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Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



CS/NG

19 October 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, 25TH OCTOBER, 2023 at 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 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 3 - 8)

To confirm as a correct record the minutes of the meeting held on 27 September 2023.

5 **ITEMS TO BE DEFERRED**

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

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

REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO PLANNING COMMITTEE ON 25 OCTOBER 2023

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	FUL/000001/23 - A	Full application - development of 20 x one- bedroom cottage flats, 3 x two- bedroom houses and 7 x three-bedroom houses, with associated landscaping and vehicular access at former Spectrum Garden Centre, Wrexham Road, Cefn-y-Bedd (Pages 9 - 26)
6.2	063093 - A	Reserved Matters - Application for approval of reserved matters following outline approval 053325 at 1 Ruthin Road, Gwernymynydd, Mold (Pages 27 - 38)
6.3	FUL/000240/23 - A	- Full application - Retention of existing public house and erection of two three-bedroom dwellings (Use Class C3) utilising existing access off Kinnerton Lane, with associated parking, hard and soft landscaping, including the reconfiguration of the public house car park at Royal Oak, Kinnerton Lane, Higher Kinnerton (Pages 39 - 50)

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

PLANNING COMMITTEE **27 SEPTEMBER 2023**

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 27 September 2023

PRESENT: Councillor Richard Lloyd (Chair)

Councillors: Mike Allport, Bernie Attridge, Chris Bithell, Helen Brown, 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: Councillor Paul Cunningham

ALSO PRESENT: The following attended as Local Members:

Councillors Marion Bateman and Linda Thew - agenda item 6.1 (FUL/000489/23)

Councillor Linda Thomas (adjoining Ward Local Member)- agenda item 6.1 (FUL/000489/23)

Councillors Chrissy Gee, Dennis Hutchinson and Ryan McKeown attended as Observers

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

Prior to the start of the meeting the Chief Officer (Planning, Environment & Economy) set out the procedures for the meeting

20. DECLARATIONS OF INTEREST

All Members of the Planning Committee present declared a personal interest on agenda item 6.1 (FUL/000489/23) because they had been contacted by objectors

Councillors Helen Brown, Adele Davies-Cooke, Hilary McGuill, and Ted Palmer declared personal interests on agenda item 6.2 (RES/000071/23). Councillor Helen Brown declared a personal interest as a close family member was a pupil at Hawarden High School and Councillors Adele Davies-Cooke, Hilary McGuill, and Ted Palmer declared personal interests because they are members of NEW Homes

21. LATE OBSERVATIONS

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

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=5495&Ver=4&LLL=0>

22. MINUTES

The minutes of the meeting held on 30 August 2023 were confirmed as a correct record, as moved and seconded by Councillors Bernie Attridge and Richard Jones.

RESOLVED:

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

23. ITEMS TO BE DEFERRED

There were no items recommended for deferral.

RESOLVED:

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

RESOLVED:

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

25. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 8 members of the public present at the start of the meeting.

(The meeting started at 1.00 pm and ended at 4.25 pm)

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Chair

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

PLANNING COMMITTEE ON 27 SEPTEMBER 2023

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
FUL/ 000489/23	Northop Hall Community Council	Full application - Use of hotel and installation of modular accommodation for a temporary period of up to 7 years as Asylum Accommodation and Support Contracts (AASC) Initial Accommodation Hostel at Northop Hall Country House Hotel, Northop Hall	<p>Gina Hamilton (Resident) spoke against the application.</p> <p>Darren Brimble (representing Northop Hall Village Action Group), spoke against the application.</p> <p>Pete Lloyd (Agent) spoke in support of the application.</p> <p>John Golledge (representing Northop Hall Community Council) spoke against the application.</p> <p>Councillor Linda Thomas (adjoining Ward Member) spoke against the application).</p> <p>Councillors Linda Thew and Marion Bateman (Local Ward Members) spoke against the application.</p>	That planning permission be refused for the reasons set out in the report, in accordance with the officer's recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
RES/ 000071/23	Sealand Community Council	Application for approval of reserved matters following outline approval 061125	Imogen Zulver (Agent) spoke in support of the application.	That planning permission be granted subject to the Section 106 Obligation and conditions set out in the report, in accordance with the officer recommendation.
FUL/ 000506/23	Sealand Community Council	Full planning application for B1 (b) (c), B2 and B8 employment space, with ancillary B1a office use; associated servicing and infrastructure including parking; vehicle and pedestrian circulations; creation of new estate road; earthworks to create development platforms; landscaping; creation of drainage features; electrical substation; pumping station and ecological works.	Simon Flisher (representing the Applicant) spoke in support of the application. A statement was read out on behalf of Councillor Christine Jones (Local Member).	That planning permission be granted subject to the Section 106 Obligation and conditions set out in the report, in accordance with the officer recommendation.
FUL/ 000519/23	Sealand Community Council	Full application – demolition of existing building and construction of new industrial units with associated works	-	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer’s recommendation.
GENERAL MATTERS				
General Matters		Tree Preservation Order (TPO) no.345 at Sunnybank, King Street, Mold	A statement of objection to the TPO order was read out on behalf of Nicola Price (resident)	(i) That the Tree Preservation Order (TPO) be confirmed without modification in accordance with officer recommendation; and

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
				(ii) That the Council obtains an urgent survey to assess evidence of root damage and safety issues relating to the trees

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25th OCTOBER 2023**

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

SUBJECT: **FULL APPLICATION- THE DEVELOPMENT OF 20 X ONE- BEDROOM COTTAGE FLATS, 3 X TWO-BEDROOM HOUSES AND 7 X THREE-BEDROOM HOUSES, WITH ASSOCIATED LANDSCAPING AND VEHICULAR ACCESS**

APPLICATION NUMBER: **FUL/000001/23**

APPLICANT: **KINGSCROWN LAND AND COMMERCIAL LTD**

SITE: **FORMER SPECTRUM GARDEN CENTRE, WREXHAM ROAD, CEFN-Y-BEDD, LL12 9UR**

APPLICATION VALID DATE: **4TH JANUARY 2023**

LOCAL MEMBERS: **COUNCILLOR D HUGHES**

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

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the development of 20 x one-bed cottage flats, 3 x two-bed houses and 7 x three-bed houses, with associated landscaping and vehicular access at the Former Spectrum Garden Centre, Wrexham Road, Cefn-y-bedd, LL12 9UR

**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 Agreement to provide the following:

- Education contributions of £36,938.00 to Castell Allun High School
- Public Open Space contributions £733.00 per apartment /affordable housing unit to Wyndham Drive Play Area
- A scheme to ensure affordable tenure retained in perpetuity

Conditions

1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
2. The development shall be carried out in accordance with the following approved plans and documents:
 - Application forms date received 6th January 2023
 - Proposed Site Plan - Dwg - C1101.003 Rev L date received 21st August 2023
 - Preliminary Ecological Assessment date received 6th January 2023
 - Transport Assessment date received 6th January 2023
 - Design & Access Statement date received 6th January 2023
 - Planning Statement date received 6th January 2023
 - Land Contamination Assessment date received 6th January 2023
 - Aboricultural Impact Assessment date received 6th January 2023
 - Flood Consequence Assessment date received 6th January 2023
 - Town House Elevations - C1101.109 date received 6th January 2023
 - Proposed Apartment Block Elevations - C1101 105 Rev A date received 6th January 2023
 - Location Plan - C1101.001 date received 6th January 2023
 - Proposed Floor Plans & Elevations of House 4P2B - C1031 107 date received 6th January 2023
 - Existing Site Plan - C1101.002 Rev A date received 6th January 2023
 - Town House Plans - C1101.108 date received 6th January 2023

- House Plans & Elevations - C1031.107 date received 6th January 2023
 - Narrow House Plans & Elevations - C1101.106 date received 6th January 2023
 - 1Bed Apartment Block Second Floor Plan - C1101.104 Rev A date received 6th January 2023
 - 1Bed Apartment Block First Floor Plan - C1101.103 Rev A date received 6th January 2023
 - 1Bed Apartment Block Ground Floor Plan - C1101.102 Rev A date received 6th January 2023
 - 1Bed Apartment Floor Plans & Elevations - C1101.101 Rev A date received 6th January 2023
 - 3D SW Aerial View - C1101.011 Rev C date received 6th January 2023
 - 3D NW Aerial View - C1101.010 Rev C date received 6th January 2023
 - 3D NE Aerial View - C1101.009 Rev C date received 6th January 2023
 - 3D SE Aerial View - C1101.008 Rev C date received 6th January 2023
 - Proposed Roof Plan - C1101.005 Rev F date received 6th January 2023
 - Proposed Landscaping Plan - 3236/01 Rev 03 date received 6th January 2023
3. Notwithstanding the details hereby approved Site levels will be a minimum AOD as per recommendations in FCA
 4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
 5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the substantial completion of the development, whichever is the sooner and any trees or plants which, within a period of 5 years of the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation.
 6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing

by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
 - a. Details of the siting and type of external lighting to be used
 - b. Details of internal light spillage
 - c. Drawings setting out light spillage along the Afon Cegidog
 - d. Details of lighting to be used both during construction and operation
 - e. Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during operation.

