

# Public Document Pack

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



CS/NG

15 June 2023

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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, 21ST JUNE, 2023 am 1.00 PM**

Yours faithfully

Steven Goodrum  
Democratic Services Manager

Please note: Attendance at this meeting is either in person in the Lord Barry Jones 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.

## A G E N D A

1 **APPOINTMENT OF VICE-CHAIR**

2 **APOLOGIES**

3 **DECLARATIONS OF INTEREST**

4 **LATE OBSERVATIONS**

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

To confirm as a correct record the minutes of the meeting held on 26 April 2023.

6 **ITEMS TO BE DEFERRED**

7 **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 21 JUNE 2023**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u></b>		
7.1	RES/000658/22 - A	Reserved Matters - Application for Approval of Reserved Matters following Outline Approval 063145 at Northern Gateway (Phase 3), former Corus, Welsh Road, Garden City (Pages 7 - 22)
7.2	FUL/000034/22 - A	Full application - Construction of a residential development of 141 no. dwellings & associated works at field west of Highmere Drive, Connahs Quay (Pages 23 - 38)
7.3	OUT/000496/22 - A	Outline application - For residential development with all matters reserved except for means of access at Land adj. to Ffordd Pennant, Maes Pennant, Mostyn, Holywell (Pages 39 - 52)
7.4	FUL/000722/22 - A	Vary/Remove Condition - Variation of Condition 2 Planning Ref: 037406 at Fron Haul Quarry, Nannerch, Mold (Pages 53 - 70)
7.5	FUL/000186/22 - A	Full application - Retrospective garden decking area at High Croft, Cilcain Road, Pantymwyn (Pages 71 - 78)

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

## **PLANNING COMMITTEE** **26 APRIL 2023**

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 26 April 2023

### **PRESENT: Councillor Richard Lloyd (Chair)**

Councillors: Mike Allport, 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

**APOLOGIES:** Councillors Bernie Attridge and Chris Bithell

**ALSO PRESENT:** The following attended as Local Members:  
Councillor Dennis Hutchinson - agenda item 6.2 (FUL/000779/22)

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

Prior to the start of the meeting the Chair informed the Committee of the sad news of the death of Mrs Lyn Bithell, wife of Councillor Chris Bithell, and asked all present to stand for a minute's silence in tribute.

### **62. DECLARATIONS OF INTEREST**

Councillor Paul Cunningham declared a personal interest on agenda item 6.1 (FUL/000037/23) as the site was in his Ward and he is a member of Flint Town Council

### **63. 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?MIId=5285&x=1&LLL=0>

### **64. MINUTES**

The minutes of the meeting held on 29 March 2023 were confirmed as a correct record, as moved and seconded by Councillor Hilary McGuill and Councillor Mike Peers.

### **RESOLVED:**

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

**65. ITEMS TO BE DEFERRED**

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

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

**RESOLVED:**

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

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

There was one member of the public present at the start of the meeting.

(The meeting started at 1.00 pm and ended at 2.15 pm)

.....  
**Chairman**

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**PLANNING COMMITTEE ON 26 APRIL 2023**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
FUL/000037 /23	Flint Town Council	Full application - redevelopment of the former Cottage Hospital site in Flint to provide a new care home comprising of 56 no. bedrooms, complete with new road access and parking, green space and landscaping.	A statement of support was read out on behalf of Councillor Michelle Perfect (joint Local Member)	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer recommendation:
D 20 22 5 FUL/000779	Buckley Town Council	Full application - retention of general purpose storage building, stables and manege including the change of use of land for equine	Mr Lester Thompson (Applicant) spoke in support of the application.  Councillor Dennis Hutchinson (joint Local Member) spoke against the application	That planning permission be refused, against officer recommendation, on the grounds that it impacts on the openness of the green wedge and conflicts with EN11 (size and scale of location).

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **21<sup>st</sup> JUNE 2023**

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

**SUBJECT:** **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 063145**

**APPLICATION NUMBER:** **RES/000658/22**

**APPLICANT:** **BELLWAY HOMES LIMITED (NORTH WEST)**

**SITE:** **NORTHERN GATEWAY (PHASE 3), FORMER CORUS LAND, WELSH ROAD, GARDEN CITY**

**APPLICATION VALID DATE:** **11<sup>TH</sup> NOVEMBER 2022**

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

**TOWN/COMMUNITY COUNCIL:** **SEALAND COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **DUE TO THE SCALE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This is an application for Reserved Matters approval following the grant of Outline planning permission on land at Phase 3, former Corus, Northern Gateway.
- 1.02 The application proposes the erection of 54 semi-detached and detached dwellings with associated car parking and landscaping. Of the 54 dwellings, 10% will be affordable dwellings whilst the applicant will enter into a S106 Agreement with the Council to provide a financial contribution of £225,000 in lieu of the remaining 10% provision. The decision to secure a split provision to avoid a

cumulation of affordable housing in one location (given the consent for 100 affordable dwellings on Phase 1 of the PGNGL land), and to provide greater choice for future occupiers within the wider Garden City Sub-Market Area. This approach has been agreed in collaboration with the Councils Housing Strategy department.

- 1.03 As members may recall the whole of the Norther Gateway site has required significant initial expenditure in terms of enabling works which has impacted on viability and the level of contributions which could be sought. Phase 2 of the PGNGL development prioritised education contributions over affordable housing due to viability and the provision the affordable scheme on Phase 1. As the development progresses however those initial costs have reduced and therefore full contributions are now being sought.
- 1.04 In addition to the affordable housing provision the applicant intends to make a contribution of £166,221 towards educational facilities (provision of an additional science block) at Hawarden High School.
- 1.05 Neither project has received more than 5 contributions and therefore would be compliant with CIL regulations.
- 1.06 The principle of the development has been established through the granting of outline planning permission and the details as proposed in this application accord with both local and national planning policy. Matters including amenity, highway safety and flood risk have been considered and are acceptable.
- 1.07 It is therefore recommended that Members endorse the recommendation to approve the application subject to the conditions as outlines at Paragraph 2.01 of this report and applicant entering into a Section 106 Agreement.

**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:
  - a. Payment of a financial contribution towards Education of £166,221 at Hawarden High School;
  - b. Payment of a financial contribution towards Affordable Housing of £225,000
  - c. The establishment of a Management Company for the management and future maintenance of the onsite public open space and communal landscaping areas including the permitter grassed areas



## Conditions

1. Time limit on commencement
2. In accordance with the approved plans

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Chief Officer for Planning, Environment & Economy be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

3.01 **Local Members:** No responses received at time of writing report

**Sealand Community Council:** No objections raised

**Highways Development Control:** Following the submission of amended details the proposal is considered acceptable from a highway safety perspective. Matters including parking and turning, point of access and layout are covered by conditions on the outline planning permission.

**Public Rights of Way:** Public Footpath No. 1 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

**Welsh Government:** No objection subject to the inclusion of a condition relating to off-site Highway works

**Community and Business Protection:** No objection

**Welsh Water/Dwr Cymru:** No objection to the proposal subject to the compliance with drainage conditions as imposed on the outline planning permission.

**Natural Resources Wales:** No objection subject to the inclusion of the Flood Consequences Assessment in the list of approved documents.

**Conservation:** No objections

**North Wales Fire and Rescue Authority:** No objections

**Housing Strategy:** No objections subject to the 20% affordable housing provision. Agree to the approach to split the allocation in terms of 10% of the units (5) to be provided on site with a contribution of £225,000 to be utilised in the Garden City Sub-Market Area. Given

the evidenced demand for all property types Housing are content that the contribution can be used for an identified project.

**Capital Projects (Education):** Requests a contribution of £166,221 to provide additional facilities at Hawarden High School. No contribution required for Sealand CP.

#### **4.00 PUBLICITY**

4.01 Site Notice displayed – No responses received at time of writing report

#### **5.00 SITE HISTORY**

5.01 There is a complex and lengthy planning history to the Northern Gateway site and accordingly the most relevant applications to this particular plot are listed below.

063591 Application for the approval of Reserved Matters following outline approval for the erection of 400 dwellings Approved 30.03.22

060411 Application for approval of reserved matters following outline approval (056540) for the erection of 129 no. dwellings. Approved 28.10.21

059635 Application for removal of conditions 6, 8, 11 and 32 and variation of conditions 7, 31, 36 and 44 following grant of planning permission. (056540). Approved 05.06.20

058868 Application for approval of reserved matters relating to the phase 1a enabling and infrastructure works following outline Approval. (056540). Approved 30.08.19

056540 Application for variation of conditions 5 (mix of development and phasing), 32 (highway works) and 38 (off-site highway works) and removal of conditions 6 (highway works at Station Road/Asda junction) and 10 (flood defence works) following grant of planning permission 054758 Outline application for an employment led mixed use development incorporating logistics and technology park (B1, B2, B8), residential (C3), local retail centre (A1), Hotel (C1), Training and skills centre (C2, D1) new parkland, conversion of buildings, demolition of barns, and associated infrastructure comprising construction of accesses, roads, footpaths, cycle paths, earthworks, and flood mitigation. Approved 02.03.18

054758 Variation of conditions 6, 9 and 42 and removal of condition nos. 17, 18, 19 and 20 attached to planning permission ref: 050125 Approved 16.03.16. 050125 Employment-led mixed-use development, incorporating Logistics and Technology Park

(B1,B2,B8) with residential(C3),local retail centre (A1), hotel (C1), training and skills centre(C2,D1),new parkland; conversion of buildings, demolition of barns; and associated infrastructure comprising construction of accesses, roads, footpaths/ cycle paths, earthworks and flood mitigation/drainage works Approved 13.05.14

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Local Development Plan**

Policy STR1: Strategic Growth

Policy STR2: The Location of Development

Policy STR3A: Strategic Site: Northern Gateway

Policy STR4: Principles of Sustainable Development, Design and Placemaking

Policy STR5: Transport and Accessibility

Policy STR11: Provision of Sustainable Housing Sites

Policy STR13: Natural and Built Environment, Green Networks and Infrastructure

Policy STR14: Climate Change and Environmental Protection

Policy STR15: Waste Management

Policy PC1: The Relationship of Development to Settlement Boundaries

Policy PC2: General Requirements for Development

Policy PC3: Design

Policy PC4: Sustainability and Resilience of New Development

Policy PC5: Transport and Accessibility

Policy PC6: Active Travel

Policy HN1: New Housing Development Proposals

Policy HN2: Density and Mix of Development

Policy HN3: Affordable Housing

Policy EN6: Sites of Biodiversity Importance

Policy EN8: Built Historic Environment and Listed Buildings

Policy EN14: Flood Risk

### Adopted Supplementary Planning Guidance

SPGN No. 2 – Space Around Dwellings.

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.

### National

Planning Policy Wales Edition 11, February 2021

TAN 2: Planning & Affordable Housing.

TAN 5: Nature Conservation & Planning

TAN 11: Noise

TAN 12: Design

TAN 15: Development and Flood Risk

TAN 16: Sport, Recreation & Open Space

**7.00 PLANNING APPRAISAL**

7.01 Introduction

The Northern Gateway site comprises of the former Corus Garden City site and the former RAF Sealand site. The Northern Gateway site spans a vast area and is owned by Praxis Real Estate Management Ltd (Praxis) and Pochin Goodman Northern Gateway Ltd (PGNGL). The northern part of the wider Northern Gateway (former RAF Sealand) site is owned by Praxis with the southern part (former Corus site) owned by PGNGL.

7.02 The outline permission for the PGNGL area of land grants the delivery of up to 770 residential dwellings on their site. This application is for the erection of 54 residential dwellings and associated internal infrastructure on phase 3 of the PGNGL site.

7.03 Site Description

The application site is part of the residential area of the mixed use development which in total spans 1.50 hectares and is currently open land. Phase 3 specifically, is made up of fields of pasture land dived by post and rail fencing which can currently be accessed via Farm Road. The surrounding area is a mix of agricultural land, residential land and industrial land. The site is bound by the approved residential developments of Phase 2 to the north-east, and Phase 1B to the south-east. The dwellings proposed as part of these applications consist of 1, 2, 3 and 4 bed dwellings comprising 1– 2.5 storey homes. To the north-west is approved employment land within the wider Northern Gateway site. Applications for reserved matters approval are still outstanding. The River Dee is located 75m to the south west of the application site

7.04 On the adjacent parcel of Northern Gateway Reserved Matters consent has been granted for housing developments; commercial units and a district centre

7.05 The site sits immediately adjacent to the defined settlement boundary of Garden City with the majority of the settlement located to the south. Sealand Primary School is located adjacent to the site off Farm Road.

7.06 Taking in the wider context of the site, further north is Deeside Industrial park which comprises of commercial and industrial units whilst to the west is the industrial complex of Tata StreeL. Queensferry is the nearest larger settlement located to the south where there is access to a range of amenities.

- 7.07 Proposed Development  
This application proposes the erection of 54 dwellings together with the associated public open space [POS], internal roads, footpaths and other related works.
- 7.08 The proposed dwellings comprise a mix of one and two bedroom apartments and two, three and four bedroom dwellings comprising a mix of mews, semi-detached and detached dwellings. The mix of dwellings is as follows:
- 18 No. four bedroom detached
  - 7 No. three bedroom detached
  - 18 No. three bedroom semi-detached
  - 2 No. two bedroom semi-detached
  - 2 No. two bedroom apartment
  - 1 No. one bedroom apartment
- 7.09 The Ballister house type has rooms in the roof and incorporate dormer windows (2.5 storeys). The remaining house types are all 2-storey. The net area of the site is 1.50ha and the net density of the development is 35.95 dwellings per hectare [dph] which is largely driven by the smaller house types.
- 7.10 Phase 3 is proposed to be accessed from the existing currently unnamed highway to the north-east. The internal road layout of the parcel comprises a looped road providing access to dwellings. Some dwellings are accessed from shared private driveways. Traffic calming is proposed in the form of raised tables where appropriate at corners of the proposed looped estate road..
- 7.11 Sustainable drainage infrastructure to serve Phase 3 is located outside of the red line boundary of the current application but fall within the scope of the wider infrastructure application (ref. 062409).
- 7.12 Overall, dwellings are set back from the road with a front garden and driveway area. The applicant has given consideration to a consistent building line fronting onto the main spine road to the north, in line with feedback received from officers during pre-application engagement. Dwellings are proposed to address street corners and enhance natural surveillance throughout the development.
- 7.13 Principle of Development  
The site forms part of the strategic mixed use development allocation STR3A: Strategic Site: Northern Gateway within the adopted Flintshire Local Development Plan.
- 7.14 Both this application site, the Former Corus, Garden City and the adjacent Airfields site together make up the 'Northern Gateway', a comprehensive mixed use redevelopment which takes advantage of the strategic location and the availability of previously developed land.

