

Public Document Pack

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Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



CS/NG

16 November 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, 22ND NOVEMBER, 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 5 - 10)

To confirm as a correct record the minutes of the meeting held on 25 October 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 AND ECONOMY) TO PLANNING COMMITTEE ON 22 NOVEMBER 2023

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	062458	062458 - A - Outline application - Residential development of up to 140 dwellings, means of access, open space, sustainable drainage infrastructure and all other associated works at Well Street, Buckley (Pages 11 - 30)
6.2	063507	063507 - A - Full application - Residential development comprising 90 Dwellings including the provision of affordable units, areas of public open space, landscaping and associated works at Land to the south of New Brighton Road, New Brighton, Mold (Pages 31 - 62)
6.3	FUL/000523/23	FUL/000523/23 - A - Full application - Part demolition of existing dwelling and residential development comprising of 7no detached dwellings and associated roads and drainage works at Foxfield, Fagl Lane, Hope (Pages 63 - 78)
6.4	FUL/000813/22	FUL/000813/22 - R - Full application - The removal of 3no. telecommunication masts (22.5m, 20m and 17.5m in height) and the consolidation of equipment on to 1no. 30m lattice tower. The new tower will include the relocation of 8no. antenna to 1no. new ring frames and on to head frame which will be attached to 1no. proposed 30m tower. In addition, to the erection of the perimeter fence and ancillary development thereto at The Royal British Legion, Bridge Street, Shotton (Pages 79 - 86)

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

PLANNING COMMITTEE
25 OCTOBER 2023

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 25 October 2023

PRESENT: Councillor Richard Lloyd (Chair)

Councillors: Mike Allport, Bernie Attridge, Chris Bithell, Helen Brown, Paul Cunningham, Rob Davies, Carol Ellis, Dave Hughes, Paul Johnson, Richard Jones, Ted Palmer and Mike Peers

APOLOGIES: Councillors: Adele Davies-Cooke, Gladys Healey, Hilary McGuill and Dan Rose

ALSO PRESENT: The following attended as Local Member:
Councillors David Coggins Cogan - agenda item 6.2 (063093)

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

26. DECLARATIONS OF INTEREST

None.

27. 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=5496&LLL=0>

28. MINUTES

The minutes of the meeting held on 27 September 2023 were confirmed as a correct record, as moved and seconded by Councillors Bernie Attridge and Chris Bithell.

RESOLVED:

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

29. ITEMS TO BE DEFERRED

There were no items recommended for deferral.

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

RESOLVED:

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

31. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

(The meeting started at 1pm and ended at 3pm)

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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 25 OCTOBER 2023

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
FUL/000001/23	Llanfynydd Community Council	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	<p>A statement was read out on behalf of Belinda Williamson (Resident) in support of the application.</p> <p>Daniel Russell (Agent) spoke in support of the application.</p> <p>It was agreed that officers would write to Streetscene to review the current speed limit on the road outside the site and the potential for a refuge to protect right turning traffic exiting the site.</p>	<p>That in accordance with the officer recommendation, planning permission be granted subject to the Section 106 Obligation and conditions set out in the report with an additional condition as follows:</p> <p><u>Condition 21</u> 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: Details of the siting and type of external lighting to be used Details of internal light spillage Drawings setting out light spillage along the Afon Cegidog Details of lighting to be used both during construction and operation Measures to monitor light spillage once development is operational The lighting shall be installed and retained as approved during operation.</p>

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
063093	Gwernymynydd Community Council	Reserved Matters - Application for approval of reserved matters following outline approval 053325 at 1 Ruthin Road, Gwernymynydd, Mold	<p>Chris Wilcock (Resident) spoke against the application.</p> <p>Gareth Davies (Applicant) spoke in support of the application.</p> <p>Councillor David Coggins Cogan (Local Member) spoke against the application.</p>	<p>That in accordance with the officer recommendation, planning permission be granted subject to the conditions set out in the report and amended as follows:</p> <p><u>Condition 8 to read:</u> 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.</p> <p>Following this approval the development shall be carried out in accordance with the approved details.</p> <p><u>Condition 9 to read:</u> 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.</p>

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
FUL/000240/23	Higher Kinnerton Community Council	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	<p>Jason Brautigam (Resident) spoke against the application.</p> <p>Jake Russell (Agent) spoke in support of the application.</p>	<p>That planning permission be refused, against the officer recommendation, for the following reasons:</p> <ul style="list-style-type: none"> • Impact on the environment due to the loss of trees. • Impact on amenity due to the new occupiers backing onto the car park. • Impact on the viability of the public house. • The displacement of vehicles onto the adjacent highway caused by reduced parking.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **22nd NOVEMBER 2023**

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

SUBJECT: **OUTLINE- RESIDENTIAL DEVELOPMENT OF UP TO 140 DWELLINGS, MEANS OF ACCESS, OPEN SPACE, SUSTAINABLE DRAINAGE INFRASTRUCTURE AND ALL OTHER ASSOCIATED WORKS (OUTLINE APPLICATION INCLUDING ACCESS, WITH ALL OTHER MATTERS RESERVED) AT WELL STREET, BUCKLEY**

APPLICATION NUMBER: **062458**

APPLICANT: **CLWYD ALYN HOUSING LTD**

SITE: **LAND AT WELL STREET, BUCKLEY**

APPLICATION VALID DATE: **01ST FEBRUARY 2021**

LOCAL MEMBERS: **COUNCILLOR C PREECE**
COUNCILLOR D ROSE

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

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline application including access, but with all other matters reserved for residential development of up to 140 dwellings with associated means of access, open space, sustainable drainage infrastructure and all other associated works at Well Street, Buckley

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

2.01 Section 106 Agreement

- Primary School Contributions- Contributions required would be £330,939.00 towards improvements to Southdown CP school
- Payment of £1,100.00 per dwelling (£733.00 per affordable dwelling) in lieu of on-site provision The payment would be used to enhance existing play area at The Flash park, Bistre
- Scheme to ensure that the Affordable dwellings remain affordable in perpetuity and at an appropriate tenure.
- A sum of £14k to cover the cost of advertising and implementing future traffic regulation orders.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development commences and the development shall be carried out as approved.
2. Outline Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.
3. In accordance with approved details
 - Application form
 - Location plan L01A
 - Existing site plan L02B
 - Indicative site plan L04B
 - Proposed Master Plan L03B
 - Ecology Management Strategy
 - Transport Assessment
 - Coal Mining Risk Assessment
 - Tree Constraints and Constraints
 - Drainage Strategy
 - Preliminary Ecology Assessment

- Remediation and Enabling Works Strategy
 - Heritage Impact Assessment
 - PAC report
 - Planning Statement
 - Design and Access Statement
4. The submission of reserved matters shall include details of existing and proposed site levels and, where appropriate, proposed finished floor levels of the building(s).
 5. No works associated with the proposed development of the site shall commence unless and until a detailed scheme for the realignment of Well Street and creation of a site access junction has been submitted to and approved by the County Council. Such works shall become the subject of a Section 278 Agreement under the 1980 Highways Act prior to their implementation.
 6. The layout and design of the access from Daleside shall be in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
 7. The forming and construction of the means of site accesses shall not commence unless and until the detailed design thereof has been submitted to and approved by the County Council.
 8. The 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 the commencement of any other site building operations.
 9. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be submitted to and approved by the County Council prior to the commencement of any site works. Such facilities being completed prior to the proposed development being brought into use.
 10. The front of any garage 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.
 11. Facilities shall be provided and retained within the site for the parking / storage of bicycles in accordance with a scheme to be submitted to and approved by the County Council prior to the commencement of any site works. Such facilities being

completed prior to the proposed development being brought into use.

12. The 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 by the County Council prior to the commencement of any site works
13. 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.
14. Positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
15. 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.
16. A Full Travel Plan and Transport Implementation Strategy (TIS) shall be submitted and approved in writing by the County Council prior to the first use of the development.
17. No development shall commence until a foul water 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 water flows and include a detailed design outlining the measures proposed to accommodate the public sewer. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.
18. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
19. No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant as part of the reserved matters submission and approved in writing by the Local Planning Authority.

The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust After

approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd- Powys Archaeological Trust for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW.

20. No development shall take place until a site investigation of the nature and extent of 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.
21. 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, including measures to verify the approved works, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The site shall be remediated in accordance with the approved measures prior to occupation of any dwelling. If during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination and subsequent verification details shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.
22. A Bat emergent survey will be submitted with the application for reserved matters.
23. A Tree report complete with a scheme for RPA mitigation will be submitted with the application for reserved matters.
24. Notwithstanding the details hereby approved new objects or extensions of existing objects should not be permitted above the conical surface and the inner horizontal surface except when an object would be shielded by an existing immovable object, or if after a safety assessment, it is determined that the object would not adversely affect the safety or significantly affect the regularity of operations. The EASA references for precision approach and take-off runways are CS ADR-DSN.J.480 and J.485 respectively
25. A Green Infrastructure Assessment will be submitted with the application for reserved matters
26. 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 C Preece:** Requests committee determination and site visit

(Local Member) Councillor D Rose: No response at time of writing

Buckley Town Council: No observations

Argoed Community Council (Adjoining): Whilst this proposed development is not within Argoed Ward, it will impact on our residents by way of the traffic. Raises concerns over adequacy of Well Street to accommodate traffic from this development, due to width. Requests further consideration of this point.

Highways Development Control: Requests conditions

Highways Rights of Way: Public Footpath 54 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

Community and Business Protection (Pollution Control): no objection in principle to the application. A final version of the report, to include the information gained from previous stages of the assessment and to be signed off in the quality control section of the document, must be submitted to show that the potential for land contamination to affect the site has been thoroughly identified, assessed and understood, that the remediation proposed is reasonable or that remediation will be achieved.

Education:

Southdown Primary School

It is the intention of Education & Youth to seek a developer contribution. The contribution sought will be for a total of **£330,939.00**

Buckley, Elfed High School

is the intention of Education & Youth not to seek a developer contribution.

Housing Strategy: The site provides the opportunity to deliver approx. 140 homes and Clwyd Alyn proposes they will all be built to meet DQR standards and have high energy efficiency.

Clwyd Alyn are proposing that a minimum of 40% of the total units would be for affordable housing with the remainder sold as market housing. This would help to achieve a balanced, mixed tenure community.

The SARTH and Tai Teg registers suggest there is considerable demand in Buckley for social and affordable housing and can support a development of this size. Housing Strategy would work with Clwyd Alyn to achieve a sustainable property and tenure mix based on the housing need for the area.

Welsh Water/Dwr Cymru: Requests drainage conditions. Confirms that capacity exists at the relevant Wastewater treatment works to cater for development, and that the WWTW has a valid Phosphate license.

Natural Resources Wales: Directs attention to their Planning Advice, and note that development connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater is unlikely to increase phosphorus inputs to a SAC beyond what has already been assessed and permitted by NRW

NRW also advise that the documents relating to ecological surveys should be included in the approved plans and documents condition on the decision notice.

Airbus: Requests condition

Clwyd Powys Archaeological Trust: Requests Archaeological survey prior to determination of application.

CADW: Confirm that they have no objection to the proposed development in regard to the scheduled monuments or registered historic parks and gardens

4.00 PUBLICITY

4.01 213 Neighbour Notifications were sent to adjoining/nearby properties. A Site Notice was also displayed and the application was advertised by way of a Press Notice in a local newspaper.

235 objections have been received which can be summarised as follows:

1. Traffic safety/Impact upon traffic numbers
2. Pollution
3. Land Contamination
4. Ecological impacts
5. Lack of local infrastructure
6. Out of keeping with area
7. Encroachment into the countryside

8. Impacts upon local amenity

5.00 SITE HISTORY

5.01 No Relevant 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 STR6: Services Facilities & Infrastructure
- Policy STR11: Provision of Sustainable Housing Sites
- Policy STR13: Natural and Built Environment, Green Networks and Infrastructure
- 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 EN1: Sports, Recreation and Cultural Facilities
- Policy EN2: Green Infrastructure
- Policy EN4 Landscape Character
- Policy EN6: Sites of Biodiversity and Geodiversity Importance
- Policy EN7: Development Affecting Trees, Woodlands and Hedgerows
- Policy EN15: Water Resources
- Policy EN16: Development on or near Landfill Sites or Derelict and Contaminated Land

7.00 PLANNING APPRAISAL

7.01 Proposal

This is an outline application including details of access to the site, with all other matters reserved, for residential development of up to

140 dwellings, along with associated infrastructure and other works, on land off Well Street, Buckley.