8. Construction work shall not begin until a scheme for protecting the proposed noise sensitive developments, based on a Good Acoustic Design Statement (ADS) has been submitted to and approved by the local planning authority; all works which form part of the ADS shall be completed before any part of the noise sensitive development is occupied.
9. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul and surface water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.
10. The siting, layout and design of the means of site access shall be in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
11. The forming and construction of the means of site access shall not commence unless and until the detailed design thereof has been submitted and approved.
12. The works associated with forming the means of site access shall be kerbed and completed prior to the commencement of any other site building operations.
13. The proposed access shall have visibility splays of 2.4m x 87m to the north and 2.4m x 78m to the south, measured along the nearside edge of the adjoining carriageway from the proposed

access over land within the control of the Applicant and/or Highway Authority. 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.

14. No development shall take place until a scheme detailing layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads shall be submitted to and approved by the Local Planning Authority. The details as agreed shall thereafter be permanently retained.
15. The gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
16. A 1.8m (min) wide footway shall be provided along the site frontage.
17. No development shall take place until details of positive means to prevent the run-off of surface water onto the adoptable highway has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall thereafter be permanently retained.
18. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The development shall take place in accordance with approved details.
19. No development shall take place until a site investigation of the nature and extent of any potential contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development commences. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before any of the dwellings hereby approved are occupied.

20. Prior to the commencement of development a scheme for biodiversity enhancement of the site shall be submitted for approval, and thereafter shall be implemented in accordance with the approved details.

3.00 CONSULTATIONS

3.01 **Local Member: Councillor D Hughes:** No response at time of writing

Llanfynydd Community Council: No objection

Highways Development Control: No objections subject to conditions outlined above

Community and Business Protection: No Objection subject to a condition requiring the submission of a land contamination assessment

Education: Primary School Contributions: Abermorddu - It is the intention of Education & Youth not to seek a developer contribution as the trigger has not been hit.

Secondary School Contributions: Castell Alun School- It is the intention of Education and Youth to seek a developer contribution of £36,938.00.

Aura Leisure: The required sum would be £1,100 per house or £733.00 per apartment / affordable housing and the funds would be used to improve play provision at Wyndham Drive Play Area.

Housing Strategy: Flintshire ward is Llanfynydd. South Border HMA 30% affordable. Hope, Penyffordd Chester, Pontybodkin, Abermorddu/Caergwrle are areas close to Llanfynydd which is not listed as an area choice on the Social housing register. However, Llanfynydd/Frith is listed as an area on Tai Teg Affordable register). SARTH data as at 1.8.23 is for Hope, Penyffordd Chester, Pontybodkin, Abermorddu/Caergwrle.

According to the Social housing register as at 1.8.23 there is demand for all property types, in particular for 1 bed flats and 2 bed houses so there is no need that this proposed development fails to meet.

The tenure as per the document attached from North Wales housing association is acceptable.

Welsh Water/Dwr Cymru: Confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. DCWW advise that Gresford WwTW has a phosphate permit Requests conditions and advisory notes

Natural Resources Wales: Requests conditions relating to protected species, and to ensure that the Flood Consequence Assessment and most recent site plan are listed in the approved documents, to ensure mitigation.

Airbus: No aerodrome safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 7 Neighbour Notifications were sent to adjoining/nearby properties. A Site Notice was also posted and a Press Notice advertised in the local newspaper. 1 representation has been received which is summarised as follows:

1. Concerned with access point, requests some consideration is given to reduce speed of road.

5.00 SITE HISTORY

5.01 053724 - Outline Application for 15 no. 3 storey detached units – Withdrawn (07.10.15)

055430 – Outline Application with all matters reserved for residential development of 14 no. units with a mix of 2 storey semi-detached and 3 storey detached dwellings – Refused (13.7.18) and appeal dismissed

061248 - Outline Application with all matters reserved for residential development consisting of 14 no. Units with a mix of 2 storey semidetached and 3 storey detached dwellings – Approved (28.10.2020 subject to S106, which was signed on 21.10.22)

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

- STR2: The Location of Development
- STR4: Principles of Sustainable Development, Design and Placemaking
- STR5: Transport and Accessibility
- STR6: Services, Facilities and Infrastructure
- STR11: Provision of Sustainable Housing Sites
- PC1: The Relationship of Development to Settlement Boundaries
- PC2: General Requirements for Development
- PC3: Design

- PC4: Sustainability and Resilience of New Development
- PC5: Transport and Accessibility
- HN2: Density and Mix of Development
- HN3: Affordable Housing
- HN4: Housing in the Countryside
- EN7: Development Affecting Trees, Woodland and Hedgerows
- EN14: Flood Risk
- EN15: Water Resources
- EN16: Development on or near Landfill Sites or Derelict and Contaminated Land
- EN18: Pollution and Nuisance

7.00 PLANNING APPRAISAL

7.01 Site

This application site is located on the western side of the Wrexham – Mold Road (A541) and comprises the site of the Former Spectrum Garden Centre, Mold Road, Cefn-y-Bedd. The Site is vacant and comprises a range of derelict buildings of cement block construction. The site is largely covered in hardstanding with limited areas of vegetation apart from those fringing the rear boundaries of the application site and abutting the adjacent watercourse, River Cegidog.

7.02 Proposal

The application seeks full planning permission for the development of 20 x one bedroom cottage flats, 3 x two- bedroom houses and 7 x four-bedroom houses, with associated landscaping and vehicular access. The application is for 100% affordable housing.

7.03 Principle of Development

This application site is located outside the settlement boundary of Hope, Caergwrlle, Abermorddu and Cefn y Bedd (HCAC) in the Flintshire Local Development Plan where new residential development is strictly controlled. Although the site is located outside a settlement boundary it is within a semi urban corridor between a loose ribbon of predominantly residential development on the western side of the A541 stretching between the edge of Sydalit within Wrexham County Borough and Cefn y Bedd. The site is also located in close proximity to a number of employment centres as such it is located within a sustainable location as the proposed site would be adequately served by a choice of transport other than the car.

7.04 The proposal is for an 100% affordable scheme, promoted by the North Wales Housing Association RSL. Policy HN4-D in the Flintshire Local Development Plan supports affordable housing schemes outside of settlement boundaries. This is subject to sites being located

immediately adjacent to the edge of the settlement and represent a logical extension to the settlement. Proposals must respect the character and appearance of the site and its surroundings. It is not envisaged that the scale of provision on these sites will be large or out of balance with the character, form and function of the settlement. Proposals must demonstrate that there is an evidenced need for affordable housing and that this need cannot be met elsewhere in the locality either through the development of buildings or sites within settlement boundaries. The social housing register demonstrates that there is a particular demand for one and two bedroomed properties, which this proposal would help to address.

- 7.05 It is also a material consideration that the site falls within the definition of Previously Developed Land (PDL) also known as 'brownfield land' in Planning Policy Wales 11 PPW11). Paragraph 3.55 of PPW11 states its preference for the development of brownfield land in PPW which advocates that 'Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development.' PPW11 also recognises that there are such instances where the development of brownfield land may not always be suitable, such as in the case of sites outside settlement boundaries. This may be, for example, because of its unsustainable location or because it is highly contaminated. For sites like these it is reasonable to look at the feasibility of the site in terms of its sustainability and if appropriate remediation with respect to contamination can be achieved.
- 7.06 The site is located on a key transport corridor between Flintshire and Wrexham, which is served by the A541, the Wrexham-Bidston railway line including proximity to the station at Cefn y Bedd. It is in close proximity to facilities in HCAC and Gwersyllt. Although the site is located outside a settlement boundary, it is within a semi urban corridor which offers a range of sustainable transport options other than the sole dependence on the private car. As such it is considered that the site is located within a sustainable location.
- 7.07 PPW11 refers to the agent of change principle being a relevant consideration to such proposals. The 'agent of change principle' encapsulates the position that a person or business introducing a new land use is responsible for managing the impact of that change. As such, with respect to contamination and the consultation response from pollution control, I impose a condition that requires the carrying out and submission for approval site investigation surveys, remediation reports and verification where necessary. The condition will be worded, prior to commencement, and in line with the agent of change principle, the local planning authority takes responsibility in recognising that due to the site's previous use, contamination is likely and therefore control is maintained by condition, compliance is however the responsibility of the

applicant. This is an approach that is consistent with the previously granted planning permission 061248.