- 7.15 Both component sites have the benefit of outline planning permission which as part of the approved mixed use includes a residential contribution of 1,400 new homes (cumulative) to be delivered over a phased period.
- 7.16 The former Corus Garden City site has outline permission for 770 of those total number of residential units. The Northern Gateway Strategic site continues to remain an allocated site commitment in the recently adopted Local Development Plan (LDP). As such the development of this site is a key part to supporting the overall housing delivery as part of the LDP.
- 7.17 As identified above the site is located immediately adjacent to the settlement boundary of Garden City as identified in the Flintshire Local Development Plan, which is a Tier 2 Local Service Centre settlement with an array of employment opportunities and a selection of facilities and services. The site's allocation for mixed use, including the recently approved local district centre, reflects both the strategy of the Flintshire Local Development Plan and the principles of PPW11 at a national level. In this context therefore, there is a clear policy framework supporting the principle of residential development on this site.
- 7.18 Contributions  
As Members will be aware, significant enabling works were required across the entirety of the Northern Gateway site which required upfront investment. When previous Reserved Matters applications have been considered, evidence in terms of viability had been independently assessed and resulted in lower provision of affordable housing and/or education contributions. For example Phase 2 of the PGNGL land resulted in a contribution towards Education but no affordable housing provision.
- 7.19 As infrastructure works are completed, that initial investment lessens and accordingly, whilst viability is still a material planning consideration, in this instance full contributions to improve local infrastructure are being sought.
- 7.20 Education  
Education colleagues were consulted on the application and advised that in line with SPGN No.23 the nearest and most suitable schools to the development are Sealand Primary and Hawarden High School.
- 7.21 They determine that based on the size of the development it is reasonable to calculate that a further 94 pupil places for primary and 68 pupil places for secondary would be generated.
- 7.22 From the information provided by Education colleagues it is clear that both primary and secondary schools would have a capacity issue as

a result of the proposed development, with records indicating Hawarden High School being over-prescribed largely due to parental choice. As such, there is a significant need and demand for education services to expand both schooling facilities in order to accommodate the additional number generated by the development.

- 7.23 Members will recall in previous residential applications for the Northern Gateway site that the Council's Education department have undertaken feasibility studies for the schools with the greatest demand, which concluded that there is scope to expand Hawarden High School. This would take the form of a new science block and school remodelling which the financial contributions from the proposed development would facilitate. A contribution of £166,221 is sought for those works.
- 7.24 In terms of the primary school need, phase 1 developments at the Northern Gateway gifted an area of land adjacent to the school which would facilitate its future expansion. At this time however, due to the cost of the gifted land no financial contributions are sought.
- 7.25 The Council are satisfied that, in line with CIL Regulations, the identified school project has not been afforded 5 contributions to date.
- 7.26 Affordable Housing  
Policy HN3 of the LDP sets out the percentage of affordable dwellings required on sites with ten dwellings or more based upon the housing market area they fall into. The application site sits within the Garden City sub market area where 20% affordable housing is required on site. The application is for 54 dwellings therefore circa 11 units should be for affordable housing.
- 7.27 Although there is demonstrable demand for most property types, 2 and 3 bed houses are most in demand for those registered on the affordable housing register. Whereas for those registered on the social housing register the greatest demand is for 1 and 2 bed roomed properties. There is also demand for larger 4+ bed homes (156).
- 7.28 The applicant is proposing to meet the 20% affordable requirement but through a split of 10% on-site provision and a financial contribution of £225,000 for the remaining 10%. This approach has been agreed with the Councils Housing Strategy department who have agreed that the contribution will be utilised within the same Sub-Market Area with a specified project which will be secured through the Section 106 Agreement.
- 7.29 Whilst the approach to split the Affordable Housing provision into on-site and an off-site contribution has not been utilised on Northern Gateway previously, significant consideration needs to be given to the location and dispersal of the affordable housing provision in both the immediate and wider area. Members will be aware that this site

sits close to Phase 1 which is an entirely affordable scheme for 100 dwellings. Therefore, in order to avoid a cumulation of affordable housing in one location, and to provide greater choice for future occupiers, it is agreed, with Housing Strategy colleagues that in this case a contribution to be utilised off-site within the wider Sub-Market Area is appropriate.

- 7.30 The affordable housing provision meets with the requirements of policy HN3.
- 7.31 Highway Safety  
Phase 3 is served by an access which has been constructed as part of the enabling works reserved works consent. The applicant has engaged with the Highways Authority with regards to the provision of private drives and sustainable travel.
- 7.32 Matters including parking and turning and layout are covered by conditions attached to the outline planning permission.
- 7.33 As Members may be aware from other applications across Northern Gateway, the outline planning permission required that off-site highway works be carried out at a particular trigger point of the development. At the time of initial consultation with Welsh Government those works had not been completed and accordingly it was recommended that a condition be imposed requiring that the works be completed prior to occupation. Both Welsh Government and the Highways Authority are satisfied that the works have now been satisfactorily completed and therefore the condition is not now necessary.
- 7.34 Flood Risk  
The planning application proposes highly vulnerable development (residential). Natural Resources Wales (NRW) Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Rivers / Sea).
- 7.35 A Flood Consequences Assessment (FCA) was submitted in support of this application which demonstrates that the risks and consequences of flooding are manageable to an acceptable level.
- 7.36 The FCA refers to an earlier FCA undertaken at the site by Arcadis in support of the Reserved Matters application for the enabling works associated with Phases 1b, 2 and 3 (planning reference 062409). The Arcadis FCA established the development platform levels and flood mitigation measures, including the creation of flood storage areas.
- 7.37 The current Waterco FCA refers to the hydraulic modelling undertaken by Arcadis, concluding that the site is at risk of flooding



from fluvial (Garden City Drain) and tidal (River Dee) sources. The mitigation measures that have previously been established under the agreed flood mitigation plan are outlined in the report, including setting development platform levels at 5.5m AOD and setting the finished floor levels of properties at 5.90m AOD.

- 7.38 These measures ensure that the flood risk posed to the site in the 1% AEP fluvial event with an allowance for climate change (including blockage) and the 0.5% AEP tidal breach event with an allowance for climate change is suitably mitigated. The development platform level has already been approved under application 062409.
- 7.39 Based on the recommended mitigation measures in the Waterco FCA, it is noted that finished floor levels will set at 6.0m AOD or higher. Detailed proposed levels are shown on the Principal Levels Layout Plan, which demonstrates that the finished floor levels of the dwellings will be set at 6.0m AOD or higher.
- 7.40 For the impact on flood risk elsewhere, the impacts of the enabling works have already been considered under application 062409. This includes the creation of the development platforms and compensatory storage required to offset the impact of the raised platforms, so the proposal considered under this application is not expected to have an impact on flood risk elsewhere. This is supported by the pre- and post-development modelling undertaken by Arcadis in support of application 062409.
- 7.41 NRW are satisfied that the updated information complies with the previously agreed flood risk mitigation measures and the application therefore complies with Policy EN14 of the LDP and TAN15.
- 7.42 Layout, Character and Appearance  
The design proposal is characterised by a range of residential house types. The character of adjacent new estates is established created by partnered and other major developers forming the sites immediate context in terms of design indicators and characterisation. There is a mix of low-rise residential dwellings consisting of 1 to 4 bedroom houses, the mix consists of detached and semi- detached properties providing a street scene of modern and sympathetic architectural styles. The elevational styles and proposed materials of the dwellings complement the surrounding housing that exists in the local area. The material palette includes red brick and grey or red roofs.
- 7.43 The final layout has been designed to accord with the parameters set by the outline planning permission as well as local site constraints and other design considerations. Each plot has been designed to include a private garden space and dedicated parking.. The layout has been designed to create a legible street pattern that is easy for use by pedestrian and cyclists. Each plot has its own landscape front

gardens and secure rear gardens with areas of hardstanding allocated for bin storage.

7.44 Whilst the density of development is higher than set out in Policy HN2 of the LDP this is largely down to the choice of smaller house types. The layout has been designed to take into account appropriate interface distances to other proposed dwellings and existing dwellings as set out in SPGN No2. Space Around Dwellings. Consideration has been given to the area of POS to ensure natural surveillance and to provide buffers between the proposed housing and proposed highways infrastructure / future commercial development to the north-west.

7.45 Residential Amenity

In consideration to the siting, orientation and distance of the proposed dwellings, none of the proposed units would cause an unacceptable reduction or harm to the amenities of the any future occupiers in terms of privacy, loss of light or obtrusiveness. In terms of the size of the proposed garden depths, separation distances between the proposed dwellings etc these meet the guidelines within the SPGN No. 2 by ensuring no instances of habitable rooms directly facing and where this is the case, separation distances meet the standard of 22m.

7.46 Other Matters

S.106 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.

7.47 As triggered by the proposed scale of the development, there is a developer requirement towards primary and secondary education and affordable housing. In line with SPGN no. 23 the nearest and most suitable schools to the proposed development are Sealand CP School and Hawarden High School. The Developer has agreed to provide a total payment of £166,221 towards secondary education at Hawarden High School which has not received more than 5 contributions towards these projects to date.

7.48 In addition, the developer is proposing to make a contribution of £225,000 in lieu of additional affordable dwellings on the site. No more than 5 contributions for this sub-market area have been received to date.

7.49 It is considered that the contribution required meets the Regulation 122 tests.

## **8.00 CONCLUSION**

The site forms part of the strategic mixed use development allocation STR3A land North West of Garden City within the Flintshire Local Development Plan. It is also located immediately adjacent to the settlement boundary of Garden City in the Flintshire Local Development Plan, which is a Tier 2 Local Service Centre settlement with access to a variety of employment opportunities and a selection of facilities and services, as the site's allocation for mixed use reflects both the strategy of the Flintshire Local Development Plan and the principles embodied in Planning Policy Wales. In this context therefore, there is a clear policy framework supporting the principle of residential development on the site.

8.01 This report details in full the areas that required approval following the outline consent. These matters include the contributions for education and affordable housing, flood risk, highways, ecology, character and appearance and the impact on occupiers both existing and new.

8.02 It is considered that these matters have been satisfied, and I therefore recommend that planning permission is granted subject to the imposition of conditions, and the completion of a legal agreement as set out within paragraph 2.01 of this report.

### **8.03 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

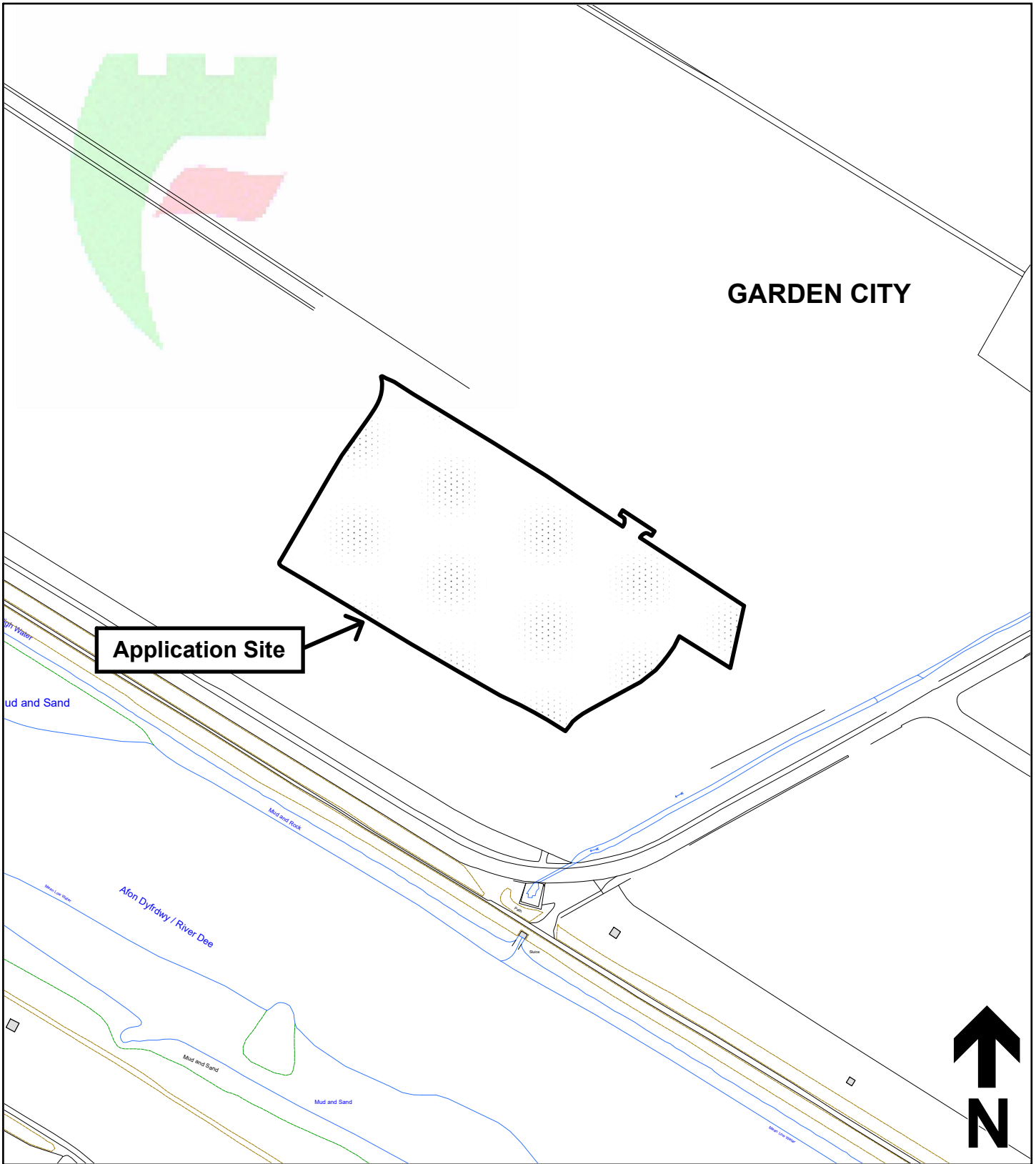
Responses to Consultation

Responses to Publicity

**Contact Officer: Claire Morter**

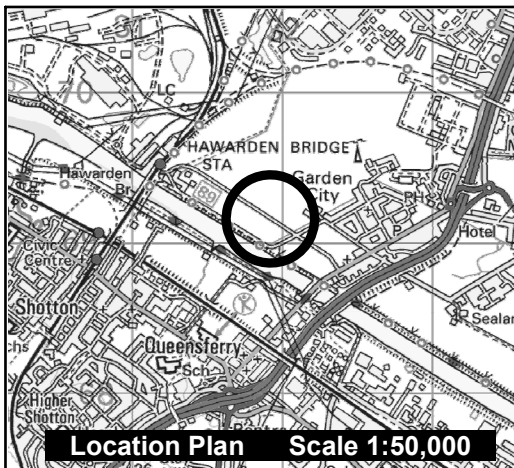
**Telephone: 01352 703299**

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**GARDEN CITY**

**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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OS Map ref SJ 3169

Planning Application RES/000658/22

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **21<sup>st</sup> JUNE 2023**

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

**SUBJECT:** **CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT OF 141 NO. DWELLINGS AND ASSOCIATED WORKS**

**APPLICATION NUMBER:** **FUL/000034/22**

**APPLICANT:** **EDWARDS HOMES**

**SITE:** **FIELD WEST OF HIGHMERE DRIVE, CONNAHS QUAY, CH5 4YH**

**APPLICATION VALID DATE:** **16<sup>TH</sup> MAY 2022**

**LOCAL MEMBERS:** **COUNCILLOR A HUGHES**  
**COUNCILLOR D RICHARDSON**

**TOWN/COMMUNITY COUNCIL:** **CONNAH'S QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **DUE TO THE SCALE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This is a full application seeks for the proposed erection of 141 dwellings on land at Highmere Drive, Connah's Quay. The 5 hectare site is allocated for residential development under policy STR1 of the recently adopted Flintshire Local Development Plan and is seen as an important site to deliver the housing projections as set out in the plan.
- 1.02 There are a number of constraints to the site, namely ecological matters including protected species and trees but these have all been considered at length and it has been demonstrated that any impact

can be adequately managed and the developer is proposing to make a financial contribution to enhance existing wildlife habitats close to the site.