7.02 Site

The site is located on the edge of the settlement of Buckley and comprises of 5.35Ha greenfield area located to the North of Well Street. The site is currently undeveloped farmland and consists of two fields with hedgerows on the boundaries and dividing the two areas with a centrally located hedge. There is existing built up residential development on the north eastern and north western boundaries of the site

7.03 The site is generally flat, although there is a relatively gentle rise in elevation towards the western boundary of the site. The south western boundary is bounded by the complex of Bryn y Pys farm with Well Street stables beyond. Generally the land to the south east and south west opens onto countryside and is distinct from the built up nature of the settlement to the east.

7.04 Principle

The site is within the settlement boundary of Buckley which is a Tier 1 Main Service Centre in the adopted LDP. Policy STR2 states 'Main Service Centres will be the main locations for new housing development which reinforces and contributes to sustainable settlements'. The policy specifies that provision in such settlements will include allocations and the site and the site is allocated for housing (HN1-1) in the adopted LDP. The principle of residential development in this location is therefore established.

7.05 Highways and access

The impact of this development site was scrutinized by the Inspector at the UDP public inquiry in 2007. At that time the Council employed a specialist highway consultant to gain an independent view of the impact of proposals; that consultant concluded that allocation as a residential development site was acceptable. The current application is supported by a similar detailed study which has taken into account changes in traffic generation patterns and changes to background flows since the previous 2007 assessments. The current assessment reaches similar conclusions to the initial one.

7.06 The Highway Authority received the statutory pre-application from the applicant and minor amendments to the proposal were made as a result of comments returned at the time. Access details submitted with the application indicate a junction layout on Well Street that conforms to the Inspector's recommendation.

7.07 The provision of pedestrian/cycle linkages both within the site and linking to the external network require further consideration with the provision of appropriate lighting and the potential to replace existing

stiles with gates. These improvements will however be covered by any future detailed application. Reserved matters consideration of layout will provide further details regarding these matters.

- 7.08 It is noted that there has recently been the imposition of a 20mph speed limit on certain streets within Buckley and Mynydd Isa. Impending changes to highway legislation may also enable the installation of a “modal filter” to restrict the movement of vehicles on Well Street south of the access. It is considered that any permission should include a S106 agreement to the value of £14k to cover the cost of advertising and implementing future traffic regulation orders.
- 7.09 It is considered that the principle of the proposed access arrangement is acceptable and comply with policies STR5 and PC5 of the Flintshire Local Development Plan. Conditions have been suggested by the Highways Authority and form part of the recommendation.
- 7.10 Affordable housing
Clwyd Alyn Housing Association are proposing to deliver this scheme in collaboration with Welsh Government. The land is currently in the ownership of Welsh Government who are requesting an exemplar housing scheme is delivered at this site.
- 7.11 The site provides the opportunity to deliver approx. 140 homes and Clwyd Alyn proposes they will all be built to meet Welsh Development Quality Requirements (WDQR) standards and have high energy efficiency. The site sits within the Mold and Buckley housing market area. Policy HN3 of the LDP requires 40% on site affordable housing within this market area. The application proposes to meet this requirement with 56 tenure neutral affordable homes (40%). Tenure neutrality means that the specific form of tenure available to applicants is not fixed and can therefore cover the different forms of affordable tenure to meet the need.
- 7.12 The SARTH and Tai Teg registers suggest there is considerable demand in Buckley for social and affordable housing and can support a development of this size. Housing Strategy would work with Clwyd Alyn to achieve a sustainable property and tenure mix based on the housing need for the area.
- 7.13 As an Outline permission the exact tenure, type and location within the site of the affordable units will be subject to consideration with a reserved matters submission. As the proposal commits to providing 40% affordable units across the site, however, it is considered that the proposal is compliant with policy HN3 of the Flintshire Local Development Plan.
- 7.14 Drainage and 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.

7.15 Under the Habitats Regulations any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

7.16 Welsh Water have confirmed that there are no capacity issues and that the waste water treatment works has a valid phosphate permit. The foul water flows deriving from this development would be capable of being treated within the phosphate permit conditions.

7.17 It is considered that No Likely Significant Effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of additional phosphorus or pathway for impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice:

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or
- the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional wastewater generated in consequence of the proposed development will remain within the revised permit limits and
- that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

7.18 As such, it is considered that the proposal is in accordance with policy EN15 in the Flintshire Local Development Plan

7.19 Land Contamination

The submitted Land contamination Assessment has identified the presence of elevated concentrations of lead within shallow topsoil deposits. The shallow topsoil deposits are therefore not suitable for use within proposed “soft” areas, where a direct exposure pathway exists. The concentrations have primary exposure pathways related

to dermal contact and ingestion, soil ingestion and consumption of homegrown produce. It is considered that these exceedances can be mitigated by the installation of a chemically suitable cover system within proposed gardens in these areas. Alternatively, these hotspots can be excavated and delineated through chemical validation during remedial works and placed in a future low sensitivity area within the proposed development, after which cover systems will no longer be required.

7.20 At this point, it is considered that given the fact that this is an outline submission it will be possible and appropriate to impose a condition requiring investigation and remediation strategies, as well as final remediation and verification to follow prior to construction, to be submitted as a requirement of the reserved matters submission. It will then be possible to ensure that any land contamination is fully assessed and appropriately dealt with in line with the proposed layout for the site.

7.21 Ecology

An ecological assessment comprising of an Extended Phase 1 Habitat survey, a desk study, an assessment of the likely impacts on the ecological value of the site and recommendations for further survey and/or mitigation measures to be implemented was submitted in support of the application.

7.22 The assessment found that in general the application site has been found to be of low ecological value, but with the potential to support a number of protected and/or notable species. GCN (Great Crested Newts), roosting/foraging/commuting bats, nesting birds, reptiles and notable species such as hedgehog. No field evidence of any protected species was recorded during the site survey, other than nesting bird activity in the hedgerows.

7.23 Detailed mitigation is required in relation to GCN, including detailed design of habitat creation and landscape planting. The proposed scheme is anticipated to result in a small biodiversity net loss.

7.24 The development would result in the loss of ~5ha of improved grassland and 190m of species-poor native hedgerow. These habitats are of potential value to GCN, foraging/commuting bats, nesting birds, reptiles and notable species. There would also be significant short-term disturbance to all boundary habitats during construction, which have the potential to support protected species too. It is anticipated that the proposed development would result in a minor loss in the biodiversity value of the site.

7.25 The scheme will need to be undertaken under a GCN Development License, with the area subject to fencing and pitfall trapping. It is unlikely that sufficient terrestrial habitat can be incorporated into the

layout for GCN, therefore a commuted sum is also likely to be required to offset the impacts on GCN. Recommendations are made relating to the habitat/landscape design for the site, as well as the need for a Habitat Management Plan.

7.26 There is a single tree with bat roost potential which should be retained within the scheme (or else subject to a bat detector survey). It is considered that it would be appropriate to require a Bat Emergence survey to accompany the reserved matters application.

7.27 Policy EN7 in the Flintshire Local Development Plan states that where the impact of development affecting trees, woodlands or hedgerows is considered acceptable, development will only be permitted where:

- a. the development maximises their retention through sensitive design measures; and
- b. where the removal of trees is considered necessary, suitable replacements shall be provided elsewhere within the site; and
- c. it results in a net benefit in biodiversity.

7.28 When full details are submitted as part of the reserved matters it will be necessary for the developer to consider biodiversity benefits and the specific impacts of the proposed layout on ecological assets on site. In principle, however, it is considered that the submitted details are acceptable and comply with LDP policy STR13 given the outline nature of the proposal.

7.29 Archaeology

Although there are currently no archaeological sites recorded in the Historic Environment Record within the development area, reference to the 1m DTM NRW lidar does show a relict watercourse in these fields, perhaps fed by two springs that have since dried up, and dry ground between. As this would have been favourable ground for human activity and settlement in the past, CPAT recommend that the plot is evaluated initially by geophysical survey to test the sub-surface potential for pre-historic and later archaeology. Follow up targeted trenching may then be required. This advice is in line with advice in PPW (Edition 11, Feb 2021) and TAN 24 (May 2017), which states that:

“Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains. The needs of archaeology and development may be reconciled, and potential conflict very much reduced, through early discussion and assessment.”

7.30 This means that Local Planning Authorities in Wales have to take into account archaeological considerations, and need to be fully informed

about the nature and importance of archaeological remains, and their setting, and the likely impact of any proposed development upon them. Given the outline nature of the submission it is considered that subject to the details being provided with reserved matters applications then the Local Planning Authority can make a properly informed decision in this regard.

7.31 It is therefore recommended that as a requirement of the reserved matters submission an appropriate archaeological evaluation is carried out, and the results of this evaluation should be considered when setting out the details aspects of the proposed development, including any required mitigation strategy. This can be secured by condition.

7.32 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.

7.33 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.

7.34 Education

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

Buckley, Southdown CP School

- It is the intention of Education & Youth to seek a developer contribution
- The contribution sought will be for a total of **£330,939.00**

Education and Youth have confirmed that they do not seek a developer contribution for Buckley, Elfed High School.

7.35 It is considered that the education contributions would meet the regulation 122 tests. Southdown CP school not appear to have received more than 5 contributions and therefore the limitations of regulation 123 does not apply.

7.36 Public Open Space

In accordance with policy EN1 as well as the guidance within LPGN13 Open Space Requirements, development of over 100 units will usually be required to provide public open space as well as more formalised play space on site. Whilst currently this application is in outline only the indicative layout does suggest that it may be difficult to provide formal play space alongside the necessary informal public open space areas, as well as areas for infrastructure, surface water drainage attenuation, and other such areas whilst providing the level of development, in terms of units, required by the allocation. Notwithstanding this, the lack of on site play space provision would need to be considered against the relevant policies at the time of the reserved matters submission, if the layout details failed to provide on-site provision.

7.37 The LPGN does allow for off-site provision in lieu of this on site provision secured by commuted sums payable by the developer. This has the added benefit of providing money to enhance existing play space in the community. It is suggested that with regard to this site this provision would be an appropriate request. It is therefore proposed that a contribution of £1,100 per dwelling in lieu of on-site provision (£733.00 for any affordable housing) is secured through the proposed legal agreement. The exact amount will be determined upon agreement of the reserved matters and would be payable prior to the commencement of development.

7.38 Affordable Dwellings

As discussed earlier in the report, the development will provide 40% of the delivered units as affordable dwellings.

7.39 The tenure mix will be agreed as part of the Section 106 legal agreement. This agreement will also ensure that the affordable units will be retained as being affordable dwellings in perpetuity. As such it can be concluded that the proposal is in accordance with policy HN3 of the Flintshire Local Development Plan.

7.40 Green Infrastructure

In advance of an updated Planning Policy Wales (PPW) Chapter 6 of PPW11 has been amended with regards to green infrastructure,

net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. These are also matters referenced in LDP policies, and in particular policies STR13 and EN2.

- 7.41 It will be essential to ensure that the development appropriately engages with these matters and meets the policy requirements of the amended Chapter 6 of PPW11. As this is an outline submission with all matters reserved much of the detail that will inform a full green infrastructure assessment is not contained in the submission, although at a strategic level the submission does engage with the relevant considerations in accordance with the advice contained within the amended chapter 6 of PPW11.
- 7.42 It is considered that a Green Infrastructure Assessment should be conditioned as required information to be submitted in support of the consideration of the reserved matters for this proposal. A condition requiring a scheme of biodiversity enhancement, to ensure biodiversity net gain is achieved, is to be agreed before the commencement of development and subsequently implemented, is suggested.

8.00 CONCLUSION

This is an outline application for the principle of development, with all matters, other than access, reserved for future consideration. The proposal will deliver 40 % affordable dwellings across the site, in accordance with the relevant LDP policy.

It is considered that the proposal is acceptable and complies with the relevant development management policies and as such is recommended accordingly.