7.08 The agent of change principle also applies to the responsibility of the Local Planning Authority in demonstrating the sustainability of the site given it's out of settlement location. The site has operated as a garden centre and DIY store for many years as well as accommodating a range of other uses in the associated peripheral buildings. Following its closure, the site has remained vacant and is now in a poor almost derelict condition. The immediate view of the site from Wrexham Road is unsightly and has been referred to as an eyesore. The proposed development would bring an immediate betterment to the site and the wider surroundings, providing a scheme that delivers housing to the area, affordable housing opportunities, removes sources of contamination, and provides for ecological enhancements.

7.09 In accordance with LDP policy PC1, development will generally be located within settlement boundaries, with a more restricted set of appropriate development being located outside of these designated areas. Criteria a) references policy HN4-D which permits affordable housing exception schemes, which this scheme seeks to promote.. The location of the proposed affordable housing development in an area of unsightly previously developed land, in close proximity to settlements and with a range of transport options, means that, in accordance with the advice on PPW11 and policies in the LDP, the development can be considered to represent sustainable development.

7.10 It is also a material consideration that planning permission has been permitted for a development of 14, 2 and 3 storey houses on 21st November 2022 Ref 061248. The principle of development was accepted at the time of this application and there has been no material change to the circumstances that would alter this stance

7.11 Given the above, it is considered that the principle of development is acceptable and in accordance with the relevant LDP policies.

7.12 Affordable housing

National planning policy recognises that a community's need for affordable housing is a material planning consideration. The proposal represents 100% affordable housing as a windfall housing site.

7.13 The site is located within the Llanfynydd ward. This is located within the South Border Housing Sub-Market Area, as defined in the Local Development Plan, which requires 30% affordable dwellings for new developments, in accordance with policy HN3 of the Flintshire LDP. Hope, Penyffordd Chester, Pontybodkin, Abermorddu/Caergwrle are areas close to Llanfynydd which is not listed as an area choice on the Social housing register. However, Llanfynydd/Frith is listed as an area

on Tai Teg Affordable register. SARTH data as at 1.8.23 is for Hope, Penyffordd Chester, Pontybodkin, Abermorddu/Caergwrle.

7.14

In relation to Affordable rent there is demand for 2 and 3 bed houses however there is less demand for 1 bed flats. However, Housing Strategy note that Applicants for affordable housing generally register their needs where they can see new schemes being developed or where existing affordable homes are available, if there have been no recent developments or the existing stock doesn't exist then we often see a low number of applicants for that area. In addition, if Tai Teg have not carried out a marketing campaign or significant advertisement of the Tai Teg register within an area we can also see low numbers of applicants. It does not necessarily mean that no need exists.

7.15

According to the Social housing register as at 1.8.23 there is demand for all property types, in particular for 1 bed flats and 2 bed houses so it considered that this proposal meets the identified need. Housing Strategy have noted that the tenure proposed by North Wales housing association is acceptable.

7.16

It is considered that the proposal is in accordance with policy HN3 of the Flintshire Local Development Plan.

7.17

Flood Risk

The application proposes Highly Vulnerable Development (residential). But this site has been the subject of a Flood Map challenge that was accepted by NRW in 2019 and that the Development Advice Map (DAM) was updated to reflect the new Flood Map.

7.18

Previously the majority of the site was in Zone C2 of the DAM. The site is now located within Zone B of the Development Advice Map (DAM) as referred to in Technical Advice Note (TAN) 15: Development and Flood Risk. The Flood Map for Planning (FMfP) indicates that the site is in Flood Zone 1 (Rivers).

7.19

NRW have reviewed the Flood Consequences Assessment (FCA) submitted in support of this application. The FCA shows that the site is expected to be flood-free in the 1% (1 in 100 year) Annual Exceedance Probability (AEP) flood event with an (proxy) allowance for climate change (central and upper estimates) over the lifetime of the development. The site is also expected to remain flood-free with a 25% blockage of the nearby Wrexham Road bridge, with maximum flood depths of 0.56m possible in the event of an 80% blockage with upper-end (40%) climate change allowance applied.

7.20

In terms of flood risk mitigation, the FCA proposes that finished floor levels (FFL) should be set to 65.92m AOD. This would provide 600mm of freeboard over the 1% AEP + climate change (central estimate) with

80% blockage scenario, and 280mm over the 1% AEP + climate change (upper estimate) with 80% blockage scenario. NRW recommend that this most recent FCA (dated 22nd December 2022) should be listed as an approved document within the condition that identifies approved plans and documents on the decision notice, so that this mitigation is secured. Provided this is the case, they are satisfied that the risks and consequences of flooding are manageable to an acceptable level. Therefore, they have no objection to the application on flood risk grounds, as submitted.

7.21 Finished Floor levels (FFL) are now shown on the most recent proposed site plan reference: C1101 003 Revision J which also incorporates the designated access to the River Cegidog near the Wrexham Road bridge as per our previous advice. NRW recommend that this most recent site plan (C1101 003 Revision J) should be listed as an approved document within the condition that identifies approved plans and documents on the decision notice, so that this mitigation is secured. Drainage and Phosphates

7.22 As such it is considered that the proposal is in accordance with policy EN14 of the Flintshire LDP.

7.23 Design, Character and Appearance

The principle of development on this site has been accepted in the past but this new scheme seeks to make the most efficient use of the site by proposing of 30 housing units, 20 no. 1 bed cottage flats, 3 no. 2 bed houses and 7 no. 4 bed houses. Careful consideration will need to be given as to whether this is a suitable density for the site, considering the character of the surroundings.

7.24 Policy HN2 advises that new housing development should aim to provide a density of at least 30 dwellings per hectare and incorporate a mix of dwellings by type and size in order to make the most efficient use of available land and to meet the needs of residents for a range of house types thereby creating mixed and socially inclusive communities.

7.25 The policy also requires that in all cases, housing developments should use high quality design principles to maximise the density of development without compromising the quality of the living conditions provided and make adequate provision for privacy and space about dwellings.

7.26 The site is approximately half a hectare in area and as such the development represents a much higher density site than the previously approved development although the use of apartments for the majority of units rather than houses accounts for this higher density

7.27 The site has neighbouring development both to the west and east along the A541. In general residential development is sporadic between

- Sydallt in Wrexham and Cefn y Bedd in Flintshire that bookend this stretch of highway. The development is located to the north of the road, which the application site follows. Dwellings close to the site are of a variety of designs and periods but are predominantly brick, with some variation in external appearance provided by painted render finishes.
- 7.28 On the site itself the new dwellings are sited on the northern periphery of the site, occupying the parts of the site that previously held the commercial buildings for the garden centre. Development wraps around a central access and parking courts. The buildings are a mixture of two and three storey buildings and the developer has pepper potted the smaller 2 storey houses, and 2 storey cottage apartment blocks amongst the larger apartment building and 3 storey narrow townhouse row. This helps to create a more interesting aesthetic and variety on the site and also breaks up the bulk of the larger structures.
- 7.29 External materials are appropriate for the location with brick predominating, broken up with rendered elements creating visual interest to the streetscene.
- 7.30 The closest residential neighbour, Bryn Derw, is located more than 22 metres back to back with a pair of two storey dwellings on the site. This accords with the interface distance guidance within SPGN2: Space Around Dwellings and these dwellings will be further screened by landscaping on the site boundary. It is considered that the interface distance, relationship between the development and existing neighbouring dwelling and available screening adequately protects neighbouring residential amenity.
- 7.31 In conclusion it is considered that the development represents good placemaking and will make a positive contribution to the location and character of the area and accords with policies PC2 and PC3 of the
- 7.32 Flintshire Local Development Plan.

Ecology

- 7.33 The ecological report confirms that no European protected species were found to be present at the application site.
- However in Section 7.5.5 of the Preliminary Ecological Appraisal states that whilst no evidence of specially protected terrestrial mammals was identified within the site boundary, Otters could commute along the river. Therefore, NRW advise that the a condition should be attached to any planning permission for this scheme to ensure appropriate mitigation measures are secured, with particular regard to lighting which may have impacts upon protected species and their foraging habitat if not appropriate for the site. Provided those measures are implemented, they do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the

species concerned at a favourable conservation status in its natural range.

7.34

Local Development Plan Policy STR13 requires new development to not only conserve and protect Flintshire's natural environment but also to promote opportunities to enhance biodiversity and ensure resilience. A condition is suggested to require a scheme of biodiversity enhancement as part of the scheme.

7.35

It is considered that subject to these controls being in place the scheme would not be detrimental to the biodiversity, the quality and diversity of Flintshire's natural environment, and would enhance the existing natural environment of the site, in accordance with policy STR13 of the Flintshire Local Development Plan.

7.36

Planning Obligations

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.