- 1.03 Concerns have been raised by local residents and the Town Council with regards to the impact on the existing highway network and raise safety concerns with regards to traffic. Both the Councils Highways department and the North Wales Fire and Rescue Authority do not raise any objection to the proposal. A number of conditions are proposed including details of active travel linkages.
- 1.04 The proposal meets all local guidance in terms of separation distances, amenity spaces and public open space. Contributions towards education facilities, open space and the 35% affordable housing provision on site are to be secured through a Section 106 Agreement.
- 1.05 A number of objections have been received from local residents, including the submission of a petition. Concerns raised include the above mentioned highway safety, impact on infrastructure, protected species and living conditions. All of these matters have been considered and are dealt with fully in the report. It is considered necessary to advise Members however that most of the comments received reflect those submitted during examination of the Local Development Plan. The Inspector dealt with all of those matters and raised no concerns with the allocation.
- 1.06 The application is considered to be compliant with local and national planning policy and I therefore recommend that Members resolve to grant planning permission subject to the conditions as set out at paragraph 2.01 of this report.

**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:
- Payment of a financial contribution towards Education of £367,710 towards Golftyn CP School
  - Provision of 35% Affordable Housing on the site
  - Payment of a financial contribution of £70,000 to enhance an existing MUGA pitch at Connah's Quay High School
  - Payment of a financial contribution of £85,000 to enhance and/or for the maintenance of wildlife habitats and informal



recreation in the community (the Town Council area of Connah's Quay)

- The establishment of a Management Company for the management and future maintenance of the onsite public open space and communal landscaping areas.

#### Conditions

1. Time limit on commencement
2. In accordance with the approved plans
3. Approval of the siting, layout and design of the means of site access prior to commencement of development
4. Construction of the access shall not commence until approved by the County Council
5. Works associated with forming the means of site access shall be kerbed and completed to carriageway base course layer up to the internal tangent point of the entrance radii prior to commencement
6. The proposed access shall have a visibility splay of 2.4 m x 43 m in both directions
7. The stated visibility splays at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
8. Facilities shall be provided and retained within the site for the parking and turning of vehicles
9. The front of the garages shall be set back a minimum distance of 5.5m behind the back of footway line or 7.3m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
10. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads shall be submitted to and approved prior to commencement
11. Positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided prior to commencement
12. The applicant shall apply to the County Council for a public path diversion order, and the footpath shall be diverted prior to commencement of development
13. Provision of the link from the development to Pembry Drive
14. A Construction Traffic Management Plan shall be submitted to and approved prior to commencement
15. A scheme for the sound insulation and noise reduction shall be submitted and approved prior to commencement of development.
16. Submission and approval of a landscaping plan
17. Land contamination remediation strategy

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Chief Officer for Planning, Environment & Economy be given delegated authority to REFUSE the application

### **3.00 CONSULTATIONS**

3.01 **Councillor Andy Hughes (Local Member)**: No formal response received at time of writing report

**Councillor D Richardson (Local Member)**: No formal response received at time of writing report

**Connahs Quay Town Council**: Objects to the proposal due to concerns over access and ingress and the availability of local amenities

**Highways Development Control**: No objections subject to the inclusion of conditions

**Public Rights of Way**: Public Footpath 18 crosses the site and is directly affected by the development. No objection subject to the inclusion of a condition relating to a public path diversion order.

**Ramblers Association**: Objects to the proposal and advises that the layout should be amended to provide a clear, direct path through the development in an area of green space. Active travel provision should be fully incorporated within the development and to link to existing services nearby

**Community and Business Protection**: No objection in principle subject to the inclusion of a condition relating to the inclusion of a condition relating to sound insulation and noise reduction. In respect of any potential contaminated land, following the submission of additional information no objections received subject to the inclusion of conditions relating to remediation strategies.

**Capital Projects (Education)**: The nearest and most suitable schools to the development site are Golftyn C.P School and Connah's Quay High School. Education have confirmed that a contribution of £367,710 is sought for Golftyn C.P. No contribution is sought for Connah's Quay High School.

**Housing Strategy**: There is demonstrable demand for most property types 2 and 3 bed houses are most in demand for those registered on the Affordable housing register. Whereas for those registered on the social housing register the greatest demand is for 1 and 2 bed roomed properties. There is also demand for larger 4 bed+ homes (93).

**Natural Resources Wales:** The application site is located within 480 metres of the Deeside and Buckley Newt Sites SAC which supports an internationally important population of great crested newts. Subject to the financial contribution for wildlife mitigation, and the provision of the on-site mitigation measures no objections raised.

**Coal Authority:** No objections

**Airbus:** No objections

**North Wales Fire and Rescue Service:** No objections

#### **4.00 PUBLICITY**

4.01 150 Neighbour Notifications were sent to adjoining/nearby properties. The application was also publicised by Site Notice and a Press Notice in a local newspaper. One petition and letters of objection raising the following:

1. Highway safety with increase traffic and access
2. Impact on protected species
3. Drainage concerns
4. Loss of green space
5. Impact on local facilities
6. Lack of affordable dwellings
7. Noise and smell

#### **5.00 SITE HISTORY**

5.01 No relevant planning history

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan  
Policy STR1: Strategic Growth  
Policy STR2: The Location of Development  
Policy STR4: Principles of Sustainable Development, Design and Placemaking  
Policy STR5: Transport and Accessibility  
Policy STR11: Provision of Sustainable Housing Sites  
Policy STR13: Natural and Built Environment, Green Networks and Infrastructure  
Policy STR14: Climate Change and Environmental Protection  
Policy STR15: Waste Management  
Policy PC1: The Relationship of Development to Settlement Boundaries

Policy PC2: General Requirements for Development  
Policy PC3: Design  
Policy PC4: Sustainability and Resilience of New Development  
Policy PC5: Transport and Accessibility  
Policy PC6: Active Travel  
Policy HN1: New Housing Development Proposals  
Policy HN2: Density and Mix of Development  
Policy HN3: Affordable Housing  
Policy EN6: Sites of Biodiversity Importance

Adopted Supplementary Planning Guidance

SPGN No. 2 – Space Around Dwellings.  
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.

National

Planning Policy Wales Edition 11, February 2021  
TAN 2: Planning & Affordable Housing.  
TAN 5: Nature Conservation & Planning  
TAN 11: Noise  
TAN 12: Design  
TAN 16: Sport, Recreation & Open Space  
TAN 18: Transport

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This application proposes the construction of 141 no. two-storey dwellings, together with associated highway and drainage infrastructure and public open space on land at Highmere Drive, Connah's Quay.

7.02 Site Description

The application site comprises a linear irregular shaped field measuring around 5.2ha that adjoins existing modern housing to the north and east, along Highmere Drive, Pembry Rise, Degas Close and Courbet Drive.

7.03 A small length of the north-western boundary of the site adjoins a narrow section of Golftyn Lane, with the site's western and southern boundaries, defined generally by native hedgerows and trees, adjoining other farmland and associated buildings.

7.04 The site has a frontage of around 130m onto Highmere Drive, which terminates a little distance from its southern tip. Highmere Drive joins Golftyn Lane / Ffordd Llanarth to the east: a traffic-calmed main road

through the town that runs northwards from the B5126 Mold Road to connect with the B5129 Kelsterton Road.

- 7.05 The land rises from east to west, and from north to south (a difference of around 30m in the latter instance).
- 7.06 Proposed Development  
This application proposes the development of the land to provide 141 dwellings with a mix of 10 no. different house types and designs are proposed, which include detached, semi-detached and terraced units. 35% of the proposed dwellings will be affordable.
- 7.07 Vehicular access is proposed via a single new priority access off Highmere Drive. Pedestrian and cycle connections would also be made to Pembry Rise and Courbet Drive, and the existing public right of way that crosses the northern part of the site from Highmere Drive to Golftyn Lane would be retained, albeit that it would follow a diverted route.
- 7.08 A green corridor is proposed alongside the eastern edge of the site, which links three areas of public open space, with the central one including equipped play facilities for younger children.
- 7.09 Principle of Development  
Land at Highmere Drive has been identified and allocated for housing development in the Local Development Plan. Policy STR1 identifies that the Plan will seek to provide 7,870 new homes to meet a housing requirement of 6,950 homes. Specifically the policy outlines that that 5 hectare land can provide for up to 150 dwellings with improved cycle, pedestrian and emergency access linking onto Courbet Drive / appropriate ecological avoidance and mitigation measures.
- 7.10 Detailed highway/active travel linkages and ecological matters are considered further into the report but are policy compliant.
- 7.11 Whilst the density of development at 27 dwellings per hectare (dph) is slightly below the 30 dph as set out on STR2, it is considered that the unique site constraints including ecological and overhead powerlines are a sufficient justification for the slight reduction.
- 7.12 The application site is in a highly sustainable location with access to schools, shops and employment opportunities. In addition, public transport links are close to the site and active travel linkages are proposed to be improved through the provision of a footpath link.
- 7.13 Overall the principle of the development of this allocated site is acceptable.

- 7.14 Layout, Character and Appearance  
The mix of dwellings provides visual interest and each house type design incorporates architectural features that add character and provide vertical emphasis, such as pitched roofs, bay windows, gables and narrow window openings.
- 7.15 A varied palette of materials is proposed, which include red brick, white painted rough cast sections, and mainly grey or dark red roof tiles.
- 7.16 A green corridor of varying width (between 5 metres to 10 metres at its widest) runs along the route of the brook and eastern boundary of the site, linking three proposed areas of public open space. The northern area proposes a combined footpath and cycle path to link the development to the existing footpath at the top of Pembry Rise. The central area of open space would include an equipped play area.
- 7.17 In part, the provision of the green corridor, which would be supplemented by additional planting of a mix of ornamental and native shrubs and wildflowers, is a function of the need to site the proposed dwellings outside the buffer zone of the overhead powerlines.
- 7.18 Residential Amenity  
In consideration to the siting, orientation and distance of the proposed dwellings, none of the proposed dwellings would cause an unacceptable reduction or harm to the amenities of any existing neighbouring properties or future occupiers in terms of privacy, loss of light or obtrusiveness.
- 7.19 In terms of the size of the proposed garden depths, separation distances between the proposed dwellings etc these meet the guidelines within the SPGN no. 2 'Space Around Dwellings' by ensuring no instances of habitable rooms directly facing and where this is the case, separation distances meet the standard of 22m. Overall garden sizes are minimal for certain plots but they do meet the minimum requirements as set out in SPGN No.2.
- 7.20 Highway Safety  
The application proposes a new vehicular access off Highmere Drive. Each 3-bedroom unit would be provided with 2 no. off-road parking spaces, while the 4-bedroom houses would have 3 no. spaces.
- 7.21 Concerns have been raised by local residents and the Town Council in relation to the impact of the development on the existing access of Highmere Drive and the surrounding cul-de-sacs which feed into this singular point of access. Whilst these comments have been considered during determination of the application no concerns are raised from an emergency access point of view, nor from a highway safety perspective.

- 7.22 Whilst the details are acceptable it is recommended that if planning permission is granted that a number of conditions relating to the proposed point of access, parking and layout are submitted for approval. These are standard conditions that are not unusual given the scale of the development.
- 7.23 Public Rights of Way  
Public Footpath 18 crosses the site and is directly affected by the development. The footpath as it's currently recorded on the Definitive Map would be affected by the proposed Open Space/L.E.A.P. and also cross the frontages of at least three properties.
- 7.24 The applicant was advised that they would therefore be required to apply to divert the footpath under the Town and Country Planning Act or amend their site design proposals to incorporate the public footpath on its current alignment. As the applicant has chosen not to amend their layout then they will need to pursue a public path diversion order, and it is recommended that a condition be imposed on any planning permission that no development could take place until the public footpath was successfully diverted.
- 7.25 The footpath, irrespective of its alignment, would also need to be temporarily closed during the construction of the development. The applicant would need to contact the Access Team directly to discuss this.
- 7.26 In terms of active travel linkages, a new footpath link is proposed to Pembry Drive which is considered significant to improve the active travel options in the area as it will allow connections to the facilities at the nearby Ffordd Llanarth shopping centre.
- 7.27 Education  
Education colleagues were consulted on the application and advised that in line with SPGN No.23 the nearest and most suitable schools to the development are Golftyn County Primary and Connah's Quay High School. They determine that based on the size of the development it is reasonable to calculate that a further 33 pupil places for primary and 24 pupil places for secondary would be generated.
- 7.28 Education colleagues have provided evidence that in this instance only the primary school would have a capacity issue as a result of the proposed development. As Connah's Quay High School is currently undersubscribed it would be unreasonable to require a financial contribution to support the additional secondary pupil places.
- 7.29 In contrast however, there is a significant need and demand for education services to expand schooling facilities for Golftyn CP in order to accommodate the additional number generated by the development. As Members will note above, the total requested from

the Education department is £367.710. The Developer has confirmed that they are willing to enter into a Section 106 Agreement to secure this contribution.