8.01 Other Considerations

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

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

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

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered

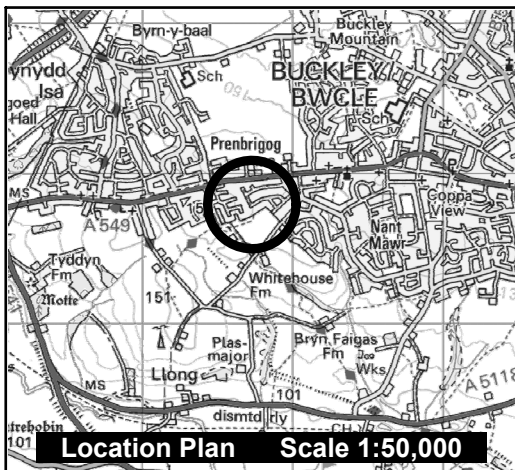
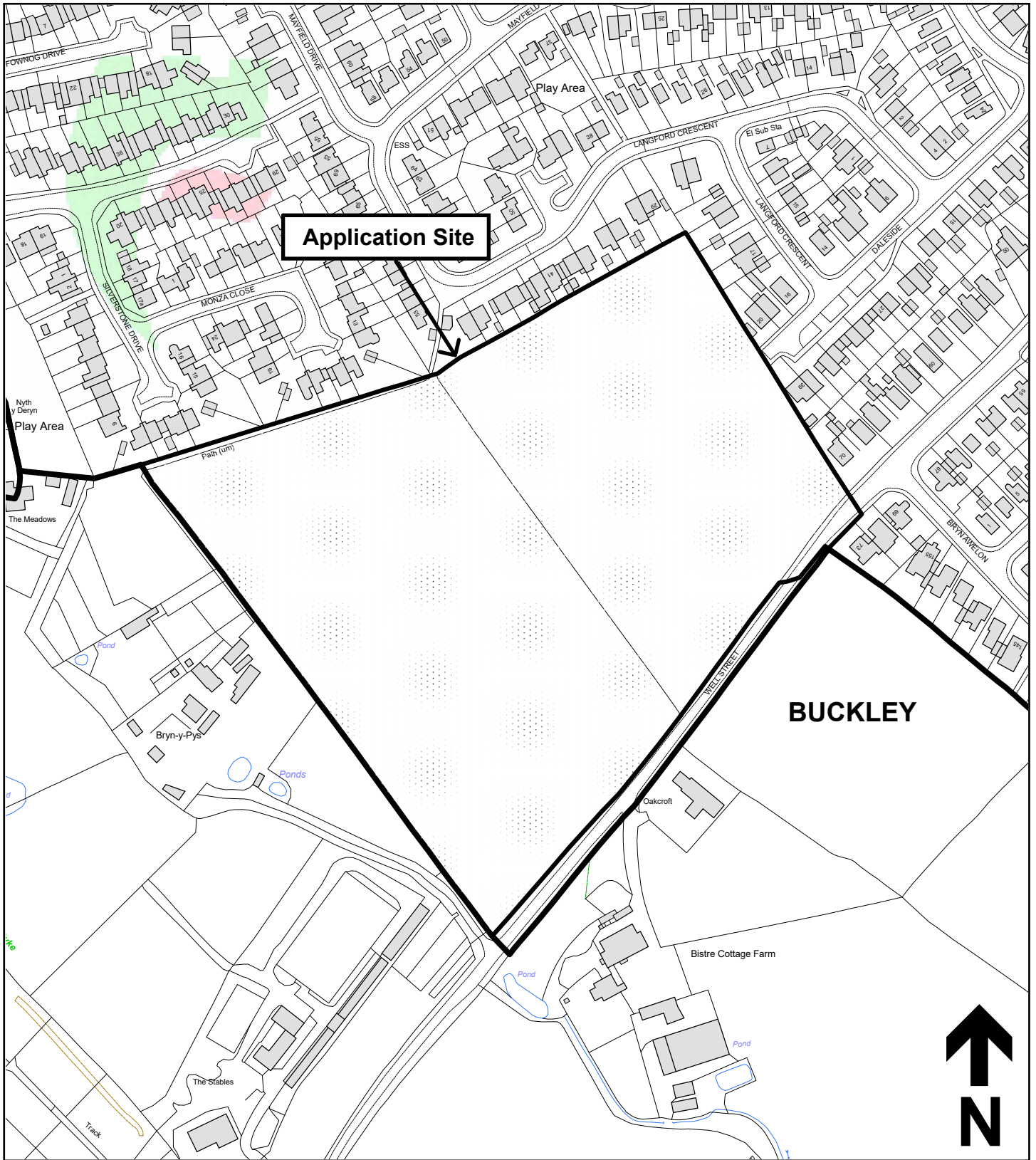
that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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

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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale: 1:2500

OS Map: SJ 2663

Application: 062458

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **22 NOVEMBER 2023**

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

SUBJECT: **FULL APPLICATION - RESIDENTIAL DEVELOPMENT COMPRISING 90 DWELLINGS INCLUDING THE PROVISION OF AFFORDABLE UNITS, AREAS OF PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS AT LAND TO THE SOUTH OF NEW BRIGHTON ROAD, NEW BRIGHTON, MOLD**

APPLICATION NUMBER: **063507**

APPLICANT: **STEWART MILNE HOMES (NORTH WEST ENGLAND) LTD**

SITE: **LAND TO THE SOUTH OF NEW BRIGHTON ROAD, NEW BRIGHTON, MOLD**

APPLICATION VALID DATE: **8th SEPTEMBER 2021**

LOCAL MEMBERS: **COUNCILLOR M EASTWOOD**
COUNCILOR H MCGUILL

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

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for 90 dwellings including the provision of affordable units, areas of public open space, landscaping and associated works at land south of New Brighton Road, New Brighton

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

2.01 Section 106

The conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:

- Primary School Contributions- Contribution required would be £36,771.00 towards improvements to Ysgol Sychdyn, Sychdyn
- A requirement to notify the Council whether LEAP or play area equipment will be maintained by the Council or a management company and, if it is to be the Council the arrangements for the transfer of the LEAP following its provision and the agreement of a LEAP commuted sum to cover the cost of further maintenance
- The provision of 36 no. affordable homes to be of a housing mix and tenure to be agreed with the Local Planning Authority, and to remain affordable in perpetuity.
- Freehold ownership of the defined Ecology Area will be transferred to an appropriate third sector body that is approved by the LPA before occupation of the 60th dwelling; As identified in the great crested newt conservation plan, defined commuted sum and requirement for index-linked ground rent service charges to include ecological surveillance, management and wardening in perpetuity [costed management plan will be required to inform costings]; biennial liaison meetings, and; management plan review.
- Funding for the review of speed restrictions on New Brighton Road (approximately £6000).

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 Form
 - Planning Statement by Hourigan Connolly.

- Pre-Application Consultation Report by Hourigan Connolly.
- Design and Access Statement by Stewart Milne Homes (North West England) Limited.
- Transport Assessment by SCP.
- Safe Route To School Review by SCP.
- Preliminary Ecological Appraisal by Ecology Services Ltd.
- Protected Species Survey Report (Bats) by Ecology Services Ltd. (Part 1).
- Protected Species Survey Report (Bats) by Ecology Services Ltd. (Part 2).
- Bat Transect & Automated Survey Report by Ecology Services Ltd.
- EDNA & H.S.I Survey Report for Great Crested Newt by Ecology Services Ltd.
- Hedgerow Regulations Assessment by Ecology Services Ltd.
- Protected Species Survey Report for Reptile by Ecology Services Ltd.
- Precautionary Compensatory Scheme for Great Crested Newt
- Geo-Environmental Assessment Report by Brownfield Solutions Ltd.
- Noise Impact Assessment by REC.
- Arboricultural Impact Assessment by Ascerta.
- Flood Consequence Assessment by Sutcliffe (Part 1).
- Flood Consequence Assessment by Sutcliffe (Part 2).
- Flood Consequence Assessment by Sutcliffe (Part 3).
- Hydraulic Modelling Report by Welsh Water.
- Agricultural Land Classification Report by Richard Stock.
- Heritage Statement by Neo Environmental.
- Dwg. 296-NB-LP-01 Location Plan.
- Dwg. SK296/NBM/PL05 Planning layout.
- Dwg. SK296/NBM/BTL01 Boundary Treatments Layout.
- Dwg. SK296/NBM/HLL01 Hard Landscaping Layout.
- Dwg. SK296/NBM/RL01 Refuse Layout.
- Dwg. SK296/NBM/PSS01 Proposed Street Scenes.
- Dwg. SK296/NBM/AP03 POS Area Plan.
- Dwg. SK296/NBM/TRL01 Tree Retention and Loss Plan.
- Plot Specification Sheet.
- Dwg. P.1094.18.03 Planting Plan 1 of 4.
- Dwg. P.1094.18.03 Planting Plan 2 of 4.
- Dwg. P.1094.18.03 Planting Plan 3 of 4.
- Dwg. P.1094.18.03 Planting Plan 4 of 4.

- Dwg. SM.TS.04 Topographical Survey.
- Dwg. SK306-HTE-01 Individual Elevations.
- Dwg. 29949-615 P3 Preliminary External Levels Sheet 1 of 4.
- Dwg. 29949-616 P3 Preliminary External Levels Sheet 2 of 4.
- Dwg. 29949-617 P3 Preliminary External Levels Sheet 3 of 4.
- Dwg. 29949-618 P3 Preliminary External Levels Sheet 4 of 4.
- Dwg. 29949-619 P1 Preliminary External Levels Overall Site.
- Dwg. 29949-625 P2 Longitudinal Sections Sheet 1 of 3.
- Dwg. 29949-626 P2 Longitudinal Sections Sheet 2 of 3.
- Dwg. 29949-627 P2 Longitudinal Sections Sheet 3 of 3.
- Dwg. 29949-640 P2 Manhole Schedule.
- Dwg. 29949-655 P4 Preliminary Drainage Layout Sheet 1 of 4.
- Dwg. 29949-656 P4 Preliminary Drainage Layout Sheet 2 of 4.
- Dwg. 29949-657 P4 Preliminary Drainage Layout Sheet 3 of 4.
- Dwg. 29949-658 P4 Preliminary Drainage Layout Sheet 4 of 4.
- Dwg. 29949-659 P1 Preliminary Drainage Layout Overall Site.
- Dwg. V23-66-2MT 600 Alnwick GF Layout.
- Dwg. V23-66-2MT-601 Alnwick FF Layout.
- Dwg. V23-66-2MT-420 Alnwick Elevations.
- Dwg. V23-80-3ET- 400 Berwick Elevations V1.
- Dwg. V23-80-3ET- 420 Berwick Elevations V2.
- Dwg. V23-80-3MT- 400 Berwick Elevations V1.
- Dwg. V23-80-3MT- 420 Berwick Elevations V2.
- Dwg. V23-80-3MT/ET/S-600 Berwick GF Layout.
- Dwg. V23-80-3MT/ET/S-601 Berwick FF Layout.
- Dwg. V23-90-3D-600 Castleford GF Layout.
- Dwg. V23-90-3D-601 Castleford FF Layout.
- Dwg. V23-90-3D-420 Castleford Elevations.
- Dwg. V23-90-3ET/S-600 Cairnhill GF Layout.
- Dwg. V23-90-3ET/S-601 Cairnhill FF Layout.
- Dwg. V23-90-3ET/S-400 Cairnhill Elevations V1.
- Dwg. V23-90-3ET/S-420 Cairnhill Elevations V2.
- Dwg. V23-95-3D-600 Corringham GF Layout.
- Dwg. V23-95-3D-601 Corringham FF Layout.

- Dwg. V23-95-3D- 424 Corringham Elevations V2.
- Dwg. V23-96-3S-600 Culross GF Layout.
- Dwg. V23-96-S-601 Culross FF Layout.
- Dwg. V23-96-3S- 424 Culross Elevations V2
- Dwg. V23-100-4D-600 Daresbury GF Layout.
- Dwg. V23-100-4D-601 Daresbury FF Layout.
- Dwg. V23-100-4D-400 Daresbury Elevations V1.
- Dwg. V23-106-4D-424 Dewsbury Elevations V2.
- Dwg. V23-106-4S/D-600 Dewsbury GF Layout.
- Dwg. V23-106-4S/D-601 Dewsbury FF Layout.
- Dwg. V23-106-4SD-424 Dewsbury Elevations V2.
- Dwg. V23-118-4D-600 Farnham GF Layout.
- Dwg. V23-118-4D-601 Farnham FF Layout.
- Dwg. V23-118-4D-400 Farnham Elevations V1.
- Dwg. V23-128-4D-600 Harris GF Layout.
- Dwg. V23-128-4D-601 Harris FF Layout.
- Dwg. V23-128-4D-421 Harris Elevations V2.
- Dwg. V23-128-4D-423 Harris Elevations V2
- Dwg. V23-139-5D-600 Kendal GF Layout.
- Dwg. V23-139-5D-601 Kendal FF Layout.
- Dwg. V23-139-5D-400 Kendal Elevations V1.
- Dwg. V23-152-5D-4D-600 Leven GF Layout.
- Dwg. V23-152-5D-601 Leven FF Layout.
- Dwg. V23-152-4D-602 Leven FF Layout.
- Dwg. V23-152-5D-4D-400 Leven Elevations V1.
- Dwg. V23-152-5D-4D-424 Leven Elevations V2.
- Dwg. AFF-71-2ET-420 Aberlady Elevations.
- Dwg. AFF-71-2MT-420 Aberlady Elevations.
- Dwg. AFF-71-2MT/ET-601 Aberlady FF Layout.
- Dwg. AFF-71-2MT/ET-600 Aberlady GF Layout.
- Dwg. AFF-84AV-3ET-420 Aviemore Elevations.
- Dwg. AFF-84AV-3MT-420 Aviemore Elevations.
- Dwg. AFF-84AV-3MT-420 Aviemore FF Layout.
- Dwg. AFF-84-3MT/ET-600 Aviemore GF Layout.
- Dwg. P.1094.18.04 Play Area Design.
- Dwg. P.1094.18.03 F Planting Plans (Sheets 1 – 4).
- Affordable Housing Statement by Pioneer.
- Dwg. SK296/NBM/PL50 E Planning Layout.
- Dwg. APT 15-501 Apartment Front & Side Elevations.
- Dwg. APT 15-502 Rear & Side Elevations.
- Dwg. APT 15-600 GF Layout.
- Dwg. APT 15-610 FF Layout.
- Dwg. APT 15-620 SF Layout.
- Dwg. F24-80T-2B4P-ET-400 Keilder Elevations.