7.37

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

7.38

Leisure have requested an off-site commuted sum of £1100.00 per unit in lieu of on-site provision to enhance existing children's play area located at Wyndham Avenue. As these units are for affordable housing this figure is £733.00 per unit. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date. It is

considered that the contribution required meets the Regulation 122 tests.

7.39

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

7.40

Phosphates

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC.

7.41

Each development should be considered on a case by case basis. Developments should first be screened to determine whether they are likely to have a significant effect. With no pathway for impacts, the development can be screened out as not likely to have a significant effect on the SAC in relation to phosphate inputs.

7.42

The site will drain to Gresford Wastewater Treatment plant. This WWTW has recently undergone a process of re-permitting and has been shown to have sufficient headroom to accommodate this development as a result of phosphate stripping capabilities and performance, without harm to the SAC. . Dwr Cymru have confirmed that they have no objection to this connection. In accordance with NRW's phosphate advice the development can therefore be screened out as not likely to have a significant effect on the SAC in relation to phosphate inputs, and the proposal would therefore comply with policy EN15 of the Flintshire Local Development Plan.

7.43

Other matters

A concern has been raised over the prevailing speed of the highway, and the resultant safety of users of the road due to vehicles accessing and leaving the site. It is noted that the Highways Authority have raised no objection to this proposal, and it also a material consideration that the lawful use of this site was as a commercial garden centre with resultant traffic movements when the site was in use. Any consideration

to be given to the speed limit on the highway would be a matter for the Highways Authority to consider separate to this planning application.

8.00 CONCLUSION

This proposal represents an appropriate reuse of derelict and unsightly brownfield land on the edge of a sustainable settlement. The proposal would provide affordable dwellings that are needed in the local vicinity and appropriately mitigates all other material planning constraints on the site. The proposal is considered to accord with the relevant development plan policies in the Flintshire LDP and it is recommended that the proposal is approved subject to the conditions and planning obligations listed in paragraph 2.01.

8.01 Other Considerations

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

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

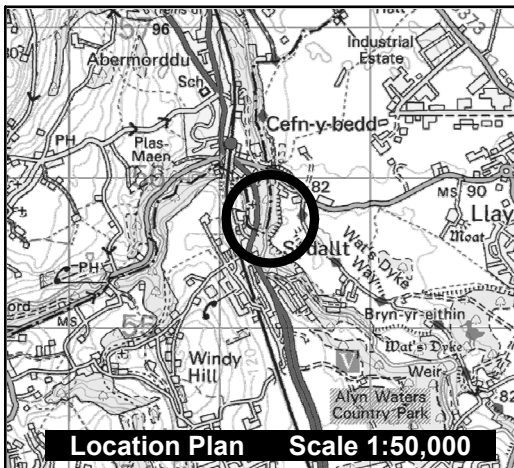
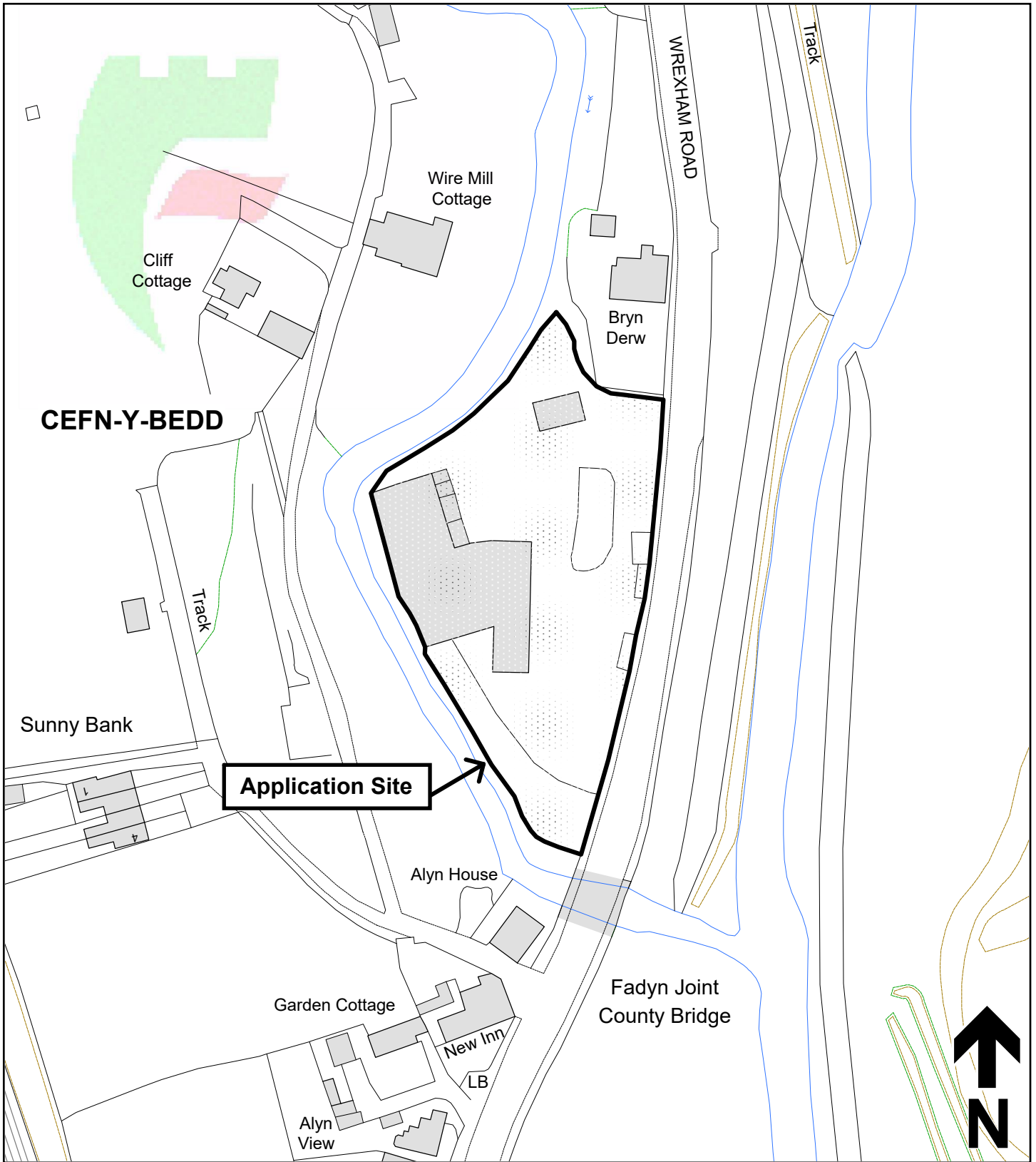
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS

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

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



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 3155

Planning Application FUL/000001/23

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25th OCTOBER 2023**

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

SUBJECT: **RESERVED MATTERS- APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL. (053325)**

APPLICATION NUMBER: **063093**

APPLICANT: **MR BRIAN DAVIES**

SITE: **LAND ADJ SIGLEN UCHAF, RUTHIN ROAD, GWERNYMYNYDD**

APPLICATION VALID DATE: **11TH JUNE 2021**

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

TOWN/COMMUNITY COUNCIL: **GWERNYMYNYDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a reserved matters application for the erection of 9 dwellings following outline approval, at land at Siglen Uchaf, Ruthin Road, Gwernymynydd ,Flintshire

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

- 2.01
1. In accordance with approved plans
 2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and

approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

3. For the avoidance of doubt the access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plan (drwg no. 5045-L01 Rev F)
4. Notwithstanding the details hereby approved the minimum visibility distances available for vehicles emerging from the proposed access / junction shall be 120 metres in the northbound direction and 94.5 metres in the southbound direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 4.5 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
5. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction shall be constructed such that the access road does not drain onto the trunk road. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
6. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
7. Adequate provision to enable vehicles to turn around within site, so that they may enter and leave the site in a forward gear.
8. Notwithstanding the details hereby approved an external lighting scheme shall be submitted to the Local Planning Authority for written approval prior to the first occupation of any of the dwellings. After written approval any external lighting shall accord with the approved details. Prior to development commencing plans showing topographical levels and longitudinal sections of the site as well as any details of retaining structures required, shall be submitted to the Local Planning Authority for approval. Following this approval the development shall be carried out in accordance with the approved details.

3.00 CONSULTATIONS

3.01 Local Member Councillor D Coggins Cogan: Requests determination by the Planning Committee

Gwernymynydd Community Council: In the opinion of the community council the proposal is not appropriate and it does not agree with what is required or needed in Gwernymynydd. Therefore,

the Council resolved to object to this proposal for the following reasons.