7.30 Affordable Housing

Policy HN3 of the LDP sets out the percentage of affordable dwellings required on sites with ten dwellings or more based upon the housing sub-market area they fall into. The application site sits within the Connahs Quay, Queensferry and Broughton sub-market area where 35% affordable housing is required on site. The application is for 141 dwellings therefore circa 49 units should be for Affordable housing.

7.31 Although there is demonstrable demand for most property types 2 and 3 bed houses are most in demand for those registered on the Affordable housing register.

7.32 Whereas for those registered on the social housing register the greatest demand is for 1 and 2 bedroomed properties. There is also demand for larger 4 bed+ homes (93).

7.33 Based upon the data on the current housing registers Housing Strategy would recommend the mix calculated on bedroom need as per FCC Prospectus for Social and as a percentage of those registered on Tai Teg for affordable rent and purchase. This can be secured through the S106 Agreement.

7.34 The applicant is providing the required 49 dwellings on site which are located sporadically throughout the site and are semi-detached two and three bedroom dwellings with a variety of tenures as set out above. The mix of dwellings has been considered by Housing Strategy and is considered acceptable.

7.35 Public Open Space

The application proposes three areas of public open space are to be provided, totalling around 8,055 square metres of these a formalised equipped play area is proposed which will be maintained by a private management company.

7.36 In accordance with the guidance contained within PGN No.13 due to the scale of development provision for a MUGA or wheeled sports area should also be considered. Given the constraints of the site it is not considered possible to provide those facilities onsite. Accordingly, and in negotiation with Aura Leisure Services the developer intends to make a financial contribution of £75,000 to enhance an existing MUGA located at Connah's Quay High School.



- 7.37 Protected Species  
The application site is located within 480 metres of the Deeside and Buckley Newt Sites SAC which supports an internationally important population of great crested newts.
- 7.38 In addition the site is close to and could impact on the Connah's Quay Ponds and Woodland SSSI. Natural Resources Wales consider that any impacts can be moderated against through the inclusion of conditions and subsequent mitigation measures including a financial contribution of £85,000 for off-site wildlife enhancements.
- 7.39 The existing hedgerows and watercourse that bound the site provide off-site habitats that function as stepping stones or corridors for mitigation, dispersal, foraging and genetic exchange purposes. The applicant has addressed initial concerns regarding the loss of the hedgerow and now intends for them to be retained.
- 7.40 A preliminary ecological assessment has been submitted with the application which proposes a number of enhancements/mitigation measures including tree planting, native hedgerow and fruit tree planting, creation of ponds, installation of bat bricks and in-built bird boxes. Despite this information it is still considered necessary to include a condition relating to the approval of a detailed landscaping plan to indicate exactly where those mitigation measures will be located.
- 7.41 Contaminated Land  
The application has been supported by a Stage 1 and 2 Geo-Environmental Assessment in relation to potential ground gas sources from shallow mine workings/shafts. The preliminary information is considered acceptable for the purposes of determining the application but as is standard practice it is recommended that a remediation strategy be included on any planning permission.
- 7.42 Other Matters  
Concerns have been raised by local residents that the local infrastructure will not cope with additional residential dwellings. As outlined above Connah's Quay is a Main Service centre where there is access to a range of facilities including shops and healthcare including the nearby Ffordd Llanarth shopping centre. Betsi-Cadwaladr Health board were consulted on the application but made no comment with regard to capacity issues.
- 7.43 S.106 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.

7.44 As triggered by the proposed scale of the development, there is a developer requirement towards primary and secondary education and affordable housing. In line with SPGN no. 23 the nearest and most suitable schools to the proposed development are Golftyn CP School and Connah's Quay High School. The Developer has agreed to provide a total payment of £367,710 towards primary education. The money will be spent on an identified project as confirmed by Education Services who have also clarified that the project has not received more than 5 contributions to date.

7.45 In addition, the developer is proposing to make a contribution of £70,000 to enhance an existing MUGA pitch at Connah's Quay High School in lieu of on-site provision. Colleagues in Aura Leisure have confirmed that no more than 5 contributions for this project have been received.

7.46 Finally, a contribution of £85,000 is proposed to enhance/provide mitigation towards protected species in the Connah's Quay Town area. No more than 5 contributions have been received.

7.47 It is considered that the contribution required meets the Regulation 122 tests.

## **8.00 CONCLUSION**

This application seeks planning permission for the proposed erection of 141 dwellings on land at Highmere Drive, Connah's Quay. The 5 hectare site is allocated for residential development under policy STR1 of the recently adopted Flintshire Local Development Plan and is seen as an important site to deliver the housing projections as set out in the plan.

8.01 There are a number of constraints to the site, namely ecological matters including protected species and trees but these have all been considered at length and it has been demonstrated that the impact can be adequately managed.

8.02 Significant concerns have been raised by local residents with regards to the impact on the existing highway network and raise safety concerns. Both the Councils Highways department and the North Wales Fire and Rescue Authority do not raise any objection to the

proposal. A number of conditions are proposed including details of active travel linkages.

8.03 The proposal meets all local guidance in terms of separation distances, amenity spaces and public open space. Contributions towards education facilities, open space and the 35% affordable housing provision on site are to be secured through a Section 106 Agreement.

8.04 The application is considered to be compliant with local and national planning policy and I therefore recommend that Members resolve to grant planning permission subject to the conditions as set out at paragraph 2.01 of this report.

8.05 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**

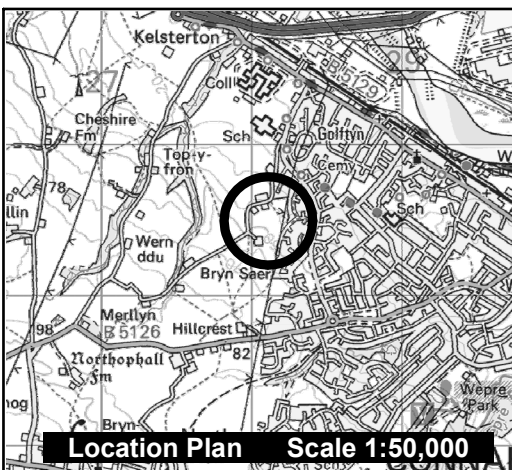
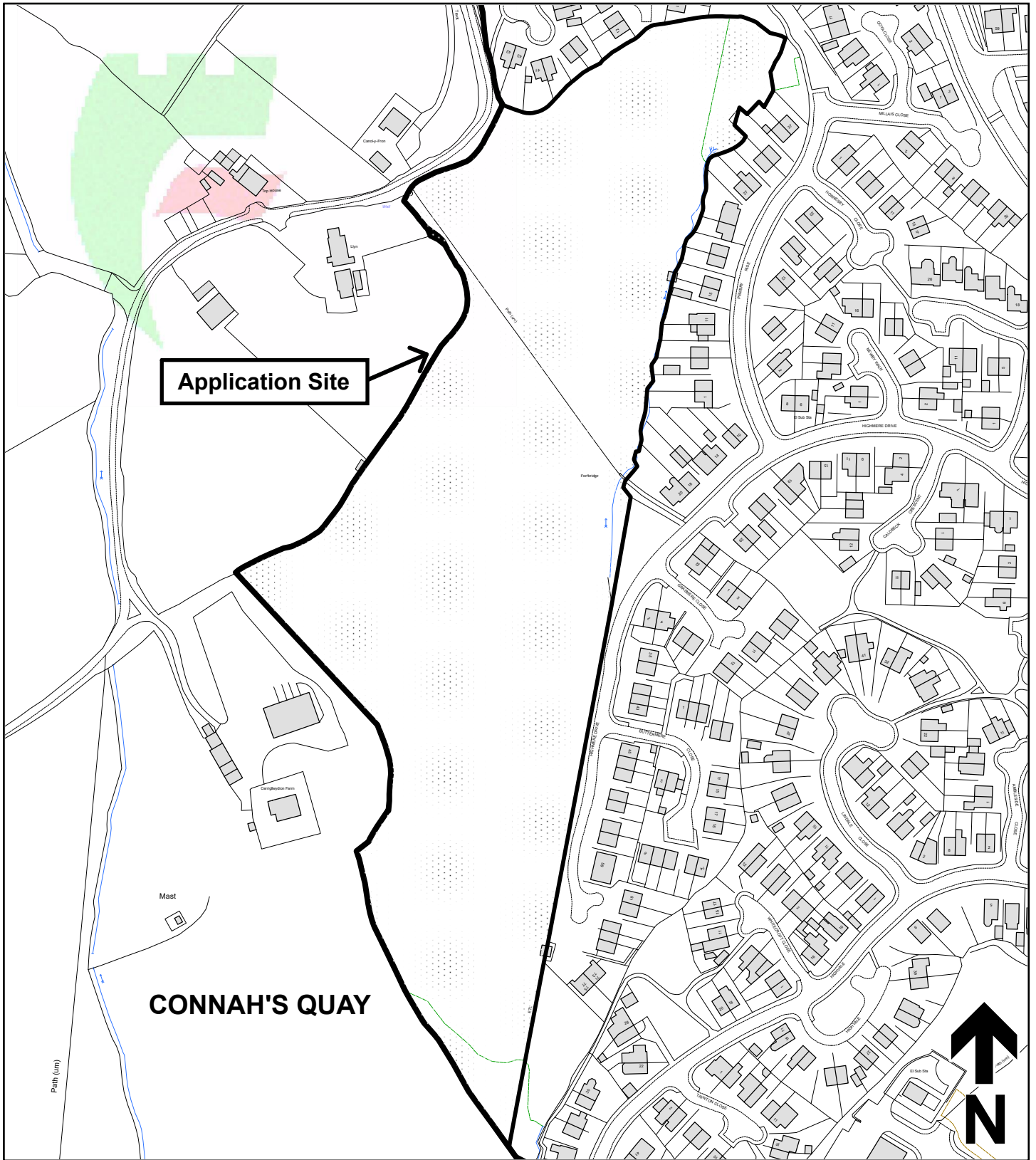
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer: Claire Morter**

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

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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OS Map ref SJ 2869

Planning Application **FUL/000034/22**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **21<sup>st</sup> JUNE 2023**

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

**SUBJECT:** **OUTLINE – PROPOSED RESIDENTIAL DEVELOPMENT**

**APPLICATION NUMBER:** **OUT/000496/22**

**APPLICANT:** **DRIVESTANDARD LIMITED**

**SITE:** **LAND ADJ FFORDD PENNANT MAES PENNANT, MOSTYN**

**APPLICATION VALID DATE:** **29<sup>th</sup> SEPTEMBER 2022**

**LOCAL MEMBERS:** **COUNCILLOR P BANKS**

**TOWN/COMMUNITY COUNCIL:** **MOSTYN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME AND LOCAL MEMBER REQUEST**

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

### **1.00 SUMMARY**

- 1.01 This is an outline planning application for proposed residential development on a site amounting to approximately 1.9 hectares in area, on land to the north of Ffordd Pennant, Mostyn. All matters save access are reserved for subsequent approval.
- 1.02 For Members information progression of the application has been delayed pending the receipt of additional drainage information, to aid the assessment process.

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

2.01 That conditional planning permission be granted subject to the applicant entering a Section 106 Obligation / Unilateral Undertaking to secure the following: -

- a. Provision of 15% affordable housing within the proposed development
- b. Payment of £1100 on occupation of 25% of the proposed dwellings, towards the provision and enhancement of recreational facilities at the existing play area at Maes Pennant.

Conditions

1. Outline – Reserved Matters.
2. Outline – Time Limit.
3. Materials to be submitted and approved.
4. Full details of highway improvements to Maes Pennant to be submitted and approved.
5. Siting, layout, and design of access to be submitted and approved.
6. Forming and construction of site access not to commence until details approved.
7. Access to have a visibility splay of 2.4m x 43m in both directions.
8. Stated visibility spays to be kept free from obstruction during site construction works.
9. Garages to be set back 5.5m from footway line or 7.3m from edge of carriageway.
10. Design /construction details of internal estate roads to be submitted and approved.
11. Gradient of internal estate roads to be 1:15 and 1:24 within 10m of a road junction and gradient of private driveways not to exceed 1:10
12. 2m wide footway to be provided along Maes Pennant.
13. Positive means to prevent surface water run off on to adoptable highway to be submitted and approved.
14. Travel Plan to be submitted within 3 months of first occupation.
15. No development to commence until a Construction Traffic Management Plan has been submitted and approved.
16. Protection of Footpath 106b during site construction works
17. Foul and surface water drainage strategy to be submitted and approved.



18. Details of potable water supply to serve the development to be submitted and approved.
19. No development to commence until an acoustic and lighting scheme has been submitted and approved.
20. No development to commence until a Great Crested Newt Method Statement detailing Reasonable Avoidance Measures has been submitted and approved.
21. No development to commence until a Biosecurity Risk Assessment and Method Statement have been submitted and approved.
22. No development to commence until a Construction Environmental Management Plan has been submitted and approved.
23. No hedgerow removal to be undertaken during the bird nesting season (March – September inclusive)
24. Existing trees to be safeguarded with protective fencing /exclusion zones during construction work in accordance with details to be submitted and approved.
25. Phase 2 land contamination survey to be undertaken at Reserved Matters Stage.
26. Remediation measures as required by Phase 2 land contamination survey to be undertaken in accordance with scheme agreed and prior to occupation of dwellings.
27. Submission and agreement of a scheme for the provision of a doorstep play facility of not less than 100m<sup>2</sup> with details of maintenance /management prior to the commencement of development.

### **3.00 CONSULTATIONS**

- 3.01 **Councillor P Banks (Local Member):** Request Site Visit and Planning Committee determination in order to assess the adequacy of highways to serve the scale of development proposed.

**Mostyn Community Council:** No response received at time of preparing report

**Highways:** Recommend that any permission includes conditions to secure off site and internal highway works to serve the proposed development.

**Community and Business Protection:** No objection from Pollution Control subject to the imposition of a condition requiring the submission of a Noise Report to ensure the implementation of good acoustic design in the development. Advise that a Phase 1 Land Contamination Assessment has been submitted and considered acceptable but request the imposition of a condition requiring a Phase 2 site investigation, prior to the commencement of development and

implementation of identified and agreed measures prior to the occupation of the dwellings.

**Dwr Cymru Welsh Water:** No objection to the discharge of surface water flows to a nearby watercourse and foul flows to a sewer in Ffordd Pennant. Recommend that any permission be subject to the imposition of a condition to secure a potable water supply to serve the development.