- Dwg. F24-80T-2B4P-MT-400 A Keilder Elevations
 - Dwg. F24-SMG-KE-00-DR-A-403-600 A Keilder GF Layout.
 - Dwg. F24-SMG-KE-00-DR-A-403-602 A Keilder GF Layout.
 - Dwg. F24-SMG-KE-01-DR-A-403-601 Keilder FF Layout.
 - Dwg. F24-SMG-KE-01-DR-A-403-603 Keilder FF Layout.
 - Dwg. F24-80T-3B5P-E- 420-1 Kinver Elevations.
 - Dwg. F24-80T-3B5P-M-420-1 Kinver Elevations.
 - Dwg. F24-SMG-KI-00-DR-A-403-600 Kinver GF Layout.
 - Dwg. F24-SMG-KI-00-DR-A-403-602 Kinver GF Layout.
 - Dwg. F24-SMG-KI-00-DR-A-403-601 Kinver FF Layout.
 - Dwg. F24-SMG-KI-00-DR-A-403-603 Kinver FF Layout.
3. No development shall take place until full details of the existing ground levels and proposed finished floor levels and ground levels have been submitted to the Local Planning Authority for written approval. The development shall thereafter be carried out in accordance with the approved details.
 4. 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.
 5. 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.
 6. 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.

7. No works associated with the proposed development of the site shall commence unless and until a detailed scheme for the provision of improved pedestrian facilities at the New Brighton/A5119 junction, the provision of improved bus stop facilities and proposals for the introduction of a Village Gateway traffic management scheme have been submitted to and approved by the County Council. Such works shall become the subject of a Section 27 Agreement under the 1980 Highways Act prior to their implementation.
8. No dwelling within the proposed development shall be occupied unless and until all the works specified in the aforementioned Agreement have been completed.
9. 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.
10. The forming and construction of the means of site access shall not commence unless and until the detailed design thereof has been submitted to and approved by the County Council.
11. The 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 the commencement of any other site building operations.
12. The proposed access shall have a minimum 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 significant obstruction to visibility
13. 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. Facilities shall be provided and retained each plot for the parking of vehicles in accordance with a scheme to be submitted to and approved by the County Council prior to the commencement of any site works. Such facilities being completed prior to the proposed development being brought into use.
15. Facilities shall be provided and retained within the site for the parking / storage of bicycles in accordance with a scheme to be

submitted to and approved by the County Council prior to the commencement of any site works. Such facilities being completed prior to the proposed development being brought into use.

16. The 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 by the County Council prior to the commencement of any site works.
17. A Full Travel Plan and Transport Implementation Strategy (TIS) shall be submitted and approved in writing by the County Council prior to the first use of the development.
18. Positive means to prevent the run-off of surface water from any part of the site onto the adoptable highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
19. No development shall take place, including site clearance work, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority (See Note 1).
20. Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at manhole reference number SJ25653408 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.
21. No buildings on the application site shall be brought into beneficial use until such time as reinforcement works to the local public sewerage system, into which the development shall drain, have been completed as identified in a Hydraulic Modelling Assessment and written confirmation of this has been issued to the Local Planning Authority.
22. No development shall take place prior to the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic

Environment Record Officer, Clwyd- Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

23. No development shall take place prior to the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd- Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
24. The submission and implementation of a biosecurity risk assessment. Provisions of this assessment must include consideration of and inform proposed landscaping schemes.
25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.
26. No development shall commence until an amphibian / GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:
 - Build upon the principles outlined in the ecological report (Redgrave, L, C. (2021). Land off New Brighton Road, New Brighton: Precautionary Compensatory Scheme for Great Crested Newt. Ecology Services. (Unpublished Report No 19092).
 - Submission of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to fence design, specifications and locations; monitoring and maintenance requirements; and supervised removal. Submission to include proposed timescales and reporting requirements.
 - Submission of an initial long-term site management plan (not less than 25 years) that includes defined aims and objectives; habitat management prescriptions;

contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to the freehold tenure of the ecology area; tenure of the ecology area to be approved by the Local Planning Authority in consultation with NRW; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan. Submission of detailed measures including plans designed to prevent the accidental capture/killing of GCN / amphibians during operational phases of the scheme (i.e. post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features).

- Submission of a contingency scheme that includes details concerning on-site and/or off-site conservation measures that are capable of being undertaken if greater than five (>5 no.) GCN are captured within the working area of the development. Submission to include timescales and reporting requirements.
 - Details of timing, phasing and duration of construction activities and conservation measures.
 - Timetable for implementation demonstrating that works are aligned with the proposed development. Ecological Compliance Audit, including key performance indicators (we accept the submitted draft ECA scheme).
 - Persons responsible for implementing the works.
 - The Conservation Plan shall be carried out in accordance with the approved details.
27. 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.
28. Notwithstanding the details hereby approved a sensitively designed 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.

3.00 CONSULTATIONS

3.01 **(Local Member) Councillor Eastwood**: Requests a site visit so that the feasibility of a safe route to school may be assessed. Also raises the following:

- The proposed development is car dependent without safe access to nearby footpaths and therefore goes against active travel.
- Road safety concerns
- Three storey element out of character
- Phosphates

(Local Member) Councillor H McGill: No response at time of writing

Argoed Community Council: wishes to make the following comments:

- There is no footpath from the development to the traffic lights in New Brighton
- Nor is there any footpath from the development to the nearest school, which is in Sychdyn. A shared user path is needed, not just a footpath
- Concerns about drainage as the area is known to be prone to flooding
- Congestion will increase at New Brighton traffic lights, which already experiences traffic congestion, especially at peak times
- Three storey building out of character for the village of New Brighton. There are no comparable buildings in the area.

Northop Community Council (adjoining CC): The proposed use of bus and taxi services to meet the needs for a safe route to school is unsustainable and does not meet active travel targets

Community and Business Protection: No adverse comments to make on proposal

Highways Development Control: The outcome of the recent planning appeal related to a previous application on this site and comments made by the Inspector are noted; there is no highway objection to the principle of the proposed development.

Provision of a safe route to Sychdyn Primary School remains the only significant issue to be addressed; the content of the SCP Transport

Assessment report and the Hourigan Connelly PAC report are acknowledged.

SCP suggest improvement of public footpaths however I am informed that the imposition of the required improvement on privately owned agricultural land is beyond the powers of the Highway Authority, delivery of these proposals appear unrealistic.

SCP suggest the provision of a limited width footway within the highway verge. The restricted width of the highway and issues with the levels of land adjoining the highway mean that a footway cannot be provided as a continuous link on one side of the road. There are sections where the footway and pedestrians using it would be required to cross over to the opposing side and back again. An initial assessment of this proposal has been undertaken in conjunction with Streetscene and it has been determined that this would not be a viable solution.

The remaining alternative was previously identified as a proposal that the Developer funds a school bus service.

I note that this has been investigated and that in an email exchange between the LPA and Transportation.

The ITU Manager has confirmed that their policy limits the service that they can provide and that they are unable to accept funding for school travel from the Developer. Consequently, the transport arrangement would need to be a private arrangement and not funded and arranged by ITU

My understanding is that the Case Officer has determined that a request for the funding of a School Transport service as a private arrangement would be unlawful.

Para. 4.8 of the TA proposes a review of the extents of the 30mph (**now 20mph**) speed restriction on New Brighton road; the cost of such a review and amendment to the traffic order is £6k and this should be covered by the S106 agreement.

The provision of a "Village Gateway" traffic management feature (para 4.8) and the provision of pedestrian control of the traffic signals and improved pedestrian facilities around the A5119/New Brighton Road junction can be covered by condition and will be subject to a S278 highway agreement.

The TA promotes the use of public transport but facilities at local bus stops are generally inadequate with the absence of bus bay road markings, boarding kerbs and shelter. Provision/enhancement of facilities can be covered by the highway Section 278 agreement.

With the exception of the provision of limited width footpaths (linking to and parallel to New Brighton Road) which should be a minimum 3m wide and suitable for a combined cycle use, the proposed site layout and level of parking provision appear appropriate.

Subject to a Section 106 agreement to provide funding for the review of speed restrictions on New Brighton Road (£6k), Any recommends that any permission shall include the suggested highways conditions

Lifelong Learning:

Sychdyn, Ysgol Sychdyn

The contribution sought will be for a total of **£36,771.00**

Mynydd Isa, Argoed High School

It is the intention of Education & Youth not to seek a developer contribution.

Housing Strategy: 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 Mold and Buckley sub market area where 40% affordable housing is required on site.

In Flintshire, as at the 28/7/22, there were a total of 748 households registered and ready to apply for “Affordable” rental properties and a total 571 households registered and ready to apply for “Affordable” ownership properties (as per Local Authority prospectus December 2022).

Demand for “Social” housing has increased. As at the 26th October 2022 there were 2519 Applicants on the ‘Social’ housing waiting list, an increase from circa 2088 in July 2021 (as per Local Authority prospectus December 2022). In summary there is high demand for Social housing across Flintshire including New Brighton, Sychdyn and Mold & Mynydd Isa and this need is evidently increasing.

In relation to “Affordable” homes for rent or purchase there is generic demand across Flintshire. The greatest demand is for 2 and 3 bed houses circa 79% for rent and 90% for purchase.

As this is a development for the New Brighton area, the housing need information is also provided for the nearby communities where new residents are likely to come from. There is particularly high demand in Mold and Mynydd Isa which is within close proximity to New Brighton.

Public Rights of Way: Public Footpaths No. 121 crosses the site. The applicant must contact the Rights of Way Section before proceeding with any works. The legally defined public right of way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before design implementation. The surface of the rights of way must not be disturbed without lawful permission and development over the line of the public right of way must not commence until any necessary diversion or extinguishment has been lawfully authorized under the appropriate legislation

Ecology: Supports the use of native species and the planting of new hedgerows, trees shrubs and wildflower grasslands as proposed which if managed appropriately can provide habitat enhancement.

The layout of roads/paths rather than garden fences next to existing hedges which helps to retain them in good condition in the long term.

The proposed SUDs wetland would need to mitigate for the wetland that currently exists and provide for biodiversity enhancement in the long term. The wetland will also need to demonstrate that it is compatible for both drainage and biodiversity requirements.

Details regarding the long term management of the open space and SuDS needs to be conditioned. This management plan will need to distinguish between the management requirements for biodiversity, open space and drainage.

With regards to NRW comments, the north west corner and its management as a dedicated compensation area versus open space needs to be clarified.

Natural Resources Wales: The site is within the catchment of the River Dee and Bala lake Special Area of Conservation (SAC) The LPA will need to take the NRW advice into account in their determination of whether the development .

NRW advise that based on the information submitted to date, conditions regarding protected species (Great Crested Newt), biosecurity and land contamination should be attached to any planning permission granted and the document identified should be included in the approved plans and documents condition on the decision notice.

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.

Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information given.

CPAT: While there are currently no recorded archaeological sites on the Historic Environment Record the first edition OS mapping does indicate the presence of a former farm building known as Mynydd Bychan at the west end of the development area. The building is clearly older than the 1870's mapping, but we do not know how old or its original function. The building earthworks and associated enclosures and outbuilding lie within the area marked blue on the attached plan. According to the layout plan these remains would be destroyed by the development. Previous advice to seek a layout change to protect these remains have been ignored and archaeological excavation will now be required as a condition of consent.

We would therefore recommend a condition for archaeological excavation covering the area marked on the attached plan in accordance with Welsh Government guidance set out in Tan 24 (May 2017) and Planning Policy Wales

The Coal Authority: The site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach for a Coal Mining Risk Assessment to be submitted.

If this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice

Dwr Cymru/Welsh Water: Having regard to the proposed planning layout (SK296/NBM/PL50 Rev. E), it appears the proposed development would be situated outside the protection zone of the public sewers measured 3 metres either side of the centreline and therefore acceptable in principle.