- access/egress to and from the site.
- Surface water.
- Land contamination issues
- Foul water drainage issues
- Ground stability
- Siglen Uchaf is a small holding not brownfield site.
- No Open Space

AONB Joint Advisory Committee: The A494 is a principal gateway into the AONB and the Joint Committee recommend the following:

- Native species hedging on front boundary with A494
- To introduce an element of local distinctiveness suggest that the A494 road boundary could be enclosed with traditionally finished natural local stone boundary wall
- The appearance and local distinctiveness of the site would be enhanced by specifying natural slate roofs in place of concrete tiles and introducing some rendered units i.
- further details of any future lighting is designed and specified to be dark sky friendly to conserve the AONB's dark sky and nocturnal wildlife.

Welsh Government Department for Economy and Infrastructure:
No objection to proposal subject to requested conditions and advisory notes

Highways DC: Notes that highway related conditions imposed on the outline consent be the subject of future applications. Highway adoption standards will require the provision of a footway/verge around the periphery of the adoptable highway but otherwise passes no highway comment in relation to the current application.

Community & Business Protection: The site has a significant history of potentially contaminative land use, including features associated with an historical lead mine, with workings running within the site. Whilst it is noted that the mine shaft within the site has been capped, this will not be sufficient to address land contamination present within the ground, particularly the superficial soils and there is reasonable ground to suspect that the site may be affected by significantly elevated levels of lead and other metals attributable to the lead mine and workings.

Welsh Water/Dwr Cymru: No objection to connection. Confirm that the relevant Wastewater treatment works has sufficient capacity to cater for this development and has phosphate stripping capabilities.

The proposed development site is crossed by a 150mm diameter foul gravity public sewer with its approximate position being marked on the attached Statutory Public Sewer Record. Under Section 159 of the Water Industry Act 1991, Dwr Cymru Welsh Water has rights of access to its apparatus at all times, and as such has a protection zone of 3 metres either side of the centreline of the sewer.

Natural Resources Wales: No objection to the proposed development as submitted. Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity. The lie of the land and rising topography mean the site and the proposal to develop it for residential housing would not be inter-visible with the AONB or seen by recreational users from the AONB. In this respect the proposal would have no adverse effect upon the designated landscape.

4.00 PUBLICITY

4.01 25 Neighbour Notifications were sent to adjoining/nearby properties. A Site Notice was also posted. 7 letters of objection have been received and they are summarised as follows:

1. Historic lead mining/land contamination issues
2. Drainage issues
3. Traffic issues
4. Design of dwelling out of keeping of area
5. No properties suitable for first time buyers
6. Topography unsuitable for number of dwellings

5.00 SITE HISTORY

5.01 053325 – Outline application for the erection of 10No. dwellings – Approved (after completing S106 Legal Agreement) 20/12/2019

048850 – Erection of 18 No. dwellings with associated roads, sewers and open spaces – Refused 22/02/2013 Appeal dismissed 01/05/2014

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan
Policy STR2: The Location of Development
Policy PC1: The Relationship of Development to Settlement Boundaries
Policy PC2: General Requirements for Development
Policy PC3: Design
Policy PC5: Transport and Accessibility
Policy HN2: Density and Mix of Development
Policy EN4: Landscape Character

Policy EN15: Water Resources
Policy EN16: Development on or near Landfill Sites or Derelict and Contaminated Land
Policy EN17: Development of Unstable Land

7.00 PLANNING APPRAISAL

7.01 Proposal

This is a reserved matters application following outline approval under reference 053325 for the erection of 10 no. detached dwellings, with all matters reserved. The current submission is for all outstanding reserved matters and the erection of 9 no. detached dwellings on the site.

7.02 Site

The site comprises approximately 0.9 hectares of land to the east of Siglen Uchaf. The site at its southern edge is below the level of the A494 (T) and then rises up to the hedgerow denoting the settlement boundary at the rear of the site. The site is bounded to the west by Ty Newydd and to the east by a haulage yard adjacent to Fernleigh, above which is a freestanding bungalow 'Rockland'. Mature trees which are the subject of Tree Preservation Orders are located to the north western end of the site.

7.03 The Main Issues

It is considered the main issues for consideration in the determination of this application to be;

- The principle of development;
- Access and highway safety;
- Site layout and appearance.

7.04 The Principle of Development

The site is located within the settlement boundary of Gwernymynydd. The principle of development was accepted at the time of the outline permission.

7.05

The outline consent was accompanied by an indicative layout plan. A third party objection has queried whether or not this reserved matters application has been submitted within the approved parameters of this outline consent. It should be noted that layout is being sought as a reserved matter and whilst the layout plan does deviate from the plan previously approved the previously approved plan was indicative and Layout was a reserved matter. The submitted layout submitted as part of the submission being considered by the committee takes precedent over any previous approved indicative plan. It is considered that the reserved matters application is still in accordance with the approved outline details.

- 7.06 Access and Highway Safety
Access to the site is derived from the busy A494 and objections have been received over potential dangers as a result of the additional point of access/egress for this development. A significant amount of discussion was undertaken at the time of the outline permission to agree a position with Welsh Government, as Highways Authority for the trunk road, for a departure from standards in relation to an access onto a trunk road. The current proposal accords with the approved position of the access. Further discussions have been held between the applicant and Welsh Government over the details of the access and its available visibility splays. Welsh Government have confirmed that subject to the minimum visibility distances available for vehicles emerging from the proposed access / junction being 120 metres in the northbound direction and 94.5 metres in the southbound direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway, then they would have no objection to the proposal. These minimum distances will be secured by condition and are achievable on the ground.
- 7.07 It has been confirmed that subject to the imposition of suggested conditions in respect of the available minimum visibility splays, and to prevent surface water entering the highway. The outline permission has conditions relating to the construction details of the access, the minimum width of the carriageway, visibility splays as set out above, provision of offroad parking and turning facilities (construction compound) and the use of a wheel wash during construction, the proposals are considered acceptable and would not be detrimental to highway safety. Accordingly, there are no objections raised on the grounds of highway safety and the proposal complies with Policy PC5
- 7.08 Site Layout and appearance
The dwellings are arranged around a central spine road, with four of the dwellings located at the southern end of the site adjacent to the trunk road, and five occupying the northern plateau. A central exclusion zone surrounds a mains drain which bisects the site. A protected Sycamore Tree is also located in this area. This ensures that the central area of the site is free from development, other than the access road.
- 7.09 The A494 is a principal gateway into the AONB and the Joint Committee was initially concerned that the rural character and appearance of the locality when viewed from the road would be undermined by the inadequate landscaping treatment of the road frontage. In particular they were concerned that the removal of an existing hedge and new 1.8m high close boarded fences behind the visibility splay will serve to 'urbanise' the area.
- 7.10 The applicant has amended the scheme in line with the JAC recommendations which includes the replanting of a native species hedge on the roadside frontage to the site, clear of the visibility splay,

and the use of a mix of render and brick elevational details in place of the entire brick elevations initially shown. Whilst the JAC requested stone details and traditional slate roofs it is considered that this would be an onerous requirement not consistent with other development in the nearby vicinity. It is, however, considered that the reason for this request- to increase local distinctiveness- is a sound consideration. It is considered that the amended house designs, along with sensitive use of materials secured by condition, will ensure that the development retains a measure of distinctiveness and placemaking in this location at the gateway to the designated AONB area.

- 7.11 There are existing dwellings to the south of the A494, but these are largely unaffected by the proposal given the distances between the dwellings and the application site, and proposed boundary screening. Planning permission has been granted for three new dwellings on the adjacent former Haulier yard site to the south of the dwelling 'Rockland'. The 'Rockland' site upon which the approved dwellings are to be built occupy a plateau that is located at a lower level than this application site and has led to concern over the impact of this development onto those new dwellings. It should be noted that the boundary hedge between the sites is at the higher level, with the former Haulage site located in a prominent dip in the landscape. Interface distances between plot 5 and plot 1 of the approved dwellings on the Rockland site exceed the minimums established in SPGN2- Space Around Dwellings, even accounting for the difference in nominal floor plan levels, which is 216.650AOD for plot 5, dropping down to 211.75AOD, a height of just under 5 metres. In accordance with SPGN this should be taken account of with an increase of 2 metres per metre difference in heights. The back to back interface is approximately 35 metres, an increase of 11 metres from the standard required interface distance of 24 metres. Plot 2 on the Rockland site is at an oblique angle to plot 5 and has a rear to gable arrangement. Offering at its nearest point 26 metres in separation, which again satisfies the required 14 metres interface in SPGN2 (adjusted to 26 metres with regard to level distances).
- 7.12 A condition will require final longitudinal section details including any retaining structures required on site to take account of the level differences in order to be able to assess any additional impacts any groundworks may have and ensure that any structural solution is appropriate.
- 7.13 The arrangement between plot 7 and the northernmost plot of the neighbouring approved site is at an oblique angle and it is not considered that the proposed dwelling will unacceptably impact upon that dwelling. Plot 7 has a garden depth of 12 metres at its narrowest point to the boundary. Boundaries between the two sites are well screened with existing native species hedging. It is considered that this is acceptable and accords with the guidance set out in SPGN2: Space Around Dwellings.