**Natural Resources Wales:** No objection subject to the imposition of conditions in respect of protected species and biosecurity.

**Council Ecologist:** Consider the submitted Ecological Appraisal to be acceptable to assess impact of development on protected species. Recommend that any permission be subject to conditions in respect of lighting and requirement for a Construction Environmental Management Plan.

**Capital Projects & Planning:** Do not require Primary/ Secondary Educational Contributions as adequate capacity exists within existing schools to serve the proposed development.

**Public Rights of Way (PROW):** Public Footpath 106b abuts the site but appears unaffected by the development. The path must be protected and free from interference during construction.

**Leisure Services (AURA):** No objection. Advise that a door-step play facility of not less than 1000m<sup>2</sup> be provided on site with an associated off-site contribution of £1100 towards the improvement / enhancement of the existing Maes Pennant Play Area

#### **4.00 PUBLICITY**

4.01 13 Neighbour Notifications were sent to adjoining properties. The application was also publicised by way of Site Notice and by Press Notice in local newspaper. No responses received at time of preparing report.

#### **5.00 SITE HISTORY**

5.01 279/89 – Outline Residential Development – Refused 26/5/89

826/89 – Outline Residential Development – Refused 26/5/89  
Appeal Dismissed 5/6/90

037911 – Erection of 158 dwellings (Outline) – Refused 25/10/04

047951 – Erection of 71 No houses – Refused 22/2/13  
Allowed on Appeal 13/1/14

056313 – Application for variation of condition 2 attached to planning permission 047951 to allow further period for submission of reserved matters – Refused 5/1/18

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Local Development Plan (LDP)**

STR2 – The Location of Development

STR4 – Principles of Sustainable Development, Design and Placemaking

STR5 – Transport and Accessibility

STR11- Provision of Sustainable Housing Sites

STR13 – Natural and Built Environment, Green Networks, and Infrastructure

PC1 – The Relationship of Development to Settlement Boundaries

PC2 – General Requirements for Development

PC3 – Design

PC5 – Transport and Accessibility

HN2 – Density and Mix of Development

HN3 – Affordable Housing

EN1 – Sports, Recreation and Cultural Facilities

EN2 – Green Infrastructure

EN6 – Sites of Biodiversity Importance.

EN15 – Water Resources

EN16 – Development on or near Landfill Sites or Derelict and Contaminated Land

EN18 – Pollution and Nuisance

### **Supplementary Planning Guidance Notes (SPGN)**

SPGN2 – Space Around Dwellings

SPGN3 – Landscaping

SPGN8 – Nature Conservation and Development

SPGN9 – Affordable Housing

SPGN11 – Parking Standards

SPGN13 – Outdoor Play Space (Under Review)

SPGN23 – Developer Contributions to Education

### **National Policies**

Planning Policy Wales PPW Edition 11

Technical Advice Note 2 – Planning & Affordable Housing

Technical Advice Note 5 – Nature Conservation & Planning

Technical Advice Note 6 – Planning for Sustainable Rural Communities.

Technical Advice Note 12 – Design

Technical Advice Note 18 – Transport

Technical Advice Note 24 – The Historic Environment

Design Manual for Roads and Bridges (DMRB)

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

The site the subject of this application amounts to approximately 1.9 hectares of agricultural land, located to the north of Ffordd Pennant, Mostyn to the east of Bychton Hall farmhouse and outbuildings, west of Bodhyfryd, and north of Bychton Cottage ( formerly The Bungalow), it being within the settlement boundary as defined in the Flintshire Local Development Plan (LDP).

7.02 The site occupies a position on rising ground above the existing settlement, abutting areas of open countryside. It is generally flat across its northwest – southeast axis but there is a steady gradient sloping towards the existing residential estate at Bodhyfryd to the northeast. The site topography is reflective of the landform in the wider area.

### **7.03 Proposed Development**

This outline application seeks to establish the principle of residential development on the site. Although submitted in outline with all matters save access reserved for subsequent approval, indicative plans submitted as part of the application, show its potential development for the erection of up to 64 dwellings.

7.04 Whilst the indicative plans carry limited weight in the overall planning balance, it is useful to understand how the site could potentially be developed. The precise details for development of the site would however need to be secured as part of any reserved matters application, as it is only the principle of development of the site for residential development, that is being sought at this stage.

### **7.05 Main Planning Considerations**

The main planning considerations to be taken into account, in assessment of this application include:

- i. Principle of development having regard to planning policy framework and background planning history
- ii. Scale of development
- iii. Adequacy of access
- iv. Impact on living conditions
- v. Affordable housing provision
- vi. Public open space and recreational provision
- vii. Adequacy of drainage.
- viii. Ecology
- ix. Contamination

These are addressed in further detail below

- 7.06 Principle of Development  
The site is located within the settlement boundary of Mostyn which is a Tier 3 Sustainable Settlement as defined in the LDP, where provision is made for windfall sites coming forward, which help to contribute to the overall housing land supply and help to deliver the plans housing requirement.
- 7.07 It is also important to note and a material planning consideration, that residential development on the site was previously allowed on appeal by the Planning Inspectorate in 2014, under 047951 for the principle for the erection of 71 No dwellings. Having regard to the policy framework /history referenced, there is therefore no objection to the principle of development of the site, subject to the safeguarding of relevant development management considerations.
- 7.08 Scale of Development  
The site the subject of this application amounts to approximately 1.9 hectares in area. The potential erection of 64 No dwellings would represent a density of approximately 35 dwellings per hectare (dph), which is above the 30dph specified as a minimum referenced in Policy HN2 of the LDP, that is sought to be achieved to make the most efficient use of available land.
- 7.09 It is considered that the density of development proposed would be acceptable having regard to the appeal decision in respect of 047951 whereby the density proposed at that time was 38dph. Notwithstanding this, the final numbers and the layout will need to be subject to a separate Reserved Matters Application, where matters such as density and Space About Dwellings, can be considered in terms of the proposed layout.
- 7.10 Adequacy of Access  
Vehicular access to serve the development is proposed to be derived from Maes Pennant Road, the submitted plans proposing that a new access be formed into the application site, approximately 39m to the northeast of Bychton Hall. It is also proposed that Maes Pennant Road be widened to facilitate the provision of a pedestrian footway along the site frontage with the provision of an associated crossing point.
- 7.11 Consultation on the application has been undertaken with the Highway Development Manager, the application being accompanied by a Transport Statement and Interim Travel Plan, recognising the time that has elapsed since the appeal decision in 2014. As a result, it is confirmed that there is no objection to the development from a highway capacity / technical perspective, subject to the imposition of conditions as referenced in paragraph 2.00 of this report.

- 7.12 Impact on Living Conditions  
Of particular importance in consideration of this application, is ensuring that the privacy of the occupiers of the proposed dwellings and those existing dwellings adjacent to the site are safeguarded as part of the proposed development. Whilst recognising that the site layout submitted carries limited weight in the assessment process, it does take into account the relationship of proposed dwellings to existing development confirming that it is possible to design a layout meeting adequate interface separation distance having regard to Supplementary Planning Guidance Note 2 – Space About Dwellings.
- 7.13 Affordable Housing Provision  
As referenced in Policy HN3 of the LDP there is a requirement for the proposed development to provide an element of affordable housing this being 15%, given the sites location within the Flint and Coast submarket area.
- 7.14 Of the 64 No dwellings referenced within this application, 10 No units would be required to meet an affordable housing need although this figure may need to be revisited should the density of development be reduced at Reserved Matters Stage. The requirement to secure the provision of 15% of the development for affordable housing can however be secured through a Section 106 Obligation / Unilateral Undertaking, with the precise mix of house types / affordable housing need within the locality being addressed at Reserved Matters Stage.
- 7.15 Public Open Space and Recreational Facilities  
Consultation on the application has been undertaken with Leisure Services (AURA) who have requested both i) the provision of a doorstep play facility within the site, of not less than 1000m<sup>2</sup> and ii) given the proximity of the site to the existing Maes Pennant Play Area, approximately 300m to the east, an off-site financial contribution of £1100 towards its improvement and enhancement.
- 7.16 The off -site commuted sum payment as requested can be secured through the completion of a legal obligation requiring payment on 25% occupation of the proposed dwellings. The provision of the onsite doorstep facility and details of its future management and maintenance can be secured through the imposition of a planning condition.
- 7.17 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'.
- 7.18 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.

7.19 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.

7.20 Members are advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into in respect of the leisure contribution requested, and that on application of the tests set out above the contributions would satisfy these requirements.

7.21 Adequacy of Drainage

The adequacy of the drainage system to serve the proposed development has been the subject of consultation with Dwr Cymru/Welsh Water, who raise no objection to the proposed connection of the foul drainage system into the public sewer on Ffordd Pennant, with surface water discharge into a nearby watercourse, although this element will need to be the subject of a separate application to the SuDS Approving Body (SAB). It is recommended that this drainage strategy be secured by condition together with the imposition of a condition to secure the provision of a potable water supply to serve the development.

7.22 Ecology / Trees

Consultation on the application has been undertaken with Natural Resources Wales (NRW) and Council Ecologist who both raise no fundamental objection to the development having regard to the Ecological Appraisal submitted as part of the application.

7.23 The Ecological Appraisal has assessed the potential impact of development on protected species including Great Crested Newts (GCN) and bats, it being considered, that this is acceptable to aid the assessment process. It is however requested that this outline application be the subject of the imposition of conditions in respect of lighting, the submission of a Construction Environmental Management Plan, GCN Reasonable Avoidance Measures and Biodiversity.

7.24 In addition, it is important to note that there are 2 No mature trees adjacent to the site's northern boundary, a woodland adjacent to the northeast corner of the site that is covered by a Tree Preservation Order, and a green space designation by virtue of Policy EN2: 133 of the LDP. These trees are proposed to be retained as part of the development, recognising that they are key landscape features. Whilst the indicative layout as indicated carries limited weight in the assessment process, it does show that these are to be safeguarded with the introduction of buffer zones. It will however be necessary to secure their protection during construction works, this being controlled by the imposition of a planning condition.

7.25 Contaminated Land

A Phase 1 Land Contamination Report has been submitted as part of the application, recognising the sites association with former coal mining activity in the locality. The report recognises the requirement for further intrusive ground survey work to be undertaken by way of a Phase 2 report, with appropriate mitigation where required. This approach is supported by the Council's Contaminated Land Officer and can be secured by condition, requiring this to be addressed at reserved matters stage.

**8.00 CONCLUSION**

This outline application seeks to establish at this stage the principle of development only of the site for residential development. Although an illustrative site layout has been submitted showing the potential development of the site for 64 No dwellings, this carries limited weight in the assessment process other than to confirm that it would be possible to develop the site for the scale of development proposed whilst meeting relevant development management considerations. No objections have been received from a highway, ecological, landscape, or drainage perspective, and it is therefore recommended that permission be granted subject to the completion of a legal obligation and imposition of conditions as referenced in paragraph 2.00 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**

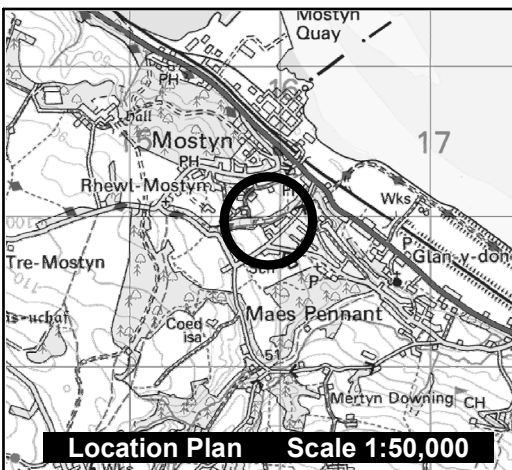
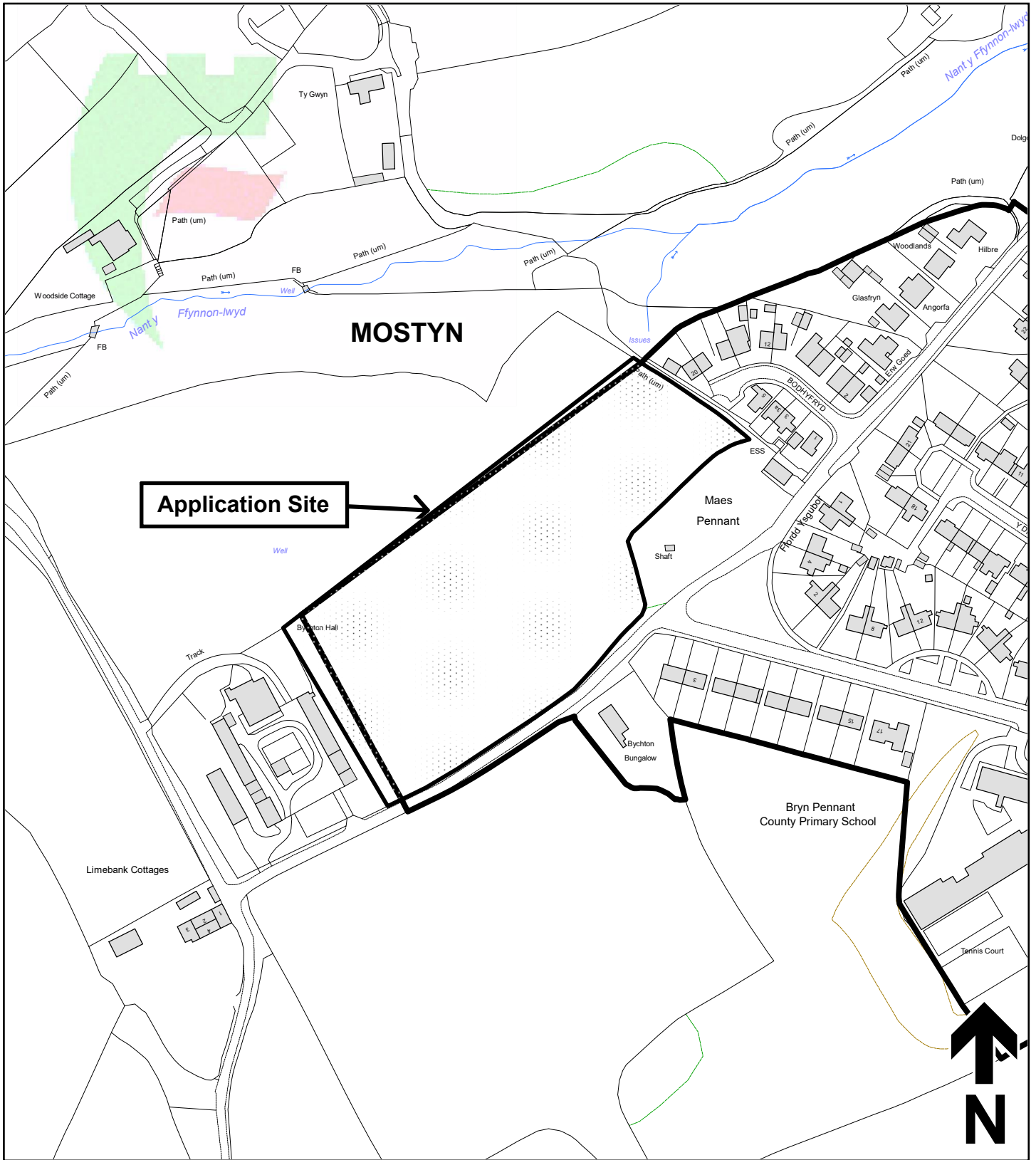
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer: Robert Mark Harris**

