would unacceptably harm the strategic aims of the principal employment area designation nor the supply of employment land and do not consider there to be a conflict of policy in this regard.

7.20 **Interests of children**

The application identifies that there are 9 Children, of school and pre-school age, that currently live on the site.

7.21 The benefits of enabling the provision of a stable and secure environment are a primary material consideration in the planning balance. This has been accepted by planning inspectors with due regard to the rights to respect for family and private life as identified in Article 1 and Article 8 of Protocol 1 of the European Convention on Human Rights.

7.22 It is acknowledged that children live, and would continue to live, on the site were permission to be granted and the Local Planning Authority has a statutory duty under the Children's Act 2004, to safeguard and promote the welfare and well-being of the children.

7.23 There is also a national and international obligation continued in article 3(1) of the United Nations Convention of the Rights of the Child (UNCRC)

"In all actions concerning children, whether undertaken by public or private or social welfare institutions, courts or law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

7.24 These considerations are therefore a primary material consideration in the site assessment. The implications of the applicant, their family and the families of those living on site having a settled base for the educational/health needs of the children needing to be considered and weighed in the balance as a primary consideration. Precise details of the current educational provision used by the children on site has not been provided however, as discussed earlier in the report this proposal is considered to be policy compliant and would therefore be supported notwithstanding the presence of children on site. It is therefore considered to be a supporting factor rather than the principal reason the proposal is considered to be acceptable and further information has not been sought.

7.25 No health issues have been disclosed but it is clear that in terms of access to educational provision for the children, having a stable base that living on this site affords would be in their best interests. In these circumstances it is considered that the best interests of the children

would be best served by occupation of the site. Although as previously mentioned, and notwithstanding this view that it would be in the children's best interests to reside on site, and the fact that this is of primary importance in consideration of the application, the application is otherwise in compliance with policy and is acceptable in any event.

7.26 **Flooding**

The planning application proposes highly vulnerable development (traveller site). The NRW's Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15.

7.27 The development proposal is for a two pitch traveller site, on a currently undeveloped parcel of land. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Further to the discussion regarding the principle of development earlier in this report it is considered that the development in this location is justified as it accords with the strategic and policy aims of the development plan in reference to Gypsy and Traveller sites.

7.28 The FCA assesses the flood risk from two primary sources, namely fluvial flood risk from Broughton Brook, which borders the site, and tidal flood risk from the River Dee. In respect to fluvial flood risk, a range of events have been considered, including blockages of two structures (one upstream and one downstream of the site) for the 25% and 80% blockage scenarios. In the 1% Annual Exceedance Probability (AEP) event with an allowance for climate change and an 80% blockage, a flood level of 4.14m AOD has been derived adjacent to the site for the upstream blockage scenario (the level is 4.62m AOD upstream of the structure), and a flood level of 4.38m AOD has been derived for the downstream blockage scenario. The FCA states that based on LiDAR data, site levels are approximately 5.81m AOD or higher, meaning the site is well elevated above predicted flood levels for this event. This is supported by the model outputs provided in Appendix D of the FCA which indicate no flooding of the site is expected in this event. NRW note that no assessment has been made of the potential impact that failure of the tidal door downstream of the site could have on flood risk, in terms of tidal floodwaters propagating up the channel. However, as the site is elevated above the flood level for the 1% Annual Exceedance Probability (AEP) event with an allowance for climate change and an 80% blockage, and there are lower areas of land further upstream which are subject to flood risk from Broughton Brook, it is expected that the risk of flooding to the site in the event of failure of the tidal door is low.

7.29 In relation to tidal flood risk, the FCA has assessed the risk of flooding from a tidal breach of the River Dee defences, using the outputs from

the Sandycroft breach location from our River Dee modelling study (2020). The outputs indicate that the majority of the site would be expected to be flood free in the 0.5% AEP breach event with an allowance for climate change, with only the eastern boundary of the site identified at flood risk. The flood level at the eastern boundary is calculated as 5.82m AOD, resulting in maximum flood depths of only 0.005m. The FCA states that all caravans and buildings should be set to a level of 6.42m AOD, which would provide a 600mm freeboard above the breach flood level. Based on the assessment submitted and the proposed mitigation measures NRW are satisfied that the proposal demonstrates compliance with A1.14 of TAN15.

- 7.30 In respect to A1.15 of TAN15, the FCA demonstrates that no flooding of the site is expected in the 0.1% AEP blockage event for Broughton Brook. In respect to tidal flood risk, the 0.1% AEP breach event with an allowance for climate change has not been considered. For the 0.5% AEP breach event with an allowance for climate change depths are below 600mm and velocities are generally below 0.3m/s.
- 7.31 NRW have confirmed that the FCA shows that the risks and consequences of flooding are manageable to an acceptable level. Therefore, they have no objection on flood risk grounds to the application as submitted. As such the proposal complies with policy EN14 of the Flintshire LDP. As the development is considered to be in line with guidance contained in TAN 15, the proposal also accords with the element in the Circular which requires sites to not be located within sites prone to flooding.