A Hydraulic Modelling Assessment has been undertaken. A number of options for sewer network reinforcement have been provided, the implementation of one of these options would enable the development to connect into the public sewer network without causing any detriment to the local community or environment.

Requests that suggested Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

DCWW have confirmed that subject to the suggested conditions there is capacity to connect to the relevant WWTW. The WWTW has a valid phosphate license.

Ramblers Association: Are of the opinion that although some amendments have been made, this proposal does not provide adequate Active Travel provision and therefore does not overcome the Ramblers Association objections in principle.

4.00 PUBLICITY

4.01 202 Neighbour Notifications were sent to adjoining/nearby properties. A Site Notice was also displayed and the application was advertised by way of a Press Notice in a local newspaper.

47 objections have been received which can be summarised as follows:

- Lack of local infrastructure
- Flooding issues on site historically/Surface water drainage issues
- Inadequacy of foulwater drainage
- Road safety issues
- Lack of consideration of Active Travel/Car dependant site
- Loss of privacy for neighbouring dwellings
- Loss of habitat
- Scale and character of proposed dwellings out of character with locality
- Density of site in comparison with neighbouring development
- Overdevelopment of New Brighton
- Noise and Disruption

5.00 SITE HISTORY

5.01 060220 - Residential Development for the Erection Of 92 Dwellings Including The Provision Of Affordable Units, Areas Of Public Open Space, Landscaping And Associated Works- Refused 30th October 2020 Appeal dismissed 02nd February 2021

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

- Policy STR1: Strategic Growth
- 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 & Infrastructure
- 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 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 EN1: Sports, Recreation and Cultural Facilities
- Policy EN2: Green Infrastructure
- Policy EN6: Sites of Biodiversity Importance
- Policy EN7: Development Affecting Trees Woodlands and Hedgerows
- Policy EN15: Water Resources

Future Wales- The National Plan 2040
 Planning Policy Wales 11

7.00 PLANNING APPRAISAL

- 7.01 Proposal
 This is a full application for 84 dwellings at land south of New Brighton road, New Brighton
- 7.02 Site
 The site represents 3.6ha of greenfield land on the edge of the settlement of New Brighton, within the settlement boundary in the adopted LDP. The site is designated as Housing allocation HN1-10.
- 7.03
 The site abuts the built fringe of New Brighton and is surrounded by existing housing on its southern and Western boundaries. To the east of the site is the Beaufort Park Hotel, the north opens up to farmland. The site itself is mainly open grassland with hedge boundaries and a number of trees, located within the hedge lines of the site.
- 7.04 Principle
 New Brighton is defined by policy STR2 as a Tier 3 Sustainable Settlement which will be the locations for housing development related to the scale, character and role of the settlement. The site

is identified in policy HN1-1 as a housing allocation and is within the settlement boundary which establishes the principle of residential development. The site is well defined by built development to the west, south and east and by New Brighton Road to the north.. In addition to having services and facilities within the settlement, it also sits between and in close proximity to the settlements of Mold, Buckley and Mynydd Isa with easy access to the facilities that these higher order settlements provide.

7.05 It is considered that the principle of this development is acceptable, and in accordance with the relevant policies in the Flintshire Local Development Plan.

7.06 Main Issues

As discussed above it is considered that the principle of development in this location has been accepted as well as a range of detailed matters that have already been dealt with by committee and the PEDW appeal Inspector. I therefore consider that the main issues that remain are:

- Ecology and the impact of the development upon protected species
- safe highway access to the site
- safe routes to schools.

7.07 Ecology

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

7.08 Natural Resources Wales (NRW) considered in their initial comments that the proposal has the potential to cause disturbance to GCN and/or loss or damage to their resting places. In addition to the legal protection afforded to GCN, their presence is a material planning consideration under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5). The provisions of TAN5 advise that surveys and assessments are submitted to enable the local planning authority to undertake an informed assessment on the predicted impacts of a proposed development scheme on a European Protected Species (EPS).

7.09 Great crested newt surveys to inform the previous planning application included undertaking eDNA samples of Pond 1,

approximately 249m north west of the site, in 2018 and 2019 (both were negative results), undertaking a precautionary Habitat Suitability Index (HSI) assessment of Pond 2, approximately 70m north of the site where there was no access and reviewing existing data records. Reptile surveys using artificial refugia (which are also used for terrestrial amphibian surveys) were also undertaken during September 2018 and during May and June 2021. 1.5 eDNA samples from Pond 1 returned negative results on two occasions, however, access to sample this pond in 2021 was refused. Pond 1 has, however, been sampled twice in recent years and is on the outer limit of the 250m buffer zone around the site, therefore refusal of access in 2021 is not considered a significant constraint to the assessment. Access to a second pond (Pond 2), approximately 70m north of the site boundary was refused throughout. No further ponds were identified within 250m of the site

- 7.10 Although access to the second pond has not been possible the remote study carried out to assess its suitability for use by GCNs is considered, as it was by the Planning Inspector in the appeal on the previous refusal, to be acceptable. That study concluded that the second pond was unlikely to provide a suitable habitat. A study has also been carried out on the site itself and found no evidence of GCNs on the site. This study is considered to be reasonable and adequate and I have no reason to come to a different view than the appeal Inspector on this issue.
- 7.11 NRW have confirmed that they consider that the proposal is satisfactory for the purpose of demonstrating no likely detriment to the maintenance of the favourable conservation status of a component of a small population of GCN.
- 7.12 NRW have requested that a Conservation Plan which details reasonable avoidance measures, long term management, contingency if more than 5 GCN are captured within the site, timings of works and an associated compliance audit is conditioned. They have also requested a section 106 agreement in respect of the ownership and management of the defined Ecology Area/dedicated compensation area in the north west corner. I have included both of these requests as part of the recommendation.
- 7.13 The trees on site were assessed for Bat Roost Features (BRF) and those with low moderate or high potential were further assessed by aerial and endoscope surveys. Dawn and dusk surveys were undertaken of those trees with moderate -high potential during June and July 2021.
- 7.14 No bat roosts were recorded within trees but 40+ commuting Common Pipistrelles were recorded along the central tree line, indicative of a roost within the locality. Soprano pipistrelles, Myotis sp and Noctules were also recorded foraging in this tree line.

- 7.15 The planning layout shows the loss of two trees with bat roost potential within the site, namely Trees 6 and 7 which have been assessed as having high and low bat roost potential respectively. No bat roosts were observed during the emergence/re-entry surveys, but precautionary measures will be adopted during felling or pruning works with further surveys as required.
- 7.16 The submitted report also recommends that the central tree line is retained due to the large number of bats commuting along this feature. However, since the northern end of this tree line will be removed, the recommendation is instead for large specimens to be planted at the earliest opportunity to maintain connectivity between the north and south boundaries. This will need to be highlighted on the landscape plans upon submission of this detail to discharge the relevant landscape conditions.
- 7.17 As this area is used for commuting bats a sensitive lighting scheme which takes account of this will be required in order to safeguard this protected species and their commuting across the site, and this can be conditioned.
- 7.18 The use of native species and the planting of new hedgerows, trees shrubs and wildflower grasslands as proposed is welcomed, and if managed appropriately can provide habitat enhancement. A scheme of Biodiversity enhancement will be required through condition to ensure compliance with LDP policy STR13.
- 7.19 Highways
The proposed internal highways layout of the scheme has been subject to consultation with Highways Development Control and there are no concerns raised with the estate layout as proposed, or the parking provision provided by the development, which accords with relevant maximum standards across the site. A number of highways specific conditions have been suggested.
- 7.20 The submitted Transport Assessment shows through empirical evidence that the impact of the traffic arising from the scheme has been tested in detail at the site access and the A5119 / New Brighton Road / Bryn Lane Signalised Junction. The assessments show that there is sufficient spare capacity to accommodate the proposed development.
- 7.21 The Transport Assessment proposes a review of the extents of the current 20MPH speed restriction on New Brighton road; the cost of such a review and amendment to the traffic order will be covered by the S106 agreement. The provision of a "Village Gateway" traffic management feature, which will make it clear to drivers that they are approaching a more built up area, and the provision of pedestrian control of the traffic signals and improved pedestrian

facilities around the A5119/New Brighton Road junction can be covered by condition and will be subject to a S278 highway agreement.

- 7.22 The Transport Assessment promotes the use of public transport but current facilities at local bus stops are generally considered inadequate with the absence of bus bay road markings, boarding kerbs and shelters. The enhancement of these facilities can be covered by the highway Section 278 agreement and represent a planning gain to the local community as a result of this development.
- 7.23 It is considered that the internal highways arrangement, as well as the proposed accesses and any resultant traffic impact onto the existing highways network, is acceptable and accord with policies STR5 and PC5 of the Flintshire LDP. The proposed enhancement of the current A5119/new Brighton Road junction, and bus stop also represents a wider benefit and complies with the objectives of the LDP policies.
- 7.24 Safe Route to Schools
A significant amount of concern has been raised locally from third parties given the close proximity of the crossroad junction, as well as existing traffic on the road networks. The New Brighton road to Sychdyn, which the access to the development opens onto, has previously been considered hazardous by a Streetscene assessment of potential Safe Routes to School. This is of particular concern when it has been assessed by Education that Sychdyn Primary school is the closest, most affected school, for purposes of planning obligations for Developer contributions to education.
- 7.25 It should be noted, however, that Mynydd Isa school, soon to be replaced by the combined 3-16 school in Bryn Y Baal, can be considered to be more conveniently linked to the site than Sychdyn as there is a continuous footway to each of these schools, and the new school, and this footway is alongside a 20mph road with street lighting. A pedestrian crossing is proposed at the New Brighton Road junction with the A5119 as part of the development proposals, which will further improve the route to Mynydd Isa. There is an existing pedestrian crossing on Bryn Road adjacent to the new school site.
- 7.26 The assessment of distance from the site entrance to the relevant schools shows a negligible increase in distance from the development site to the Mynydd isa schools compared to Sychdyn Primary School . The new Bryn Y Baal 3-16 school is approximately the same distance from the site as Sychdyn School.
- 7.27 Supplementary planning guidance 23 uses the term “*nearest suitable school*”, and there are arguments in favour of adopting both

of the alternatives as the preferred option. It is also relevant that parental choice exists and there is a possibility that children living on the site may enrol at Sychdyn. It should be noted that the existing school transport policy requires that the Local Authority determine whether the provision of transport for pupils of statutory school age is necessary to facilitate the attendance at a designated school of the pupil concerned. If such transport is deemed necessary, then the transport must be provided free of charge. This policy further states, as one of its provisions, that where the route to school is considered to be hazardous by the LA in consultation with the Environment Directorate then that child, if of compulsory school age, will be eligible for free school transport. As such there is existing provision, and a legal duty for the Local Authority to cater for this.

7.28 The applicant has explored various options to help to alleviate the issues with the Sychdyn route, namely:

- Provide a footway alongside New Brighton Road over the 700m distance from the western edge of the development site to the nearest existing footway in Sychdyn.
- Provide improved linkage to the existing public footpath route which passes from New Brighton Road to Wat's Dyke Way in Sychdyn.
- Provide the funding for a school bus to link the development site to Sychdyn School.

7.29 In assessing the proposal it has been shown that none of the above options are feasible or implementable. The footpath route amendments are either not possible due to highway widths and third party ownership issues and School Transport are not able to manage a dedicated school bus link as the existing school transport policy, as mentioned above, exists. Obtaining planning contributions to cover this would not be a lawful request under the CIL regulations as it is not necessary due to the existing policy.

7.30 It is considered that this matter has been robustly investigated and whilst there is a very real perception of an issue there are existing solutions, namely choosing to attend an equally local school for which a safe route exists, or applying for school transport under the existing policy. The issue of the hazardous route to school is a pre-existing one and one not created by or exacerbated by the development.

7.31 Impact upon local character
There is a mixture of house types in the immediate vicinity of the site, of different periods and styles. The development proposes largely 2 storey detached and semidetached dwellings faced in brick with grey tile roofs. Brick is the predominant finish in the

vicinity and I consider this to be acceptable for this location. Roof heights are consistent throughout the development, although there is some slight variety, which helps to break up the visual impact of the Streetscene.