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

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 1579

Planning Application **OUT/000496/22**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **21<sup>st</sup> JUNE 2023**

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

**SUBJECT:** **VARIATION OF CONDITION 2 PLANNING REF:037406**

**APPLICATION NUMBER:** **FUL/000722/22**

**APPLICANT:** **BREEDON GROUP PLC**

**SITE:** **FRON HAUL QUARRY, NANNERCH, MOLD**

**APPLICATION VALID DATE:** **20<sup>th</sup> DECEMBER 2022**

**LOCAL MEMBERS:** **CLLR S COPPLE**

**TOWN/COMMUNITY COUNCIL:** **YSCEIFIOG COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO THE IMPACT OF THE EXISTING QUARRY AND VARIATION OF SECTION 106 AGREEMENT**

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

### **1.00 SUMMARY**

- 1.01 The proposal relates to Fron Haul Quarry, an active sand and gravel quarry located near the village of Nannerch. The application seeks an extension of time to planning permission 037406 to allow quarrying operations on the site until 31 December 2031 with a further 24 months to complete the restoration of the site by 31 December 2033.
- 1.02 The main issues in considering this application relate to the impact on visual impact on the surrounding landscape, the impact on ecology, European protected species and nature conservation interests, the need to extend the life of the quarry, the impact on residential amenity, the impact of the proposal on hydrology and flood risk, and the impact on the highway.

1.03 The site is subject to a Section 106 agreement in relation to a bond for restoration works. Should planning permission be granted the Section 106 agreement will need to be amended to reflect new consent.

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

- 2.01
1. Commencement
  2. Time limit for extraction
  3. Approved plans
  4. Limit type of mineral for extraction and processing to be sand and gravel only
  5. The total amount of minerals leaving the site shall not exceed a level of 220,000 tonnes per annum
  6. Retention of approved plans on site
  7. Removal of permitted development under Parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995
  8. Hours of operation
  9. Landscaping Scheme
  10. Great crested newt mitigation scheme
  11. Bat mitigation scheme,
  12. Plan showing the progress of extraction and restoration operations to be submitted.
  13. Soil storage plans
  14. Provision and maintenance of a visibility splay
  15. Provision and maintenance of a wheel wash
  16. No vehicles shall enter the public highway unless its wheels and chassis are clean.
  17. Access and Haul roads to be kept clean and in good condition.
  18. All Vehicles shall be sheeted
  19. No extraction shall take place outside the extraction boundaries
  20. Extraction boundary to be marked out for the duration of the development
  21. Submission of an updated tree protection plan prior to commencement
  22. Tree protection measure in place prior to commencement
  23. Soil handling method statement
  24. Notice of soil striping
  25. Soil storage plans
  26. Topsoil stockpile height
  27. Suitable soils making materials to be retained for restoration
  28. All topsoil, subsoil, recovered soils and imported soils shall be retained on site and none shall be sold off or removed.
  29. No soils shall be used to form any internal bund walls within the excavations

30. All plant, machinery and vehicles shall be controlled to ensure that no such plant, machinery and vehicles traverse the land prior to the stripping of topsoil and subsoil.
31. The restoration shall be carried out in accordance with approved phasing scheme
32. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse, aquifer or soil.
33. There shall be no working below 117 metres AOD.
34. Submission of a hydrological scheme
35. No solid matter, sand or gravel or other such material shall pass into any watercourse.
36. Submission of a dust management and mitigation scheme
37. Noise limits
38. Noise Monitoring
39. All vehicles, plant and machinery shall be maintained
40. Noise limit for mobile plant
41. Lighting limits
42. Retention of existing trees, shrubs and hedgerows outside of working area.
43. No site clearance during bird nesting season
44. Trees, shrubs and hedges planted shall be maintained for the lifetime of development
45. All planting work shall be carried out in accordance with the recommendations of British Standards BS4428
46. Tree planting in each phase shall be undertaken in the first planting season.
47. Soil placement and restoration
48. Supervision of site restoration
49. Soil protection measures
50. Notification of commencement of soil spreading
51. Soil depth for restoration
52. Submission of an amended aftercare scheme if development ceases prior to completion of extraction
53. Aftercare scheme
54. Annual aftercare report
55. Aftercare period of 5 years
56. Liaison Committee
57. Lighting Scheme
58. Submission of a Species Conservation Plan
59. Submission of an ecological long-term management and monitoring

### **3.00 CONSULTATIONS**

**Councillor Steve Cople (Local Member):** Requests committee determination due to the impact on wildlife and biodiversity needs to be assessed fully in particular the mitigations that are alluded to by the current operators.

**Councillor Andrew Parkhurst (Adjoining Ward Councillor):** Requests committee determination due to residents in his ward will be affected by the proposed extension.

**Nannerch Community Council (Adjoining Community Council):** Objects to the proposal and raises the following concerns:

- Non-compliance with the existing conditions
- Proposed extraction in excess of that within the LDP
- No Environmental Impact Assessment submitted with the application
- Employment benefit does not outweigh impact on other local businesses in terms of noise, dust, lighting and road traffic.
- Ecological matters not fully assessed and mitigation scheme not provided with the application.
- Increase in traffic along the A541 has led to increase in fatalities
- Existing amenity conditions are not sufficient.

**Highways Development Control:** No objection to the proposed development subject to conditions.

**Community and Business Protection:** No objection to the proposal subject to the existing conditions.

**Public Rights of Way:** Public Bridleway No. 181 abuts the site. The path must be protected and free from interference from the construction.

**Built Conservation:** Raises no objection to the proposal as outlined in this application

**Ecologist:** No objection subject to conditions

**Landscape and Trees:** No objection subject to conditions

**Natural Resources Wales:** No objection to the proposal and are satisfied that any remaining concerns can be overcome if the conditions regarding protected species are attached to any planning permission granted.

**AONB Advisory Committee:** The Joint Committee has approved the principle of extraction, as it has already been established and its impact on the Area of Outstanding Natural Beauty (AONB) has been previously assessed. They maintain that the policy environment is relatively the same. However, they warn they would strongly resist any proposals for further lateral extension in the future. The committee has expressed no opposition to the allocation within the Local Development Plan (LDP) and the approved extraction area,



with the aggregate being included in the landbank. Therefore, they do not object to an extended timeline for extraction.

They ask that certain aspects receive additional consideration when redrafting planning conditions. These include ensuring lighting is kept to the bare minimum necessary and is designed according to the Dark Skies Supplementary Planning Guidance. They also request a review of measures to control noise and dust and propose more stringent noise monitoring to acknowledge the significance of tranquillity within the AONB. They suggest reconsidering the extent of operation hours to minimise disturbance on the AONB.

**Airbus:** Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria.

#### **4.00 PUBLICITY**

4.01 55 Neighbour Notifications were sent to adjoining/nearby properties. The application was also publicised by way of Site Notices. The application was also given further publicity by way of Press Notice in a local newspaper.

Four letters of objection have been received raising the following points:

1. Concerns about increased traffic volume on Denbigh Road and its impact on local infrastructure.
2. Risk to pedestrian safety while crossing the Mold/Denbigh Road.
3. Combination of increased vehicles, slower-moving tractors, HGV vehicles, and motorbike speeds posing a risk of fatalities.
4. Protection of local nature environment, including rare wildlife species.
5. Displacement of animals and reduction in carbon effect of existing trees.
6. Potential destruction of the site's beauty, which attracts tourists.
7. Need for amendments to address increased noise levels due to site extension and other activities.
8. Insufficient mitigation measures for bats and woodland loss.
9. Concerns about prolonged and increasing noise pollution affecting property values and personal welfare.
10. Concerns about consistency of planning policy and trust in Flintshire Planning.
11. Discrepancy in noise complaints reporting and non-compliance with existing conditions.

12. Violation of permitted hours of operation and contravention of planning guidance.
13. Lack of evidence to prove mineral availability elsewhere
14. Need for a full Environmental Impact Assessment (EIA) and independent assessment of the planning statement.
15. Inaction by the Applicant in utilising the site and potential violation of existing planning permission.

## **5.00 SITE HISTORY**

- 5.01 Fron Haul Quarry has a long planning history with permissions dating back to 1956. The current permission for the site, and that under which it operates was issued on 23 May 2007, reference 037406 - Non-compliance with condition No. 51 and variation of condition Nos. 52, 53 and 54 attached to planning permission 97/27/123

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Local Development Plan

STR2- The Location of Development

STR7- Economic development, enterprise and employment

STR16- Strategic planning for minerals

PC1- The relationship of development to settlement boundaries

PC2- General requirements for development

EN4- Landscape character

EN5- Area of outstanding natural beauty

EN18- Pollution and nuisance

EN19- Managing waste sustainably

EN25- Sustainable minerals development

EN26- Criteria for minerals development

### Supplementary Planning Guidance

SPG Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)

SPGN8- Nature conservation and development

Planning for Dark Skies Supplementary Planning Guidance (December 2021)

### National Planning Policy

Planning Policy Wales ed. 11

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 11 – Noise

Technical Advice Note 10- Tree preservation orders

Technical Advice Note 21 - Waste

Technical Advice Note 23 - Economic development

Minerals Technical Advice Note 1: Aggregates

Regional Technical Statement for North Wales 2nd Review

## **7.00 PLANNING APPRAISAL**

### **7.01 Details of Proposed Development**

7.02 Fron Haul Quarry has a remaining permitted reserve of over 710,000 tonnes and accommodates the plant which is used to process the material from the nearby Maes Mynan Quarry. However, the extraction of minerals has not taken place at Fron Haul Quarry for some time. The applicant is requesting an extension of 9 years to allow for the extraction of these reserves, in addition to the completion of extraction at the neighbouring Maes Mynan Quarry, which is anticipated to be fully worked within the next 12 months

7.03 During the course of consideration of this application, the extension period was reduced from 10 years to 9 years. The application seeks consent for the additional time only, with no changes proposed to the approved working scheme. Operating hours will remain the same, and the quarry will continue to be accessed via the existing unclassified road. The number of employees at the quarry is not expected to change as a result of the proposal, but employment will be retained for the extended period of operation. Upon the cessation of quarry workings, the site will be restored in accordance with the approved scheme.

### **Site Description and Location**

7.04 Fron Haul Quarry, situated between the villages of Nannerch, Ysceifiog, and Lixwm, covers approximately 8.4 hectares. The site is accessed via an unclassified road connected to the A541, the main transport route between Mold and Denbigh, with the A55 located 4.7km to the north. Maes Mynan Quarry, approximately 3.2km east of the site, has been supplying sand and gravel to Fron Haul Quarry for processing.

7.05 The quarry is located near the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). The surrounding area is primarily comprised of improved pasture and arable farming, with fields bounded by hedgerows, mature woodland blocks, and field boundary trees.

7.06 There are a number of nearby residential receptors to the site, as well as public rights of way. The site currently consists of mineral processing facilities for aggregate from Maes Mynan Quarry, restored areas of former working, and an area of unworked mineral reserve on the eastern part of the site.

### **Principle of development**

7.07 The principle of extracting sand and gravel at this site has been established through the historical working of minerals, and through

planning permissions, first granted in 1956. Subsequent to 1956, planning permissions have been granted, as detailed above, accepting that mineral extraction at this site is an appropriate and established.

- 7.08 The quarry provides important building materials, the need for which has been established and the continuation of workings will enable this asset to be extracted and used locally, reducing the need for an alternative material to be found further away and providing an important contribution to the local economy.
- 7.09 The main market for sand and gravel extracted at this site is the local and regional construction industry. Other main sources of sand and gravel in North Wales is Wrexham, located to the south east of the site. This site, and Maes Mynan, have an important role in serving markets further west within the region, as there are no other operational sand and gravel quarries to the west. The existing landbank for sand and gravel is not excessive in North Wales. The spatial distribution across the region is uneven, and the character and types of sand available differs. This proposal would help safeguard a locally important source of sand in the area and maintain a degree of market competition.
- 7.10 The Regional Technical Statement 2nd Review (RTS2) sets out the required apportionment of crushed rock and sand & gravel for each of the North Wales Local Planning Authority areas for the period 2019 – 2024. Proposed allocations set out in the Flintshire LDP amount to 1.4 million tonnes (mt), including an allocation for an additional 500,000 tonnes at this site, however there is a marginal shortfall of 2.143mt which needs to be accounted for over the plan period.
- 7.11 This application is to work the remaining permitted reserves contained within Fron Haul Quarry, which are already accounted for within the RTS2, and contributes towards the existing landbank of sand and gravel. Should permission not be granted, and the sand and gravel reserve not extracted from the site, this would further increase the shortfall for sand and gravel in Flintshire and we would need to find additional reserves elsewhere.
- 7.12 It should be noted that there is an additional 500,000 tonnes of sand and gravel allocated within the Flintshire Local Development Plan at the site (under Policy EN 25.4), which would be in addition to the 710,000 tonnes remained within the permitted reserve. This application is to work the existing permitted received and does not include working allocation. Should the applicant wish to work this additional sand and gravel, a further grant of planning permission would be required.
- 7.13 The current extant planning permission was granted in May 2007 for sand and gravel extraction under permission reference 037406. In

accordance with the planning permission, the extraction of minerals should cease by 31 December 2022. The processing equipment at Fron Haul is limited to 120,000 tonnes per annum, and this has been processing material imported from Maes Mynan Quarry. Once Maes Mynan Quarry has been worked out, and permitted reserves at Maes Mynan Quarry exhausted, it is proposed that extraction would restart at Fron Haul.