- 7.14 It is noted that the proposed density of the site, which amounts to 9 dwellings per hectare, is relatively small in plan terms when an efficient use of land is considered, however this can be explained when the topography and resultant developable areas on site are taken into account, as well as the existing constraint of the drainage easement. A previous scheme, which proposed 18 dwellings, was found to require too great an alteration to landform and retaining structures as to be inappropriate in design terms. The Outline consent established the site as being suitable for a development of ten dwellings. One of these plots has had to be taken out to enable the drainage easement to be left clear, otherwise the density is in accordance with the Outline consent.
- 7.15 The site is characterised by its elevational changes across its entirety, with the site levels being markedly different to the rear of the site from the road frontage, indeed this is characteristic of the wider locality and much of the existing development around the site is situated at much higher or lower levels to its neighbours. It is considered that the development utilises the existing topography of the site in a way that is appropriate and ensures that the layout of the development sympathetic to the character and context of the site, in accordance with policies PC2 and PC3 of the Flintshire Local Development Plan.
- 7.16 Phosphates
The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC.
- 7.17 Each development should be considered on a case by case basis. Developments should first be screened to determine whether they are likely to have a significant effect. With no pathway for impacts, the development can be screened out as not likely to have a significant effect on the SAC in relation to phosphate inputs.
- 7.18 The site will drain to Mold Wastewater Treatment plant. This WWTW has recently undergone a process of re-permitting and has been shown to have sufficient headroom to accommodate this development as result of Phosphate stripping capabilities and performance without harm to the SAC. Dwr Cymru have confirmed that they have no objection to this connection. In accordance with NRW's phosphate advice the development can therefore be screened out as not likely to have a significant effect on the SAC in relation to

phosphate inputs, and the proposal would therefore comply with policy EN15 of the Flintshire Local Development Plan.

7.19 Land Contamination

Concern has been raised in respect of the historical mining and contamination legacy upon the site. Following Pollution Control Officer advice at the time of the granting of the Outline planning permission a condition was imposed requiring a site investigation being undertaken to identify any potential contaminants from this use and indeed all previous uses and if found identify how these can be remediated against. This condition will have to be discharged prior to development commencing. As this condition is already in effect on the site there is no need to replicate it again.

7.20 Other matters

There are 4 No. Tree Preservation Orders on the site, two on the rear boundary, one centrally located within the site and one on the left-hand side of 'Siglen Uchaf'. This was a significant matter at the time of the outline permission and it is noted that the proposed site layout takes account of the TPO trees, showing the trees retained and with protective fencing in place. A condition was imposed on the outline that requires details of tree and hedge protection prior to the commencement of development.

7.21 The existing Section 106 agreement linked with Outline planning approval 053325 requires a planning contribution equivalent to £1100 per dwelling in line with the emerging SGPN 13: Open Space Requirements, and these contributions shall be used in connection with a project to enhance the existing play and recreation offer at the nearby Llys Enfys Play Area. As such there is no need to require a further legal agreement.

7.22 Education have confirmed that it is not their intention to require developer contributions as there is capacity at both the nearest primary and secondary schools. There are no other matters that would need to be addressed through planning contributions and there is therefore no requirement for a further legal agreement.

7.23 The Community Council raise issues of ground stability and state that the Coal Authority (TCA) have objected to the proposal. The site is in an area covered by TCAs standard advice and not a high risk area. No objection to the proposal has been received by the LPA. Standard Coal Authority advice will be appended to any decision.

7.24 Existing conditions imposed at the time of the Outline permission control matters of site levels, materials, land contamination, drainage, internal highways matters, provision of a wheel wash facility. Whilst some comments have been received which touch upon these issues it is considered that as these matters are covered by pre-

commencement planning conditions they do not prejudice the determination of this reserved matters application.

8.00 **CONCLUSION**

The proposed dwellings are acceptable in terms of their design and impact upon the character and appearance of the area as well as with regard to the amenity of neighbouring properties. The development accords with the outline permission and in general is in accordance with planning policy, subject to the imposition of additional conditions, and the compliance of the development with the conditions previously imposed on the outline planning permission.

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.

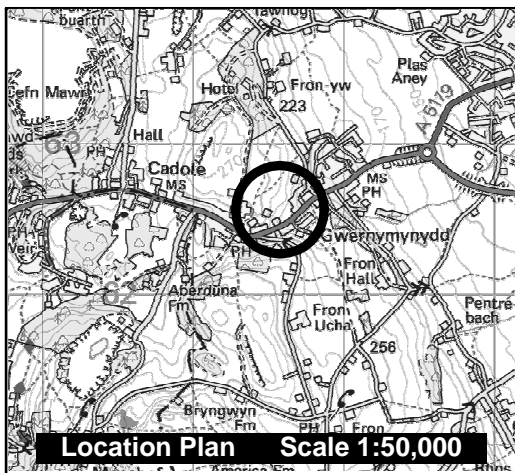
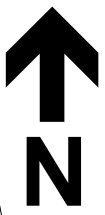
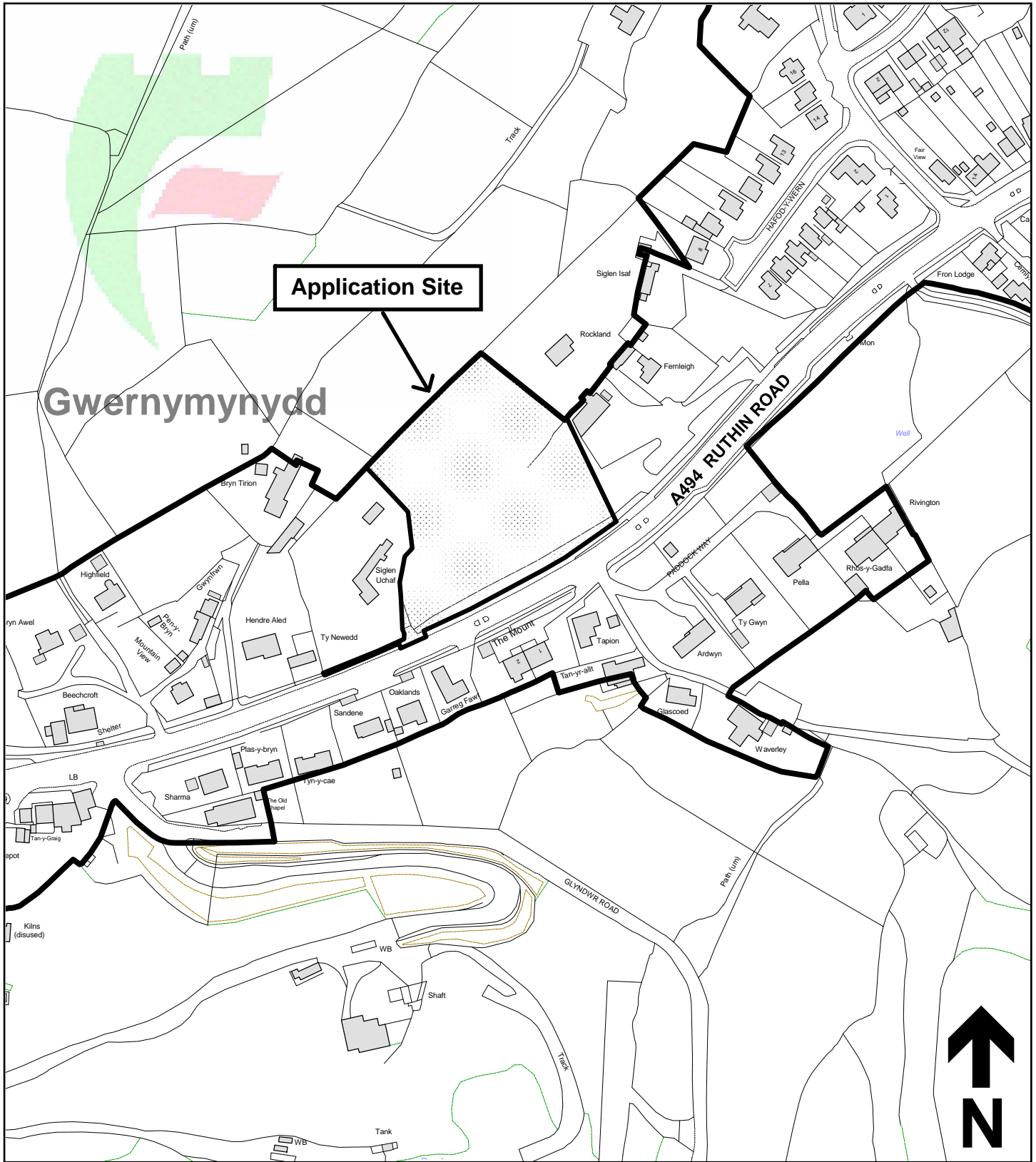
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The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of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