7.32 **Land Contamination**

The development lies within the former Station Road landfill site; and therefore has the potential for contamination. Both the Public Protection officer and NRW have suggested land contamination conditions to be applied to any consent to require further investigation, verification and, if required, remediation measures to account for any potential land contaminates in order to ensure that these are dealt with appropriately, and to ensure that no residual risk remains on site for future receptors.

- 7.33 It should be noted that this application is being made in retrospect and the development has been carried out. As such it will be necessary to amend the suggested conditions to require this information and any required work within a reasonable timeframe following an approval, rather than prior to occupation.
- 7.34 In addition NRW have requested that a condition be applied that states no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site

where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. This will be linked to the contaminated land investigations, and to any subsequent SAB approval.

7.35 Subject to the information being submitted and any identified remediation being carried out it is considered that it will be possible to ensure that the proposal is compliant with LDP policy EN16-Development on or near Landfill Sites or Derelict and Contaminated Land. Given the nature of the development, which has not required excavation or otherwise intervention into the ground that would be likely to create pathways for possible contaminants, it is not considered that this is an issue that should prohibit this development and I consider that the suggested conditions, as laid out above, can give sufficient reassurance that the occupation of the site is acceptable.

7.36 **Drainage**

The proposed drainage solution for the site is to dispose of both foul flows and surface water runoff via the public sewerage system. Welsh Water have advised that the public sewers in the vicinity of the site are foul only and therefore it is not permissible to discharge surface water runoff into a foul sewer.

7.37 In order to ensure that an alternative method of surface water disposal is sought they have requested a drainage scheme is conditioned to be submitted following planning approval.

7.38 The surface water drainage is subject to SAB approval and must be sought separately to any planning consent.

7.39 As a foul water public sewerage connection is available and Welsh Water have raised no objection to such a connection, it is considered that the principle of drainage for this development is acceptable. For the sake of clarity it would be necessary to request the further drainage details as a condition to any approval, as set out in Welsh Waters consultation response.

7.40 **Access**

The site uses an existing unadopted access road, which is unchanged by the proposal. This section of unadopted highway also serves the residential caravan park to the north of the site. The proposal provides a standard splay entrance to the site, which allows for safe access and egress.

7.41 The Highways Authority have confirmed that they have no objection to the proposal and have not made a recommendation on highway grounds.

7.42 **Local Amenity**

The site is well screened from the adjacent residential units on Willow Brook caravan park. The boundaries will have a 2.2 metre high close boarded fence. There is intervening vegetation between the application site and the caravan park.

7.43 With regards to the close boarded fence. There is an advantage to this type of fencing as it provides privacy to the site and its neighbours. NRW have, however, queried the acceptability of the fence, which is directly on the top of the bank of Broughton Brook, as the current proposed closed board fencing would prevent visual inspection of the channel. A chain link fence, as they propose, would not provide the necessary visual screening to the adjacent Willowbrook site. Their concern is that the close boarded fence does not allow easy visual inspection of the channel of Broughton Brook

7.44 Whilst there are industrial uses within the locality of the site, which will generate noise, no concerns have been raised by Public Protection with regard to potential noise impact upon residents of the site. The distance between the caravans on the application site and neighbouring industrial sites is similar to the Willow Brook caravan park. It is considered that the amenity of residents of the proposal site is acceptable, and the proposal will not result in a loss of amenity to neighbouring residents.

7.45 **Other Matters**

NRW have cautioned that that the application site is located within 82m of the SAC. The proposals may affect the River Dee and Bala Lake SAC if pathways for pollution exist. They note, however, that the above pathways may not result in an adverse effect if the Developer adheres to pollution prevention guidelines. It is not considered likely that the development would have likely effects on the SAC and therefore it is not considered that a Habitat Regulation Assessment is necessary with regard to this development.