- 7.14 The current planning permission sets a limit on the total amount of mineral leaving the site at 220,000 per annum, however historically the quarry was operated well below this level. Current extraction rates at the quarry are approximately 120,000 tonnes per annum which is limited by the capacity of the plant on site. The remaining permitted reserve is estimated to be over 710,000 tonnes, which if extracted at 120,000 tonnes per annum would take 6 years to be worked out. However, this does not allow for fluctuations in market conditions, unforeseen plant repairs reducing output, the processing of the remaining material at Maes Mynan Quarry, and any change to the estimate of the saleable material remaining within the reserve.
- 7.15 The proposal would result in the quarry being worked for an additional 9 years beyond the life of the current planning permission (8.5 years from the date of this report). Given the above considerations, this is considered to be an appropriate time period. Should planning permission be granted, a condition would be imposed to ensure that the extraction and processing shall cease by 31 December 2031 with a further 24 months to complete the restoration of the site by 31 December 2033. Following restoration of the site, the site would be maintained and managed in accordance with an approved aftercare scheme for a period of five years. The aftercare scheme shall be required by condition. A condition will also be included to ensure that should extraction be completed prior to 31 December 2022, restoration works should be completed within 2 years of the completion of extraction.
- 7.16 It is considered that the proposal accords with the provisions within PPW (chapter 14), MTAN1, the RTS 2<sup>nd</sup> review for North Wales and Policy EN25 of the adopted Flintshire Local Development Plan.

#### Landscape and Visual Impact

- 7.17 A Landscape and Visual Statement has been submitted in support of the planning application, which examines potential landscape and visual impacts resulting from the proposed development's increased operational and restoration timescales. The site is situated within the northern parts of National Landscape Character Area (NLCA) 12: Bryniau Clwyd/Clwydian Range, described as an extensive upland area with a rich cultural history and mineral wealth.

- 7.18 The applicant seeks consent for an additional 10-year period, allowing quarrying operations to continue and progressively restore the site in accordance with the consented restoration scheme. The Landscape and Visual Statement indicates that views of the site are mostly screened due to mature woodland and the descending landform profile of the northern valley slopes. Visibility would be limited to local areas near the site and specific elevated locations to the south.
- 7.19 The statement concludes that while ceasing site operations and restoring the site would bring an end to any landscape and visual effects, the proposed development would not result in significant adverse impacts. Any effects would be minimal and temporary, as the site is well-contained by landform and mature woodland. Upon completion of operations, the restored site would assimilate well with the surrounding landscape context and be in line with the local landscape character.
- 7.20 Consultation has taken place with the Joint AONB Committee who do not object to the proposed development, as it has already been established and its impact on the Area of Outstanding Natural Beauty (AONB) has been previously assessed. In addition to the current suite of conditions, they ask that lighting is kept to the bare minimum necessary, and is designed according to the Dark Skies Supplementary Planning Guidance. They also request a review of measures to control noise and dust, and propose more stringent noise monitoring to acknowledge the significance of tranquillity within the AONB. The existing conditions include the provision of yearly noise and dust monitoring, however an additional condition will be added to include the submission of a lighting scheme.
- 7.21 The development is deemed acceptable in landscape impact terms and is compliant with Policies EN4 within the adopted Flintshire Local Development Plan.

### Ecology

- 7.22 Updated ecological surveys have been carried out to support the current application, including a Preliminary Ecological Assessment (PEA) in September 2022. The PEA encompassed a desk study for a 2km search zone and a field survey comprising an Extended Phase 1 habitat survey, focusing on the extraction area that has not yet been worked.
- 7.23 The PEA found that the site is mainly composed of secondary broadleaved woodland that has developed on the open farmland surrounding Fron Haul, a former farmstead. The original farm buildings were removed about 10 years ago, with a bespoke bat house provided to mitigate the loss of bat roosts. The site also contains a small area of ancient woodland, bare sandy ground,

ephemeral short perennial vegetation, scattered scrub, and bracken. While most of the woodland habitat would be lost due to quarrying activity, mitigation has already been agreed upon and secured through a detailed restoration strategy. No additional mitigation is considered necessary.

- 7.24 A comprehensive suite of bat surveys were conducted in July, August, and September 2022 to assess the use of the bat house and woodland habitats. The surveys confirmed the presence of various bat species and identified that previous mitigation measures, such as the bat house provision, have been successful. It is considered that a further mitigation strategy for bats should be produced and agreed upon secured via a planning condition prior to any clearance works. Precautionary Methods of Working should also be agreed upon with the Local Planning Authority.
- 7.25 It is assumed that dormouse is likely to be present with suitable habitats across the site but that any population is likely to be in unfavourable status in line with a general reported decline in dormouse in Flintshire. The PEA identifies that the suitable habitats are likely to be those woodland compartments which contain a well-developed shrubby understorey of native species, particularly hazel, which are concentrated around the edges of the site. It is considered that the central portion of the site lacks a suitable shrubby layer and/or hazel and is considered unsuitable for dormouse.
- 7.26 The site has the potential to support various other species, including nesting birds, hedgehogs, polecats, reptiles, and common amphibians. The PEA recommends addressing these species' requirements through precautionary working method statements to be provided to and agreed upon by the local planning authority prior to the commencement of works. It is known that great crested newts are present within the operational quarry, and a European Protected Species Licence application is currently being prepared.
- 7.27 Consultation has taken place with both Natural Responses Wales and the County Ecologist, who raised no objection to the proposal subject to the mitigation and avoidance measures outlined within the application.
- 7.28 In conclusion, the impact of the proposed development on ecology has been thoroughly considered, and the proposed mitigation measures proposed, ensure no significant adverse impacts on protected habitats or species. The development is deemed acceptable in ecological terms and is compliant with Policies Policy EN6: Sites of Biodiversity Importance and Policy EN7: Development Affecting Trees, Woodland and Hedgerows within the adopted Flintshire Local Development Plan.

## Highways

- 7.29 Currently, Fron Haul Quarry does not carry out any mineral extraction, as it processes material transported from Maes Mynan Quarry, which is approximately 3.5 km away along the A541. Material from Maes Mynan Quarry is expected to be exhausted within the next two years, and once this occurs, mineral excavation at Fron Haul will recommence. The processing of material at Fron Haul will remain consistent with the current method used for materials from Maes Mynan Quarry.
- 7.30 Access to Fron Haul Quarry will continue to be via the existing unclassified road located east of the site, connecting to the A541. No additional access points are proposed for quarry-related traffic. The site's annual production is anticipated to be around 120,000 tonnes, and the proposed extension of time will not result in an increase in heavy goods vehicle (HGV) movements. At present, around 40 HGV movements per day transport 135,000 tonnes of material annually from Maes Mynan to Fron Haul, of which 120,000 tonnes is processed and 15,000 tonnes stockpiled.
- 7.31 Once extraction at Maes Mynan Quarry is completed, the traffic transporting minerals between the two quarries will cease (approximately 40 HGV movements per day), and it is anticipated that vehicle movements at Fron Haul will be less than the current situation. The existing permission at Fron Haul Quarry does not impose specific limitations on vehicle numbers entering or leaving the site but does restrict the amount of mineral leaving the site to 220,000 tonnes per annum through condition 5. Given that the expected annual production is around 120,000 tonnes, it is likely that traffic generation will be significantly lower than if the site were operating at maximum permitted output.
- 7.32 Concerns have been raised regarding highways safety for both pedestrians and road users, coming into conflict with the HGV traffic associated with the quarry. However, the A541 and existing access to the site are deemed suitable for the scale and nature of traffic associated with the development. The current operation at Fron Haul Quarry has minimal impact on highway safety and capacity, thanks to measures such as wheel wash facilities, road sweeping and cleaning, and sheeting loaded HGVs, as required by conditions 15, 16, 17, and 18 of the existing consent.
- 7.33 In conclusion, the proposed extension of time for Fron Haul Quarry is not expected to result in any unacceptable impacts on highway safety or capacity, and it is in compliance with Policy PC5: Transport and Accessibility within the adopted Flintshire Local Development Plan.



### Amenity

- 7.34 The current planning permission for Fron Haul Quarry includes several conditions designed to protect the amenity of neighbouring properties. These conditions cover aspects such as limited working hours, dust monitoring and suppression, noise limits, regulation of mobile plant usage, and floodlighting restrictions. The application proposes no change to the remaining conditions. Consultation has taken place with the Environmental Health Officer who has no objections to this proposal subject to the existing site mitigation controls already in place for the quarry. This would include the imposition of planning conditions controlling noise with regards to limits, mitigation measures and hours of operation. As such, it is considered that the proposal is in compliance with the provisions set out in MTAN1 and Policies EN18 and EN26 within the adopted Flintshire Local Development Plan.
- 7.35 According to our records, prior to the submission of this application, the Minerals and Waste Planning Service have not received any complaints relating to activities at From Haul Quarry. One complaint was received in relation to Maes Mynnan Quarry relating to material on the highway, which was satisfactorily dealt with by the operator.

### Hydrology and Hydrogeology

- 7.36 The current application is subject to a number of planning conditions to ensure that there is no negative impact upon the local water table during extraction, this includes no working below 117 metres AOD. Whilst details of the hydrological scheme have previously been considered as part of the original application, an updated scheme will be required by condition

### Economic benefits

- 7.37 The direct employees at the quarry are currently six. Allowing the extension of time would mean that the current level of employment would continue for a further period of approximately 10 years and the aggregate materials from this site would contribute to a competitive mineral supply in the local area. Should the extension of time not be granted, a reserve of sustainably accessible mineral, that provides an employment and economic benefit to the area, would be sterilised.

### Environmental Assessment

- 7.38 The application was screened negatively accordance with the provisions of the Town and Country Planning (Environmental Impacts Assessment) (Wales) Regulations 2017 (i.e. the application was not

considered to be Environmental Impact Assessment requiring the submission of an Environmental Statement).

- 7.39 The Screening Opinion was based on the proposed change which would comprise an extension of time of operations. The screening opinion concluded that the change associated with the extended duration proposed would not in itself give rise to significant environmental effects which would require consideration as part of an Environmental Statement.
- 7.40 The existing environmental effects of the quarry are already understood, and were considered as part of the 2007 development consent. The operations of the quarry are well regulated and mitigated by the existing schedule of planning conditions which would be imposed should planning permission be granted, and the proposed change does not introduce any new significant environmental impacts. Concerns have been raised that residents were not involved in the Screening Opinion process. It is not a statutory requirement to consult members of the public during the Scoping process, but the documents are publicly available on the council's website.

## **8.00 CONCLUSION**

- 8.01 The environmental effects of the ongoing operations at Fron Haul Quarry were comprehensively assessed in the 2007 with detailed studies of landscape and visual effects, ecology, noise, blast vibration, air quality, geotechnics, and cultural heritage, together with studies of hydrology and hydrogeology, traffic and soil resources. The recommendations of these studies informed the preparation of a comprehensive schedule of 55 planning conditions which were imposed as the outcome of the consideration of that application. These conditions include detailed controls on the phased working scheme, hours of working, dust, blast vibration, noise, vehicle cleaning, ground and surface water management, soil stripping and storage, management of perimeter woodland, and restoration and aftercare.
- 8.02 These conditions reflect best practice modern regulatory controls, which are proven to work effectively. No changes are proposed to the working scheme or to any of the existing controls which regulate the operation. The controls are regularly monitored by the Minerals Planning Authority. The proposed change is confined to the end date of the quarrying operations. The only impact of the proposed extension of time would be a continuation of the existing mitigated effects, over a longer duration, and a delayed final restoration.
- 8.03 The proposed end date of 31 December 2031 has been calculated using the current output rates of the quarry, and the remaining 710,000 tonnes of permitted reserves.

- 8.04 It is recognised that the change to the end date would have the consequence that the existing operations and related environmental effects would continue for a longer period. However, these effects are already effectively controlled by the existing schedule conditions which could continue in operation for the extended duration of the mineral extraction operations.
- 8.05 It is also recognised that the extension of time would delay the restoration of the site. However, the approved scheme provides progressive restoration and therefore, the site would be restored progressively over the duration of the extended period.
- 8.06 The extension of time would allow for the 710,000 tonnes of remaining permitted reserves to be extracted and worked in the existing quarry which contribute to the Regional Technical Statement 2<sup>nd</sup> review. Should planning permission not be granted for the extension of time, the remaining permitted reserves would remain unworked, and the apportionment would need to be acquired elsewhere.
- 8.07 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above, there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted subject to a variation to a supplementary Section 106 agreement attached to the existing planning permission.
- 8.08 If the supplementary Section 106 agreement (as outlined above) is not completed within six months of the date of the committee resolution, delegated authority is sought to REFUSE the application

8.09 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.