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
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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 2162

Planning Application **63093**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25TH OCTOBER 2023**

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

SUBJECT: **RETENTION OF EXISTING PUBLIC HOUSE AND ERECTION OF 2 THREE BEDROOMED DWELLINGS (USE CLASS C3) UTILISING EXISTING ACCESS OFF KINNERTON LANE, WITH ASSOCIATED PARKING, HARD AND SOFT LANDSCAPING, INCLUDING THE RECONFIGURATION OF THE PUBLIC HOUSE CAR PARK.**

APPLICATION NUMBER: **FUL/000240/23**

APPLICANT: **PUNCH PARTNERSHIPS (PML) LIMITED**

SITE: **ROYAL OAK, KINNERTON LANE, HIGHER KINNERTON, FLINTSHIRE, CH4 9BE**

APPLICATION VALID DATE: **13TH MARCH 2023**

LOCAL MEMBERS: **COUNCILLOR M. ALLPORT**

TOWN/COMMUNITY COUNCIL: **HIGHER KINNERTON COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER CONSIDERS THE PROPOSALS NEED TO BE CONSIDERED BY MEMBERS OF THE PLANNING COMMITTEE**

SITE VISIT: **YES – CONSIDERS THAT THE MEMBERS NEED TO SEE THE SITE AS IT IS DIFFICULT TO ASSESS ON PAPER**

1.00 SUMMARY

- 1.01 This application seeks consent for the erection of 2no dwellings on an area of carpark/storage associated with the existing public house, whilst maintaining access and parking facilities of the public house at the Royal Oak, Higher Kinnerton, Flintshire.

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

2.01 Conditions

1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
2. The development shall be carried out in accordance with the approved plans and documents.
3. The existing access, proposed to serve the public house, shall have a visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and/or Highway Authority and within which there shall be no obstruction to visibility in excess of 0.6m above the nearside channel level of the adjoining highway.
4. The existing access, proposed to serve the new development, shall have a visibility splay of 2.4m x 43m in an easterly direction measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and/or Highway Authority and within which there shall be no obstruction to visibility in excess of 1.0m above the nearside channel level of the adjoining highway.
5. Any proposed EV charging point shall be located within the application site edged red and clear of the adopted highway.
6. Notwithstanding the provisions of Classes A, B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by the said classes shall be carried out without a further grant of a planning permission of the Local Planning Authority.

3.00 CONSULTATIONS

3.01 Local Member – Councillor M. Allport: Requests committee determination and site visit as considers the application is too complex to assess on paper without Members having the opportunity to visit the site.

Higher Kinnerton Community Council: Raises objection on the following grounds;

- Considers the proposal does not provide the range of housing to meet the local needs;

- Proposal does not properly take account of the Higher Kinnerton Village Plan;
- Suggests proposal is based upon inaccurate information in relation to access to public transport services;
- Considers access proposals to be inadequate in terms of access width and visibility splays;
- Hedgerow removal to facilitate visibility will adversely affect streetscene character and appearance; and
- Inadequate parking is retained for the public house.

Highways Development Control: No objection. Requests the imposition of conditions relating to visibility splays and the positioning of the proposed EV charging point clear of the highway.

Community & Business Protection: No adverse comments. Does not request the imposition of any conditions.

Leisure Capital Projects: No requirements for developer contributions.

Dwr Cymru/Welsh Water: Confirms capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site with no problems envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. No objection to proposed surface water disposal methods.

The development requires approval of Sustainable Drainage Systems (SuDS) features from SAB in relation to surface water disposal proposals.

Natural Resources Wales: Considers insufficient information has been provided in relation to proposed foul drainage proposals for the development. Notes the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC) and advises that the proposals, as submitted, should be assessed to ensure that they would not increase the volume of foul discharge from the site in planning terms.

Airbus: No objection

4.00 PUBLICITY

4.01 19 Neighbour Notifications were issued as part of the consultation process and 9 representations have been received. The objections are summarised as follows:

1. Loss of privacy
2. Loss of light/overshadowing

3. Noise and disturbance
4. Odours
5. Loss of trees
6. Highway Safety
7. Road Access
8. Landscaping
9. Visual amenity

5.00 SITE HISTORY

5.01 **058221** – Beer Garden development with material changes, new fixed structures & boundary treatments, demolition of existing garages to the rear, siting of a storage container and general internal & external refurbishment works – Approved 20/11/18

043355 – Erection of assorted illuminated signage – Approved 04/09/07

043431 – Extension to canopy – Approved 16/07/07

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan
 Policy STR2 The Location of Development
 Policy STR13 Natural and Built Environment, Green Networks and Infrastructure
 Policy STR4 Principles of Sustainable Development Design and Placemaking
 Policy STR5 Transport and Accessibility
 Policy STR6 Services, Facilities and Infrastructure
 Policy STR2: The Location of Development
 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 PC7: Passenger Transport

Supplementary Planning Guidance Notes (SPGN)

SPGN 2 – Space around dwellings
 SPGN 3 – Landscaping
 SPGN 4 -Trees and Development
 SPGN 11 -Parking Standards

National Planning Policy

Planning Policy Wales Ed. 11
 Future Wales Plan 20-40
 TAN 12 – Design

7.00 PLANNING APPRAISAL

7.01 Site Description

The application site comprises the Royal Oak Public House and car park located off Main Road, Higher Kinnerton. The building is a two storey, traditional building having a white rendered stone finish under a slate roof. The public house is afforded a large car park, and is bound by a combination of hedging, timber fencing and mature trees. The site lies within the defined settlement boundary of Higher Kinnerton and sits within a predominantly residential area.

7.02 The Proposals

The application seeks full planning permission to retain the existing public house (PH) and for the erection of two detached 3-bed dwellings on part of the existing car park at the north west of the site.

7.03 The two dwellings would front onto Kinnerton Lane, having rear gardens which back onto the car park of the former public house. The existing storage and bin area associated with the public house would be relocated to the west of the reconfigured car park. The car park will retain 35no. car parking spaces including 3no. disabled spaces. The scheme proposes the removal of several trees situated along the northwest and north of the site and the erection of a 1.8m high brick wall to the north side boundary with Kinnerton Lane.

7.04 Access to the site would be via the existing junction with Kinnerton Lane, with access and egress to the public house via the existing junction with Main Road. A total of 4no. parking spaces are proposed to serve the proposed dwellings and a dedicated refuse storage area is incorporated within the scheme to the far northwest of the site.

7.05 Main Considerations

The main issues in considering the application are:

- Principle of Development
- Impact upon character and appearance
- Adjacent living conditions
- Loss of Trees
- Parking and Access
- Foul Drainage and Protected Sites

7.06 Principle of Development

The site is located within the settlement boundary of Higher Kinnerton which is designated as a Tier 3 Sustainable Settlement in the adopted LDP. Policy STR2 specifies that such settlements will be the location for housing development related to the scale, character and role of the settlement and includes provision for windfall site. Higher Kinnerton provides and supports local community facilities such as a public library, school, independent shops and public houses. Higher

Kinnerton also has public transport links. The principle of development at this location is acceptable in accordance with policies STR2 and PC1 of the Local Development Plan.

- 7.07 Higher Kinnerton has a community produced Village Plan 2018 – 2030 (The Plan). The Plan acknowledges that Flintshire County Council has a duty to ensure local housing needs are met through the planning process. The Flintshire Local Development Plan (LDP) identifies sites throughout the County which are suitable for new housing, in order to ensure a sufficient supply of land for the period of the LDP. The Plan recognises that Higher Kinnerton is a desirable place to live and recognises the need for new housing in the County and accepts that Higher Kinnerton may accommodate some of this growth over the life of the LDP.
- 7.08 Balanced against this, The Plan identifies that development should not come at the cost of a decline in local infrastructure and local village amenities. The Plan suggests that the design of residential developments has also contributed to the growth and reliance of the use of the car as the main means of transport and has added to parking problems within the village. These matters represent material considerations in the determination of this planning application and will weigh into the judgement of the proposed development.
- 7.09 It is considered that this proposal is acceptable in planning policy terms.
- 7.10 Impact upon Character and Appearance
Plot 1 proposes a two-storey dwelling with an GIA of 96m², having a front garden area of 28 m² and private rear garden 209 m². Plot 2 similarly proposes a two-storey dwelling of 96 m² GIA, having a front garden area of 59 m² and private rear garden of 120 m². The boundaries of the two plots comprise 1.8m high close boarded fencing to the rear and sides with the aforementioned brick wall and associated planting to the boundary fronting Kinnerton Lane.
- 7.11 The proposed dwellings provide a principal elevation frontage to the road, thereby creating a streetscene which engages this length of road which presently comprises only side elevations of buildings, car park and accesses. This serves to link the proposed development to the existing residential developments to the north west and west of the site. Being dwellings proposed to be finished in brick and tile, they will visually relate well with this existing development in this area.
- 7.12 It is therefore considered the proposals would accord with the requirements of Policies Pc2 and Pcx3 in this regard.