- 7.32 The development provides a mix of house types and sizes within the scheme, with mews type, 3, 4 and 5 bed dwellings mixed within the proposal. The layout ensures that adequate interface distances and amenity space, according with the Councils SPGN2: Space Around Dwellings, are provided between the proposed dwellings.
- 7.33 There is a 15 unit 3-storey apartment block centrally located on the site, to the west of the SUDs feature/incidental POS. This block has been located to ensure that there is no overlooking from either its front or rear elevations, which are the elevations upon which windows are situated, with the gable ends left blank. By utilising a hipped roof design the block is not unduly large in comparison to the houses it sits alongside, nor will it negatively impinge on neighbouring dwellings through either overshadowing or overlooking.
- 7.34 Some objections have mentioned this three storey building and opined that there are no buildings of a comparable scale in the vicinity. As mentioned above it is not considered that the building is unacceptably tall or bulky. Given its central location on the site it has been designed to sit alongside neighbouring two storey dwellings and will be viewed within the context of the wider site. The fact that there are no other three storey buildings in the vicinity should not preclude the consideration of such a building. The reduction in height of the building would result in the loss of up to five affordable units being delivered on the site.
- 7.35 The site is relatively flat and has been laid out to minimise any direct impacts upon existing dwellings located on the site periphery. The trees and hedge located on the western site boundary, alongside Argoed avenue, is to be retained, and dwellings in this area are either facing away from the Argoed avenue dwellings, retaining an adequate interface to ensure that there would be no concerns over a loss of privacy, or gable on to the road. The existing screening protects the existing dwellings from any detrimental impact arising from the development.
- 7.36 The existing development at Cae Issa either backs onto the existing SUDs area, with only the gable of one dwelling close to the existing houses, and I do not consider that the proposed development would adversely impact upon these dwellings.
- 7.37 The area of development site that adjoins the rear boundaries of dwellings on the A5119 Mold road has a footpath and area of informal Public Open Space as a buffer between this area and

proposed dwellings. Again I have no concerns regarding the location of the new development and existing residential amenity.

7.38 The proposal is for 90 dwellings upon a site with a developable area of 2.56 hectare. This equates to a density of approximately 35 dwellings per hectare. This is considered to be appropriate to the location.

7.39 **Drainage and Phosphates**

It is intended to connect the development to the public sewerage system. Dwr Cymru Welsh Water have confirmed that sufficient capacity exists at the relevant wastewater treatment works to cater for the development. A Hydraulic modelling assessment was undertaken on this site and subject to the findings of this assessment and agreements between the developer and the statutory undertaker it is considered that there exists capacity in the system to cater for this development.

7.40 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 phosphate 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 within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. NRW have also issued Planning Advice (August 2023) which gives specific advice in respect of foul drainage arrangements for new developments

7.41 There are no designated sites but the application site is close to the River Alyn a tributary of the River Dee designated as an SSSI and SAC primarily for migratory fish but also otter. While it is not directly affected, all developments now need to consider phosphate pathways and a potential increase in levels within the River Dee Special Areas of Conservation (SAC) to ensure there are no impacts.

7.42 Welsh Water have confirmed that there are no capacity issues and that the waste water treatment works has a valid phosphate permit. The foulwater flows deriving from this development would be capable of being treated within the phosphate permit conditions as sufficient headroom exists.. In accordance with the NRW advice a Test of Likely Significance has been undertaken on this site.

7.43 It is considered that No Likely Significant Effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of additional phosphorus or pathway for

impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice, where points 1 and 3 apply:

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or
- the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional wastewater generated in consequence of the proposed development will remain within the revised permit limits and
- that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

7.44 As such, it is considered that the proposal is considered to be in accordance with policy EN15 in the Flintshire Local Development Plan.

Planning Obligations

7.45 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'.

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

Education

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

Primary School: Sychdyn, Ysgol Sychdyn

- The required Section 106 contribution would be £36,771.00
- The contribution would be spent on Accommodation Improvements.

7.49 As discussed in the report in the section regarding the safe route to schools both Ysgol Sychdyn and the schools in Mynydd isa/Bryn Y Baal are considered to be affected by the development. As such when considering schools for the purpose of possible developer contributions in accordance with SPGN23 it is considered that Ysgol Sychdyn adheres to the relevant criteria set out in that guidance.

7.50 It is considered that the education contributions would meet the regulation 122 tests. Ysgol Sychdyn does not appear to have received more than 5 contributions and therefore the limitations of regulation 123 does not apply.

Public Open Space

7.51 In accordance with policy EN1 of the Flintshire Local Development Plan All new residential developments will be required to include provision for public open space or sports and recreational facilities in accordance with the Council's adopted standard of 2.4 Hectares per 1,000 population and be well related to the development it is intended to serve. In accordance with the advice within the Local Planning Guidance Note 13: Open Space Requirements, it would be expected that a development of the size of the proposal would provide onsite provision.

7.52 The proposal provides approximately 6044 m² of onsite public open space provision in the form of a children's play area to the west and a landscaped area on the northern portion of the site and along the southern boundary. The areas to the west and north of the site, which also contains the LEAP (Local Equipped Area for Play) play area in the western portion meets the required 56m² per dwelling open area as required in the planning guidance. The additional 1294m² of space around the SUDs pond to the south of the site is, in effect, additional landscaped amenity space. This will compensate for any area taken up by the GCN compensation area (approximately 1550 square metres).

- 7.53 The LEAP (Local Equipped Area for Play) play area will be required to provide a range of age specific play items which conform to the latest BS/EN 1176 AND BS/EN 1177 standards for play equipment and safer surfacing. Details of its ongoing management and maintenance, can be secured and controlled through a legal agreement.
- 7.54 It is considered that subject to this condition and planning obligation the proposal is in accordance with policy EN1 of the Flintshire Local Development Plan.
- Affordable dwellings
- 7.55 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 Mold and Buckley sub market area where 40% (34) affordable housing is required on site. The application is for 90 dwellings, and proposes 36 affordable dwelling units across the site.
- 7.56 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.
- 7.57 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 General needs homes.
- 7.58 In Flintshire, as at the 28/7/22, there were a total of 748 households registered and ready to apply for “Affordable” rental properties and a total 571 households registered and ready to apply for “Affordable” ownership properties (as per Local Authority prospectus December 2022).
- 7.59 Demand for “Social” housing has increased. As at the 26th of October 2022 there were 2519 Applicants on the ‘Social’ housing waiting list, an increase from circa 2088 in July 2021 (as per Local Authority prospectus December 2022). In summary there is high demand for Social housing across Flintshire including in New Brighton and Mold & Mynydd Isa and this need is evidently increasing.
- 7.60 In addition as per the Local Authority Housing Prospectus dated December 2022 the generic demand for 1 bedroom (57%) and 2 bedroom (27%) properties comprises 84% of households on the Social housing register.
- 7.61 This compares with the Affordable register where 2 & 3 bedroom properties, particularly houses are most in demand for both

intermediate rent circa 79% and low cost home ownership circa 90% (as at 21.3.23).

- 7.62 It is clear, therefore, that there is a housing need which this development will help to address. The tenure mix will be agreed as part of the Section 106 legal agreement. This agreement will also ensure that the affordable units will be retained as being affordable dwellings in perpetuity. As such it can be concluded that the proposal is in accordance with policy HN3 of the Flintshire Local Development Plan.
- 7.63 Green Infrastructure
The Minister for Climate Change, in their letter to Chief Planning Officers dated 11th October 2023 highlighted the essential role that the planning system must play in meeting the challenges laid down by the Global Biodiversity Framework agreed at COP15, the Biodiversity Deep Dive recommendations developed in response to this and in continuing to fulfil the Section 6 duty to maintain and enhance biodiversity and the resilience of ecosystems in Wales.
- 7.64 In advance of an updated Planning Policy Wales (PPW) Chapter 6 of PPW11 has been amended with regards to green infrastructure, net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands.
- 7.65 The master planning exercises carried out on the site considered its place within the green infrastructure network and informed its final design, including the layout and location of public open space, the size and placement of private amenity garden areas, landscaping, ecological concerns and other such matters.
- 7.66 It is considered that the proposal proportionally meets the identified requirements in its consideration of ecological and biodiversity issues, as well as landscaping and planting proposals and net biodiversity gain, as identified in the report above and will be secured by the conditions recommended. The proposal is considered to be in accordance with LDP policies STR13 and EN2.
- 7.67 Other Matters
The site lies within 3 KM of a number of designated heritage assets, including scheduled monuments and registered parks and gardens. CADW have confirmed that intervening topography, buildings and vegetation ensure that the proposed development will not impact any of these assets. A Heritage assessment was commissioned by the developer to consider the impact of the development upon Wats Dyke, which is the closest Scheduled Ancient Monument to the site. On the basis of this submitted information CADW have confirmed that it is not considered that the development would impact upon the SAM itself or its setting, and as such they have no objection to the proposal.

- 7.68 Clwyd Powys Archaeological Trust have noted that whilst there are no recorded archaeological sites on the development site, first edition OS mapping does indicate the presence of a former farm building known as 'Mynydd Bychan' at the western end of the site. As the likely location of any remains are overlaid by the proposed development CPAT t have requested that a condition is imposed to require a scheme of archaeological investigation and excavation to be carried out prior to development, as a condition of any permission granted. I do not consider that it would be reasonable to require the land to be excluded from being developed, but I consider that should planning permission be granted, it would be reasonable and necessary to impose the archaeological condition.
- 7.69 Some concerns have been raised over the possible loss of ancient and important hedgerows, which currently exist on the site perimeters, given the proximity of some of the proposed elements of the development to the hedges. It should be noted that no substantial hedgerow removal is proposed by the development. The protection of these existing hedgerows can be secured by condition.
- 7.70 In accordance with the principles of Active Travel, and with policy PC6 the proposal introduces enhanced pedestrian access across the site, which improves the route of access from Mold road and New Brighton road. It utilises the existing public right of way as an integral part of the design and layout of the development. As such, and notwithstanding objections received which questions the development from the standpoint of active travel, it is considered that the proposal would accord with policy PC6.

8.00 CONCLUSION

The site is an allocated housing site in the LDP. The sustainable nature of the development and its location, that would also provide the full complement of affordable housing in accordance with the relevant policy requirement, suggest that the development is acceptable in principle.

Problems with the development of this site previously identified have now been overcome and as such it is recommended that the application is approved subject to the commuted sums and conditions outlined 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.

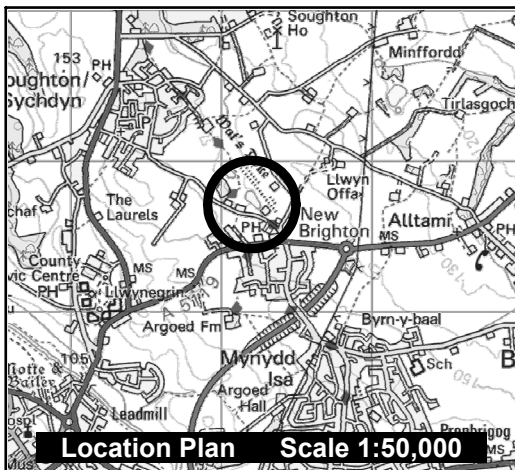
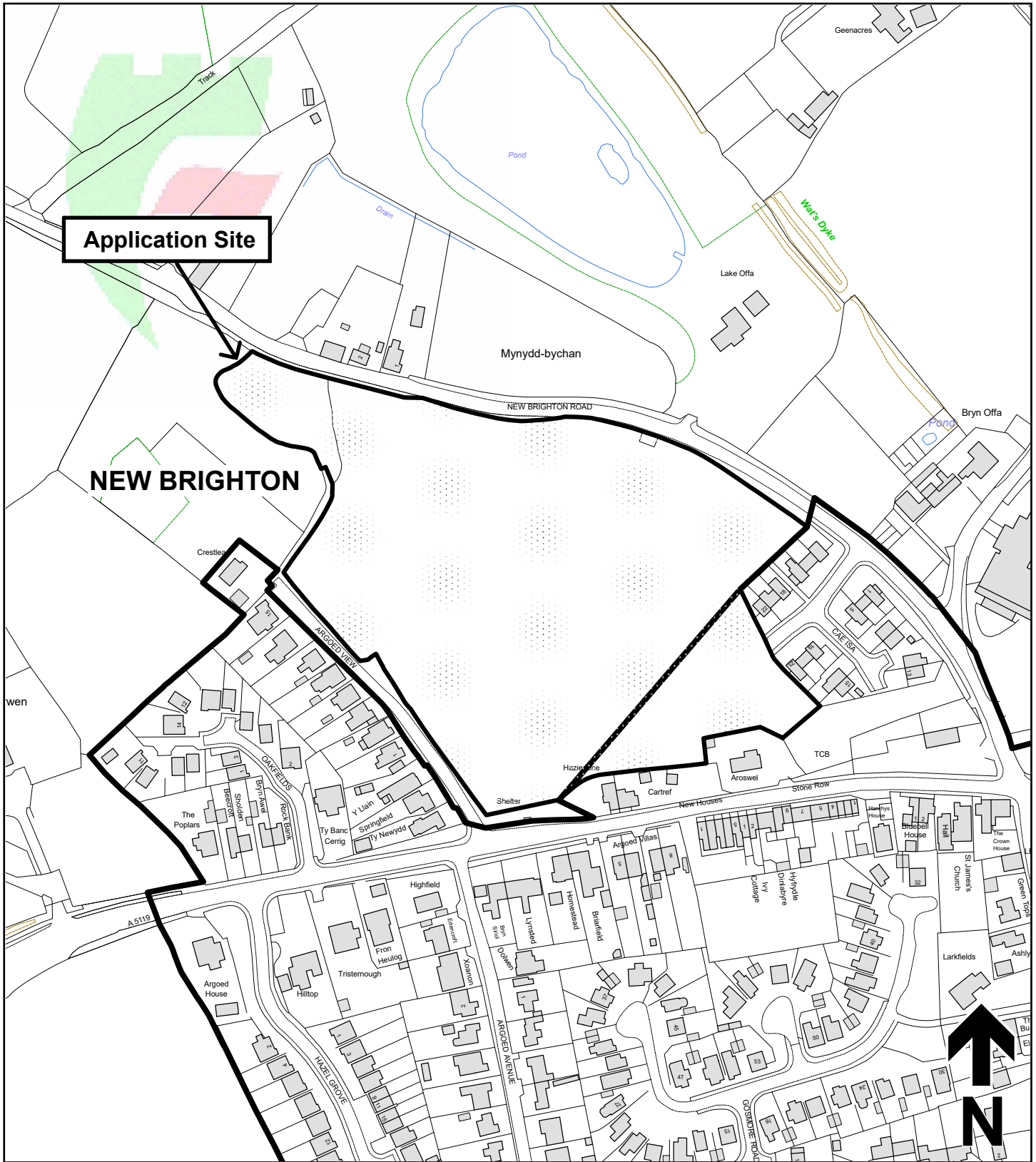
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