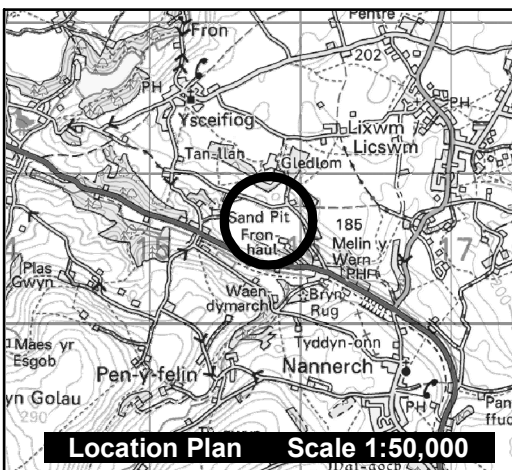
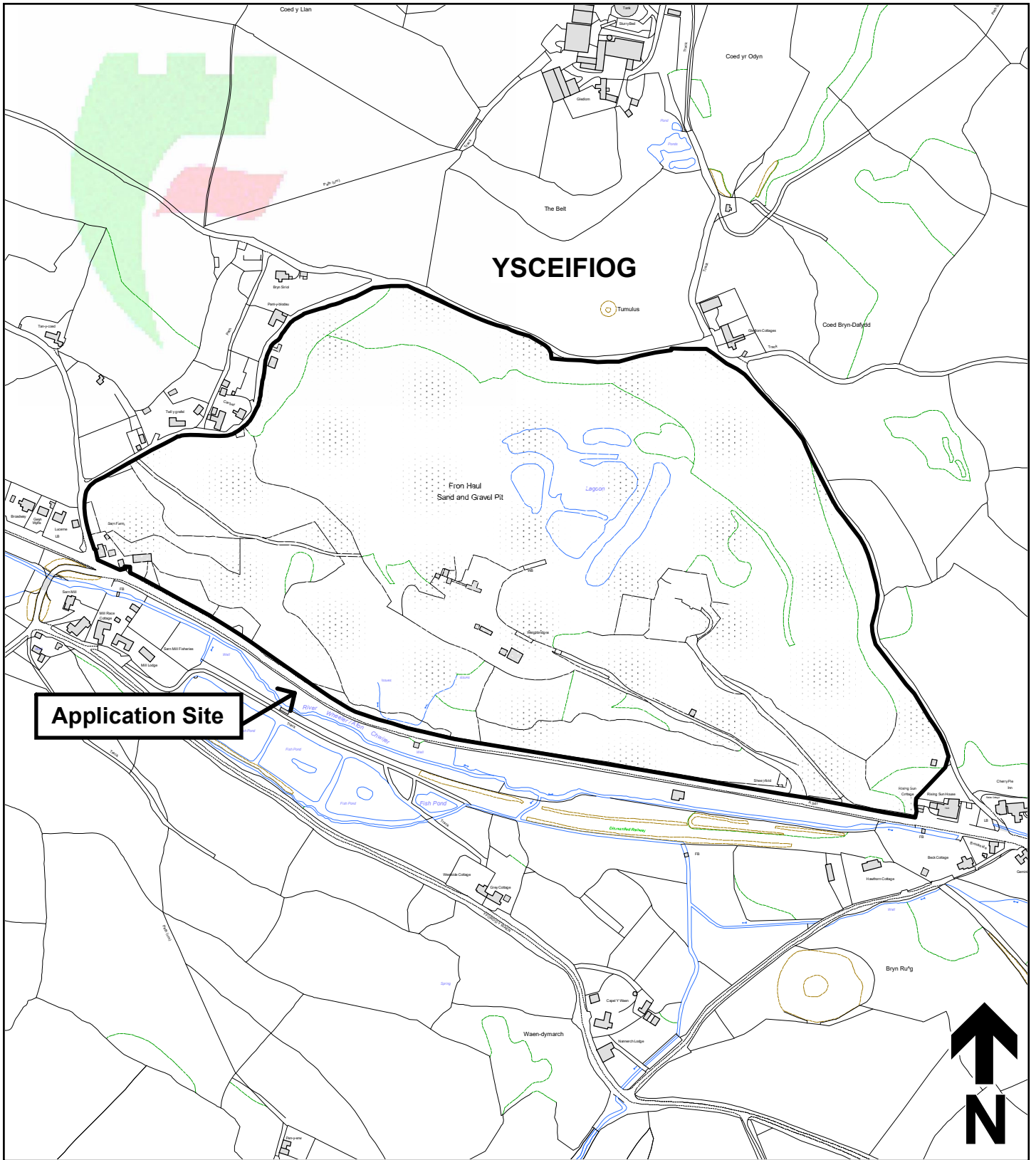
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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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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 1:5000

OS Map ref SJ 1570

Planning Application FUL/000722/22

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **21<sup>ST</sup> JUNE 2023**

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

**SUBJECT:** **GARDEN DECKING AREA (RETROSPECTIVE)**

**APPLICATION NUMBER:** **FUL/000186/22**

**APPLICANT:** **MR. PAUL JONES**

**SITE:** **HIGH CROFT, CILCAIN ROAD, PANTYMWYN, YR WYDDGRUG, CH7 5EH**

**APPLICATION VALID DATE:** **10<sup>TH</sup> NOVEMBER 2022**

**LOCAL MEMBERS:** **COUNCILLOR MS. A J DAVIES-COOKE**  
**COUNCILLOR D COGGINS COGAN**

**TOWN/COMMUNITY COUNCIL:** **GWERNAFFIELD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **AT LOCAL MEMBER REQUEST ON THE BASIS THAT THE PROPOSAL HAS ADVERSE IMPACTS UPON THE RESIDENTIAL AMENITY OF EXISTING ADJACENT NEIGHBOURS**

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

### **1.00 SUMMARY**

1.01 This application is submitted in retrospect and seeks permission for the construction of an external decking seating area within the rear garden space at High Croft, Cilcain Road, Pantymwyn, Flintshire.

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

#### **2.01 Conditions**

1. In accordance with approved plans and particulars.

### **3.00 CONSULTATIONS**

3.01 **Cllr Adele Davies-Cooke (Local Member)**: Requests committee determination and site visit. Considers that the development causes harm to the existing residential amenities of adjacent occupiers.

**Cllr. D. Coggins Cogan (Local Member)**: No response at time of writing.

**Gwernaffield Community Council**: Objects to the proposals as it is considered that the balcony which extends from the summer house overlooks the neighbours on the right side and as such impacts on their privacy.

**Community & Business Protection**: No response at time of writing

### **4.00 PUBLICITY**

4.01 Four Neighbour Notification letters were sent to adjoining properties. One objection was received on the following grounds:

1. overlooking with consequent impacts upon amenity and living conditions

### **5.00 SITE HISTORY**

5.01 **51673** – Demolition of existing dwelling and erection of replacement dwelling and detached garage – Refused 10.4.2014

**52141** – Demolition of an existing single storey dwelling and erection of a dormer bungalow and detached garage to rear – Approved 4.7.2014

**53495** – Application for the approval of details reserved by condition 3 to planning permission ref: 052141 – Refused 2.12.2015

**54234** – Non-material amendment to planning permission ref: 52141 – Approved 15.9.2015

**56480** – Retention of dwelling and outbuilding – Approved 12.7.2017

**61362** – Application for approval of details reserved by condition no 3 to Planning Permission ref: 052141 – Refused 22.4.2022

### **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan  
PC1 - The Relationship of Development to Settlement Boundaries  
PC2 - General Requirement for Development



PC3 - Design

Supplementary Planning Guidance  
SPGN No 2. - Space Around Dwellings

National Planning Policy  
Planning Policy Wales 11th edition (2021)  
Future Wales: The National Plan 2040 (FWP 2040)

## **7.00 PLANNING APPRAISAL**

### **7.01 The Site & Surroundings**

The site is located within the settlement boundary of Pantymwyn as defined within the Flintshire Local Development Plan. The site comprises the detached 2 storey dwelling, High Croft, and its residential curtilage. The site fronts Cilcain Road to the south and abuts an area of open countryside to the north. Existing adjacent dwellings and their curtilages are located to the east and west of the site. The area is characterised by a mix of single and two storey dwellings. The site topography is such that site level rise steadily from the boundary of the site with Cilcain Road, in a northerly direction. The site is reflective of the surrounding area and abutting land in this regard.

### **7.02 The Proposals**

The decking area which is the subject of this application is located to the rear of the existing dwelling on an area of the garden which rises up from the level upon which the dwelling is sited. Associated with the decking area is a summer house but Members should note that this does not form part of this application.

### **7.03 The Main Issues**

The main issues for consideration in this matter are;

- The principle of development having regard to the Development Plan;
- Impacts of Permitted Development Rights (General Permitted Development Order Wales 2013); and
- Impacts upon existing adjacent living conditions

### **7.04 The Principle of Development**

The proposed development is located within the settlement boundary of Pantymwyn. Policy PC1 states that development will normally be permitted within settlement boundaries.

7.05 Policy PC2 and PC3 indicate that development should harmonise with or enhance the character, local distinctiveness and appearance of the site. Given the above context whereby national and local policy

confirms that the application site is in an appropriate location for such development.

7.06 Impacts of Permitted Development Rights

Members are aware that the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 sets out provisions for a wide range of development which may be undertaken without the need for planning permission, subject to identified criteria or conditions being met. Class E to Part 1 of the Schedule to the Order addresses development relating to, inter alia, the erection of buildings, enclosures and raised platforms.

7.07 Having regard to these provisions, it is clear that the whole of the deck, with the exception of a strip some 0.5m wide across the deck frontage would be permitted development by virtue of the fact that the height of the deck does not exceed 0.3m above the level of the ground upon which it is erected.

7.08 Accordingly, the only aspect of the deck and associated summer house to which this application relates is that 0.5m strip at the southerly edge of the deck (facing towards the dwelling).

7.09 Impacts upon Living Conditions

Representation has been made to the extent that the deck affords an opportunity for a degree of overlooking which is detrimental to the residential amenity and living conditions of adjacent residents.

7.10 Members will note that the location of the deck is such that overlooking to the west (Kiln Lodge) is not possible due the fact that an adjacent garage impedes direct visibility between the sites. Visibility to the east (Hill Green) is impeded by a significant evergreen hedge screen which has been plant along the length of the common boundary. As such, there is no direct intervisibility of or from the deck. It is noted that the distance between the deck and the rear of Hill Green is of the order of 20m. This coupled with the fact that the only windows in the rear elevation serve a kitchen and a bathroom, both of which are not habitable rooms. This degree of separation, coupled with the arrangement of living space internal to the dwelling, is such that adverse impacts upon living conditions are unlikely to arise, notwithstanding the presence of the vegetation screening along the boundary.

7.11 Regard should also be had to the character of rear garden areas in the vicinity of the site. Rear gardens are sloping and a number of the dwellings along the northerly edge of Cilcain Road have rear garden ancillary buildings and seating areas similar to that of which this garden deck is part. Accordingly, the proposals are not considered to be out of character or appearance of the surroundings.

## **8.00 CONCLUSION**

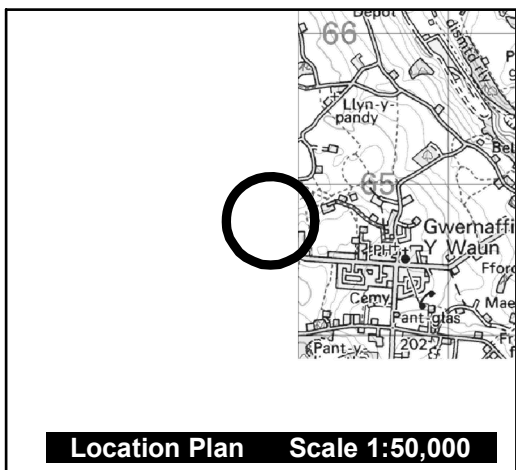
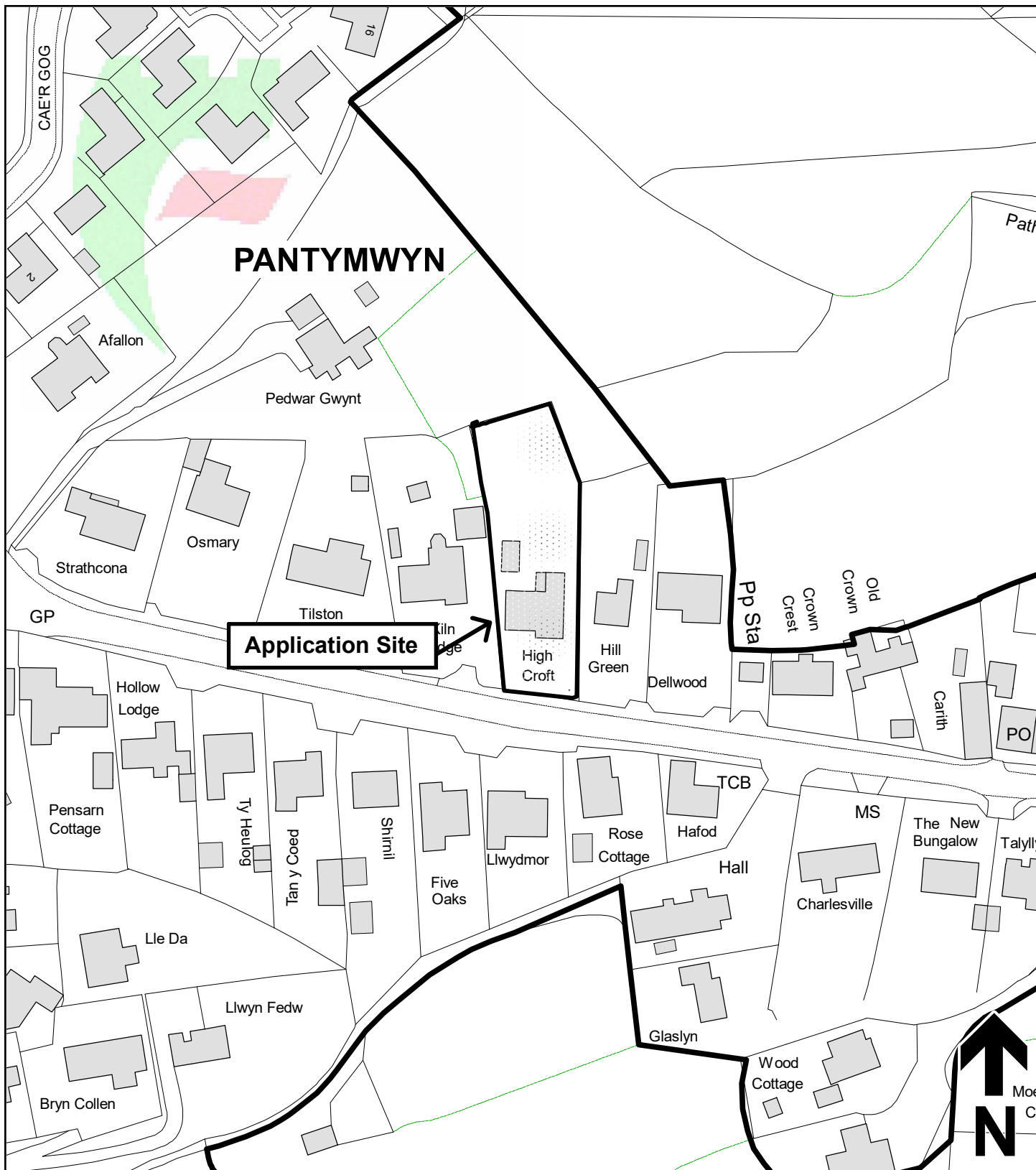
- 8.01 It is considered that the small area of decking which requires planning permission does not give rise to any adverse impacts upon either adjacent living conditions or the character and appearance of the surrounding area. Measures designed to limit the potential for impact upon neighbouring living conditions are already in place and therefore, It is considered that the proposal complies with policies PC1, PC2 and PC3 of the Flintshire Local Development Plan
- 8.02 Other Considerations  
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.03 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.
- 8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.05 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**

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National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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	<p>Planning, Environment &amp; Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>						
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<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Planning Application Site</li> <li> Adopted Flintshire Unitary Development Plan Settlement Boundary</li> </ul>	<table border="1"> <tr> <td>Map Scale</td> <td>1:1250</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 1964</td> </tr> <tr> <td>Planning Application</td> <td>FUL/000186/22</td> </tr> </table>	Map Scale	1:1250	OS Map ref	SJ 1964	Planning Application	FUL/000186/22
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