- 7.13 Parking and Access
The access and parking proposals have been the subject of amendment and negotiation with the Council in its capacity as Local Highway Authority.
- 7.14 Subject to the imposition of conditions relating to visibility such that the existing access, proposed to serve the public house, shall have a visibility splay of 2.4m x 43m in both directions, and the existing access, proposed to serve the new development, shall have a visibility splay of 2.4m x 43m in an easterly direction. Therefore, notwithstanding concerns expressed in relation to acceptability of the proposed accesses to both the proposed dwellings and the amended public house car park, there is no objection to the proposals.
- 7.15 The proposals indicate that the existing public house car park will be reduced from 45No. parking spaces to provide 35No. spaces, including 2No. disabled spaces. Whilst concerns have been received in relation to the adequacy of this level of provision, no objection is raised on this basis and as such, it is considered that the provision is acceptable. It is also recommended to impose a condition ensuring that any EV charging points within the car park are not located within any part of the adopted highway.
- 7.16 As such, the proposals would accord with policies STR5 and PC5 of the Flintshire Local Development Plan.
- 7.17 Impacts upon Adjacent Living Conditions
The amended location of the proposed dwellings, to a position fronting the road is such that the separation distances set out in SPGN 2 : Space Around Dwellings are achieved, with a minimum separation of the order of 23m achieved at the nearest interface with dwellings at The Brackens to the south and west of the site. It should also be noted that, with the exception of No's 1 and 2 The Brackens, the interfaces with the remaining dwellings on the Brackens are oblique. It is also noted that windows serving bathrooms or en-suites are proposed to be obscure glazed. As such, adverse overlooking and perceptions of a loss of privacy are not well founded.
- 7.18 Concerns have also been raised in respect of the loss of light and overshadowing as result of the proposal. It is clear that the positioning of the dwellings to front the northern boundary of the site, allowing for the rising of the sun in the east and setting in the west, the path of the sun through the southern hemisphere of the sky, is such that with the exception of the first very early morning sun, the dwellings will not give rise to any overshadowing of nearby dwellings or loss of light.
- 7.19 As such, the proposals are considered to accord with Policy PC2 of the Flintshire Local Development Plan.

7.20 Loss of Trees

Concern has been raised in relation to the loss of trees and hedgerow to the northern boundary of the site. The existing boundary is marked by the same, together with a wooden picket fence. Closer scrutiny of the boundary shows that the trees are ornamental and the hedgerow is sparse and loosely grown through the fence and of very little ecological or amenity value. It is noted that the proposed low brick wall to this boundary of the site also propose the planting of a low hedge to the back edge of the wall. It is considered that this will adequately compensate for the existing planting which is to be removed.

7.21 Foul Drainage and Protected Sites

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with Planning Advice (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments and assess whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

7.22 Dwr Cymru/Welsh Water have confirmed that there is capacity with the sewage network to accommodate the additional foul flows only and advise that the treatment works which serve Higher Kinnerton are located in Chester, which lies outside of the designated SAC. The Chester Waste Water Treatment Works discharges to the River Dee at a point below the freshwater part of river. It is therefore not considered that there are any pathways existing for potential contaminates and therefore the development is not likely to have a significant effect on the River Dee and Bala Lake SAC.

8.00 CONCLUSION

The proposals are considered to be acceptable in principle and would be acceptable at this location meeting the requirements of the applicable Local Development Plan policies. It is recommended that permission be granted, subject to the listed conditions.

8.01 Other Considerations

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

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

- 8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

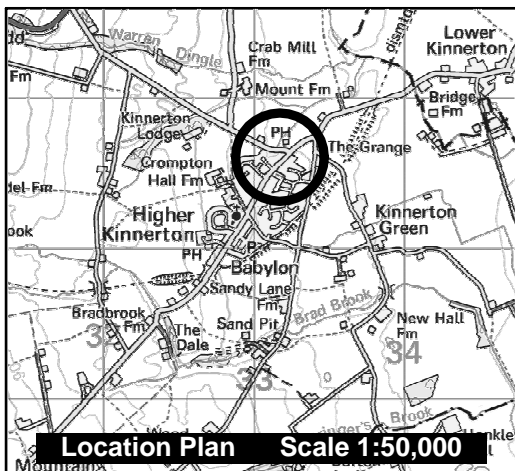
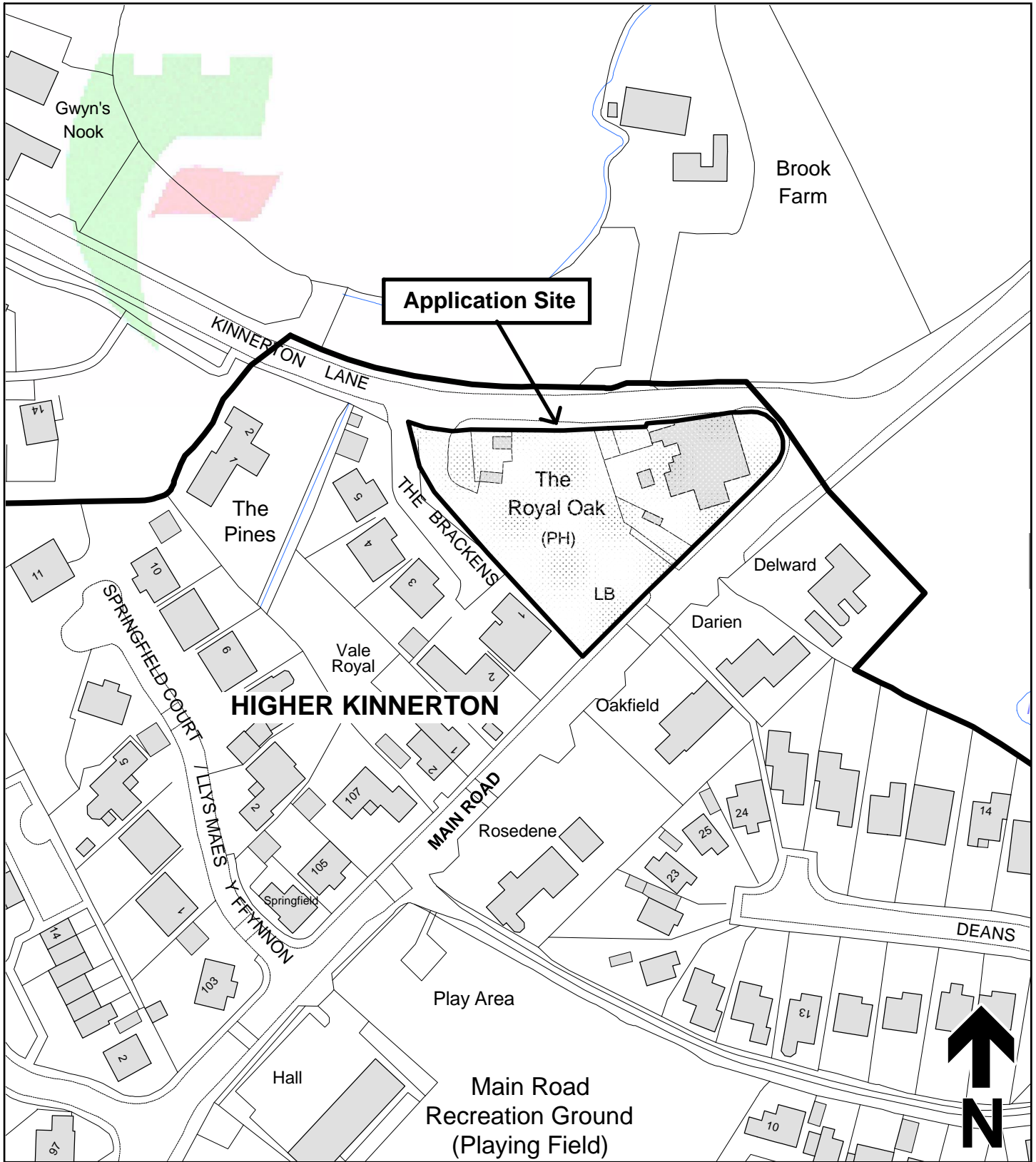
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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 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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