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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: SJ 2565

Application: 063507

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **22nd NOVEMBER 2023**

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

SUBJECT: **FULL APPLICATION-**

APPLICATION NUMBER: **FUL/000523/23**

APPLICANT: **GOWER HOMES LTD**

SITE: **LAND AT "FOXFIELD", FAGL LANE, HOPE, WREXHAM, FLINTSHIRE**

APPLICATION VALID DATE: **1st JUNE 2023**

LOCAL MEMBERS: **COUNCILLOR G HEALEY**

TOWN/COMMUNITY COUNCIL: **HOPE COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the part demolition of existing dwelling and residential development comprising of 7 detached dwellings and associated roads and drainage works at "Foxfield", Fagl Lane, Hope, Wrexham, Flintshire

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

2.01 Section 106

The conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:

- Primary School Contributions- Contribution required would be £12,257.00 towards improvements to Ysgol Estyn
- Secondary School Contributions- Contribution required would be £18,469 towards improvements to Castell Allun High School
- Public Open Space Contributions- £1,100 per unit towards the Willow Play Area

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
 - Location plan
 - Topographical Survey
 - Arboricultural Impact Assessment
 - Ecology report
 - Ecology Update Letter
 - Demolition risk Assessment
 - Proposed Highways Layout and Setting Out
 - Swept Path Analysis Turning Head
 - Highways Construction Details
 - Drainage Statement
 - Drainage Strategy plan
 - Drainage Strategy detail 1 of 4
 - Drainage Strategy detail 2 of 4
 - Drainage Strategy detail 3 of 4
 - Drainage Strategy detail 4 of 4
 - Site plan (incorporating FFLs)
 - House Type Harlech
 - House Type Pulford
 - House Type Powis
 - House Type Montgomery
 - House Type Whittington
 - Garages
 - Design and Access Statement
 - Materials Detail
3. 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.

4. 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.
5. 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.
6. The forming and construction of the means of site access shall not commence unless and until the detailed design thereof has been submitted to and approved by the County Council.
7. The proposed access 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 significant obstruction to visibility.
8. 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.
9. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with the submitted scheme, such facilities being completed prior to the proposed development being brought into use.
10. The 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 by the County Council prior to the commencement of any site works.
11. 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.
12. Positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
13. 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 (see attached note)

14. Notwithstanding the details hereby approved, prior to commencement of development a scheme of bird and bat boxes to be installed within the site shall be submitted and approved in writing by the LPA. The approved details shall be incorporated into the development in accordance with these details.
15. Prior to the commencement of development, including any demolition work, a scheme of Reasonable Avoidance Measures for Bats and nesting birds shall be submitted to and approved by the LPA. Henceforth all development shall be carried out in accordance with these approved details.
16. 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 G Healey:** There is a fair level of public interest in this development and I would like to call it into committee

Hope Community Council: Objections summarised as follows:

1. Backland Development
2. Overdevelopment of site
3. Out of keeping with locality and pattern of development
4. Loss of privacy and noise disturbance
5. Flood risk
6. Ecology
7. Highways and Pedestrian safety
8. Impact upon schools and medical practices
9. Impact upon wastewater and sewerage systems.

Highways Development Control: Highways conditions suggested

Community and Business Protection: No adverse comments to make

Welsh Water/Dwr Cymru: Request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets. Dwr Cymru have confirmed that the site is served by a Wastewater treatment works which has

sufficient capacity to cater for the development and has a valid Phosphate stripping license.

Natural Resources Wales: Identifies that site lies within the within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). NRW also request that the Protected Species Survey is included within the list of approved documents. Without the inclusion of this document, they would object to this planning application.

4.00 PUBLICITY

- 4.01 14 Neighbour Notifications were sent to adjoining/nearby properties and a Site Notice was displayed at the site.

Two objections have been received which can be summarised as follows:

1. Traffic Impact
2. Lack of local facilities
3. Beyond established building line
4. Impact upon cemetery
5. Phosphates issue
6. Surface water problems
7. Overdevelopment/out of character of locality
8. Impact upon neighbouring property

5.00 SITE HISTORY

- 5.01 063335- Full application- Part demolition of existing dwelling and residential development comprising of 7 detached dwellings and associated roads and drainage works- Refused 26/20/22

018029- Outline application for residential development- Refused 24/8/89 Appeal Dismissed 27/2/90

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 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 EN2: Green Infrastructure
Policy EN4: Landscape Character
Policy EN15: Water Resources
Policy EN17: Development of Unstable Land

7.00 PLANNING APPRAISAL

7.01 Proposed Development

This is a Full application for the Part demolition of existing dwelling and residential development comprising of 7 detached dwellings and associated roads and drainage works at "Foxfield", Fagl Lane, Hope, Wrexham, Flintshire

7.02 This application follows a previous refusal , reference 063335, on October 26th 2022. That application was refused on the single issue that it was considered it had not been demonstrated that the proposed development would not lead to an increase in phosphate levels in the River Dee and Bala Lake Special Area of Conservation ('the SAC'), a European protected site. Whilst all aspects of the proposal were otherwise acceptable, the position at the time with a lack of identifiable mitigation for phosphates caused an Inspector from PEDW to refuse the subsequent appeal for the same single reason. Since the Committee and an Inspector came to their respective decisions relating solely to a lack of identifiable phosphate mitigation, there has been a significant material change in circumstances on this issue since the refusal and subsequent appeal, which is explained below.

7.03 Site Description

The application site is Foxfield, Fagl Lane, Hope. This site is within the settlement boundary for Hope in the Flintshire Local Development Plan. The site is currently the garden area for the property known as ;Foxfield' which is located centrally on the site. To the east of the site is a Cemetery.

7.04 The Main Issues

Notwithstanding that when this application was previously considered all matters apart from phosphates were found to be acceptable, the main issues are considered to be:

- The principle of development
- Impact of the development on the character and appearance of the area
- Drainage and phosphates

- Access and highways issues
- Ecological issues

Principle of Development

7.05

The application site lies within the settlement boundary of Hope in the Flintshire Local Development Plan. Hope is a Tier 2 Local Service Centre in LDP policy STR2 and there is a presumption in favour of residential development in these settlements. In principle this is considered to be an acceptable windfall development on a previously developed site, in an appropriate and sustainable location for this form of development.

7.06

The proposal is considered to accord with policies STR2 and PC1 in the Flintshire Local Development Plan, and as such it is considered that the principle of development is acceptable.

Impact upon the character and appearance of the area

7.07

The development is arranged in fairly linear patterns, with 7 additional dwellings, and the existing dwelling 'Foxfield' arranged around a central access road which culminates in a hammer head at its south western end. Two dwellings are located facing the access road at this south western end of the site, one dwelling is located to the north of the access road, and the remaining 5 (Including the existing dwelling) are located to the south of the access road. Due to this orientation the majority of the new dwellings are located away from existing housing.

7.08

Further to discussions held with the Case Officer following the initial submission of the scheme the proposal has been redesigned with the deletion of one of the proposed dwellings and a site redesign to ensure that the new dwellings have sufficient garden depths and are sensitive to perceived overlooking of the adjacent cemetery site. The dwellings that back onto this facility are located at a slightly lower level to the cemetery, however, as a result of the required 11 metre garden depths being met and retention of the existing boundary screening I do not consider that they will unacceptably impact users of the cemetery by being overly intrusive. The Appeal Inspector noted that the site's relationship with the cemetery would be similar to that seen in other residential settings and there is no evidence that future residents would be likely to create unacceptable noise or disturbance to cemetery visitors.

7.09

It is noted that the local Council have objected to the proposal partly on the basis of a potential loss of privacy, however there is no direct overlooking from any of the proposed dwellings onto existing

neighbouring properties and it is not considered that the proposal would result in a loss of privacy for neighbouring properties.

7.10 The proposed house types are detached, and of brick and tile construction. The existing housing in the locality is mixed although whilst there are some other house types including single storey dwellings the types of housing that is typically found in close proximity to the application site tends to be detached and either of a brick or rendered finish. The proposed dwellings are similar in style to those constructed on Tudor Close, across Fagl Lane from the application site. I consider them to be appropriate for use in this location.

7.11 Submitted floor levels for the proposed dwellings, the garages and the garden areas are appropriate for the locality and follow the existing landform and the relative floor levels for neighbouring development. This will ensure that the development integrates into the street scene and prevailing pattern of development.

7.12 Phosphates and drainage

Following a wastewater pre-development enquiry with Welsh Water, the applicant is proposing to discharge into the public foul sewer network in Fagl Lane approximately 200m west of the site boundary. The levels do not allow for a gravity connection from the site so a foul pumping station will be required within the development proposals. This pumping station is located to the front of the site.

7.13 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 phosphate 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 within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. NRW have also issued Planning Advice (August 2023) which gives specific advice in respect of foul drainage arrangements for new developments

7.14 There are no designated sites in proximity to the application site, but the application site is close to the River Alyn a tributary of the River Dee designated as an SSSI and SAC, designated primarily for migratory fish but also otter. While it is not directly affected, all developments now need to consider phosphate pathways and a potential increase in levels within the River Dee Special Areas of Conservation (SAC) to ensure there are no impacts.

7.15 The previous application was refused solely on the basis of uncertainty over the phosphates issues, and this sole reason was

upheld on appeal. Since that time a significant change has occurred where the phosphate permits for affected waste water treatment works in Flintshire that include Hope, have been updated and re-issued by Natural Resources Wales, and can now be relied upon in making an assessment of the site's impact on the SAC.

7.16 Following the review of the Hope WWTW permit, Welsh Water have confirmed that there are no capacity issues at the waste water treatment works as it has a valid phosphate permit and as a result there is headroom at the treatment works to treat the additional phosphate that would be derived from the proposed development. In accordance with the NRW advice referred to earlier, a Test of Likely Significance has been undertaken on this site.

7.17 It is considered that no likely significant effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of additional phosphorus or pathway for impacts (given that the treatment works can process the phosphates). The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice (both points 1 and 3 apply):

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or
- the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional wastewater generated in consequence of the proposed development will remain within the revised permit limits and
- that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

7.18 As such, it is considered that the proposal is in accordance with policy EN15 in the Flintshire Local Development Plan.

7.19 Access and Highways

The site is located on Fagl Lane, a classified highway. As such it is a road designed to carry significant volumes of traffic. It is not considered that a development of this scale will unacceptably impact upon highways safety. Highways Development Control have raised no objection to the proposal, and requested conditions should planning permission be agreed to ensure that the internal road and

access point are constructed to appropriate standards. This has been their consistent position since the previous application.

7.20 Ecology

The site consists of modern, well-maintained buildings and garden, predominantly mown grass with shrubs and occasional trees and a mature hedgerow next to the cemetery. There are no designated sites adjacent to the site but it is within 300m of the River Alyn with farmland with trees and tall hedgerows in between and just over 300m to GCN ponds in the north.