8.00 **CONCLUSION**

By considering this planning application on its own merits and with due regard to all relevant National and Local policies and advice, it is my view that the proposal represents an appropriate and proportionate Gypsy and Traveller site that will benefit from its close proximity to the local communities that surround it but will not give rise to any undue or detrimental impact to the amenity of these communities. With full consideration to the benefits the establishment of this site will give to its residents and their individual needs, as well

as all other material issues, the application is recommended for approval subject to the Conditions outlines in paragraph 2.01

8.01 Other Considerations

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

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

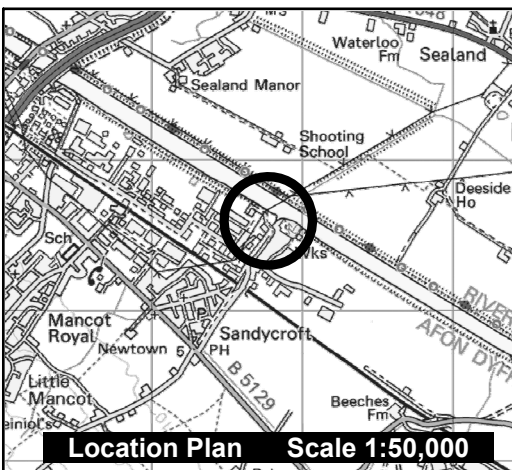
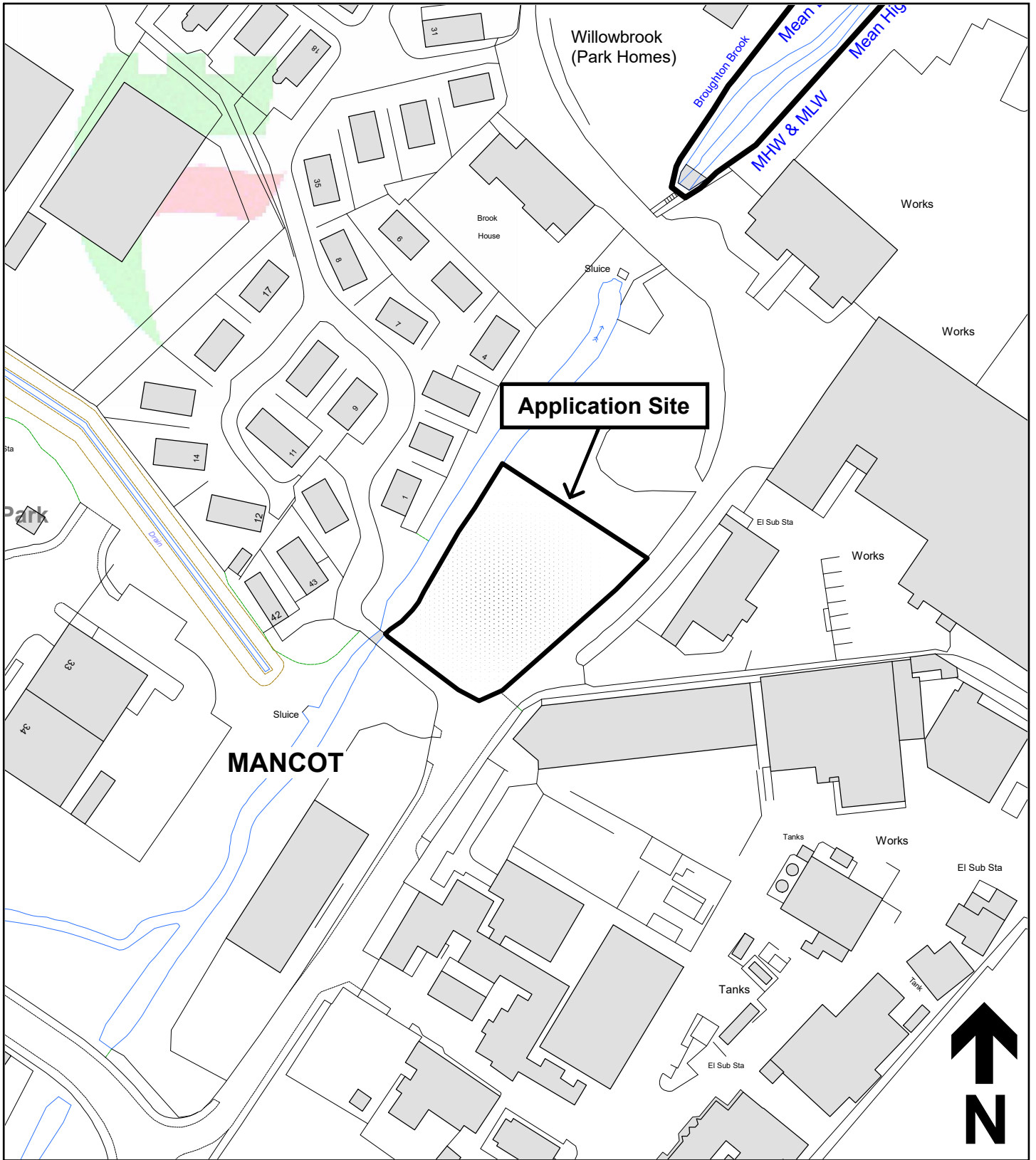
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS

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

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



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Local
 Development Plan
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2022.

Map Scale 1:1250

OS Map ref SJ 3367

Planning Application **63509**

This page is intentionally left blank