7.21 The presence of trees and open water within the locality increases the chance of a bats roost being present but the buildings to be demolished are single storey, well maintained with low potential for roosting bats. Bat emergence surveys were undertaken in Aug & Sept 2021 and show that 1 Common Pipistrelle emerged from small gap in SW facing gable of garage on both visits. Mitigation proposed is acceptable, namely reasonable avoidance measures and bat boxes to be built into new houses. The proposed bat boxes should be incorporated into the design plans to guarantee installation.

7.22 The shrubs and trees and particularly the boundary hedge also have potential for nesting birds and the proximity to known GCN sites means there is potential for GCN to be present on site so appropriate reasonable avoidance measures for GCN during site clearance would be required.

7.23 Biodiversity enhancements in line with WG policy would need to be incorporated into the new buildings, for example bat and bird boxes, and a condition requiring this detail is suggested. Other details such as species proposed for hedges and ornamental shrubs can be included on the landscape plan and can also be conditioned.

7.24 It is considered that from an ecological point of view the proposal is acceptable and in accordance with the relevant Local Development Plan policies.

7.25 Green Infrastructure

In advance of an updated Planning Policy Wales (PPW) Chapter 6 of PPW11 has been amended with regards to green infrastructure, net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. The Welsh Ministers have made this guidance operational with immediate effect.

7.26 It will be essential that the development appropriately engages with these matters and meets the policy requirements of the amended Chapter 6 of PPW11.

7.27 The application is well supported with regard to the approach to sensitively addressing ecological issues, including arboricultural concerns. The landscaping of the site will be controlled by condition but will ensure that the non-designated green infrastructure of the locality is appropriately treated.

7.28 It is considered that the proposal complies with the advice within PPW11 as well as policy EN2 in the LDP.

Planning Obligations

7.29 The infrastructure and monetary contributions that can be required from a planning application through a S106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.30 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.

7.31 Leisure services have advised that in accordance with Planning Guidance Note No.13 POS provision, the Council should be seeking an off-site contribution of £1,100.00 per dwelling in lieu of onsite Public Open Space.

7.32 The payment would be used to enhance toddler play facilities at The Willow Play Area, which is the closest play area to the site. Working with Planning Policy, they have confirm that the pooled contributions thresholds have not been exceeded with regards to The Willow Play Area. As such and in accordance with the CIL regulations the LPA can request these contributions through a legal agreement.

7.33 Education and Youth Services have confirmed that should planning permission be granted then they would be requesting developer contributions of £12,257 for Primary School contributions to Ysgol Estyn and £18,469 for Secondary school contributions to Castell Alun. It is similarly considered that these are valid requests in accordance with the CIL regulations.

The developer has submitted a Unilateral Undertaking to address these requests in support of the application. The requests have

7.34 previously been identified and agreed upon at the time of the previous application and planning appeal.

Other Matters

7.35 The Community Council have raised concerns over issues of flood risk. The site is not in a flood risk area, and the applicant will be required to obtain SAB approval with regards to the surface water drainage solutions on site. There are no flood concerns and the proposal is considered to be in accordance with LDP policy EN14: Flood Risk.

8.00 CONCLUSION

The proposal represents an acceptable windfall development within the settlement boundary of a sustainable settlement. There are no unacceptable impacts upon local amenity, ecology, or as a result of highways or drainage issues, as in the previous consideration of this application. The phosphates issue, which was the only previous impediment to issuing a positive decision in relation to this scheme has now been overcome. Accordingly, I recommend that the proposal is acceptable subject to the suggested conditions and legal agreement as outlined 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.

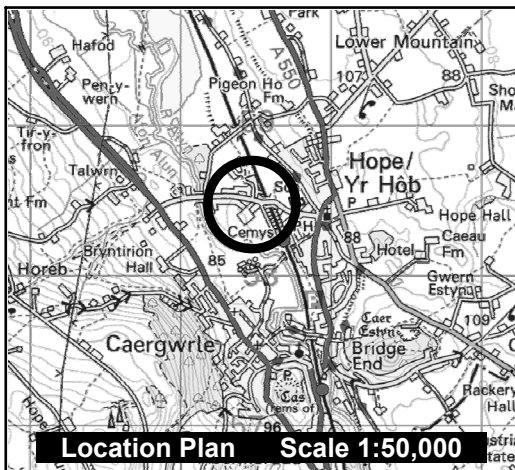
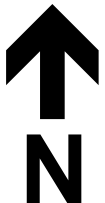
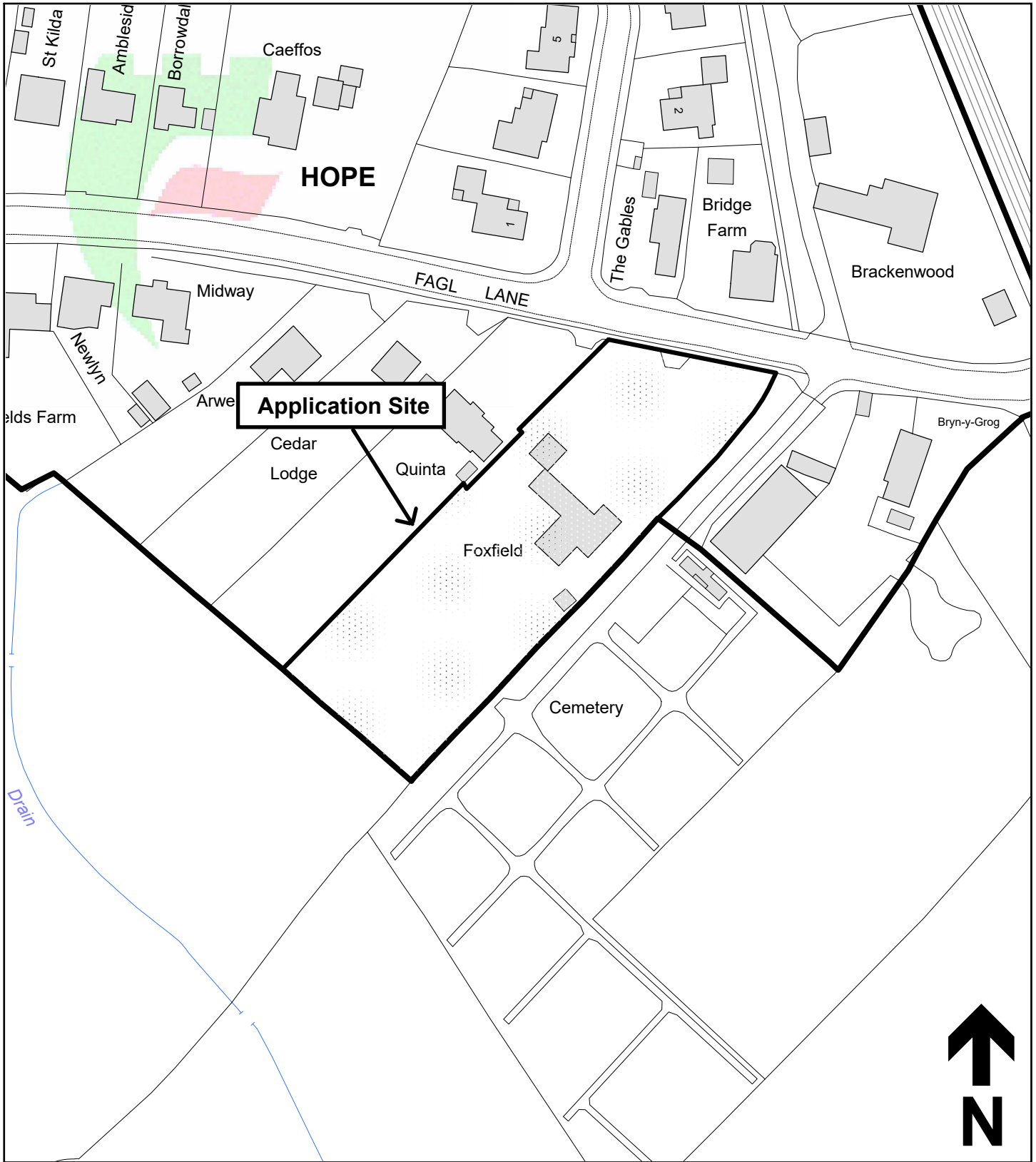
LIST OF BACKGROUND DOCUMENTS

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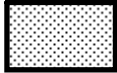

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Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

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

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Map Scale:	1:1250
OS Map:	SJ 3058
Application:	FUL/000523/22

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **22 NOVEMBER 2023**

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

SUBJECT: **ERECTION OF A 30M LATTICE TOWER
AND ANCILLARY WORKS**

APPLICATION NUMBER: **FUL/000813/22**

APPLICANT: **AP WIRELESS LIMITED**

SITE: **THE FORMER ROYAL BRITISH LEGION
BRIDGE STREET,
SHOTTON**

**APPLICATION
VALID DATE:** **10/1/23**

LOCAL MEMBER: **COUNCILLOR S BIBBY**

**TOWN/COMMUNITY
COUNCIL:** **SHOTTON TOWN COUNCIL**

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application seeks permission for the erection of a 30m lattice tower with associated equipment, on land at The Former Royal British Legion (now Groves Sports & Social Club), Bridge Street, Shotton.
- 1.02 The application is being reported to Planning Committee, as the height of the proposed telecommunications mast at 30m, exceeds the 15m that is allowed to be determined by officers under the scheme of delegation.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION, FOR THE FOLLOWING REASON

- 2.01 1. The proposed erection of a 30m telecommunications tower, whether viewed in isolation as a stand alone mast or in conjunction with the 3 No. existing telecommunications masts at this location, would have a detrimental impact on the character of the area and its surroundings. This is contrary to Technical Advice Note 19 – Telecommunications and Policies PC2.PC3 and PE15 of the Flintshire Local Development Plan.

3.00 CONSULTATIONS

- 3.01 **Local Member Councillor S Bibby:** No objection in principle, but would wish to seek assurances if granted, whether other masts would be removed.

Shotton Town Council: No objections

Highway Development Control: No objection and do not intend to make a recommendation on highway grounds.

Community and Business Protection: No adverse comments.

Natural Resources Wales: No objection

Airbus: No aerodrome safeguarding objection.

4.00 PUBLICITY

- 4.01 19 neighbour notifications were sent to nearby/adjoining properties. A site notice was also displayed at the site.

One letter of objection received from a competitor operator which can be summarised as follows:

- 1 APW do not control the existing infrastructure on site and existing operators have the ability under Permitted Development to replace existing infrastructure and relocate to a site in the wider locality.
- 2 The application is advanced on a purely speculative basis with no commitment from existing uses to relocate onto the proposed new mast.

5.00 SITE HISTORY

- 5.01 None -relevant

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan (LDP)

STR2 – The Location of Development

STR4 – Principles of Sustainable Development, Design and Placemaking

STR6 – Services, Facilities, and Infrastructure

STR7 – Economic Development, Enterprise and Employment

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

PC2 – General Requirements for Development

PC3 – Design

PE15 – Telecommunications and Digital Technology Infrastructure

Supplementary Planning Guidance (SPGN)

SPGN 18 – Telecommunications.

National Planning Policy

Planning Policy Wales (PPW)

The National Plan 2020-2040

Technical Advice Note (TAN) 19 - Telecommunications

7.00 PLANNING APPRAISAL

7.01 Introduction

The site is located within the curtilage area associated with the Former British Legion Club (now The Goves Sports & Social Club), Shotton, which is accessed from Bridge Street, from the north of its junction with the High Street and Chester Road West.

7.02 Within the site there are currently 3 No existing telecommunication masts which are 17.5m, 20m and 22.5m in height. It is important to note that the operators of the existing masts are renting the land on which they are sited from APW (Applicant).

7.03 Proposed Development

This full application seeks permission to erect a new 30m lattice tower to include for the consolidation of equipment including the relocation of 8 no antennas onto the head frames. In the event of permission being granted, the applicant advises that they would be seeking removal of the existing masts. The removal of the existing masts would not however require planning permission.

7.04 In support of the application, the agent advises that a replacement lattice tower installation is required to facilitate the provision of new 5G coverage within the target area.

7.05 It is important to note that the replacement mast requires full planning permission, as the operational needs and associated design of the mast means that it falls outside the relevant height limitations of

outright permitted development of 15m pursuant to Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, most latterly by The Town and Country Planning (General Permitted Development) (Amendment) (No.3) (Wales) Order 2020

7.05 Main Planning Considerations

It is considered that the main planning considerations to be addressed in assessment of this application include:

- i. justification having regard to the planning policy framework
- ii. acceptability of the scale and design of the mast on the character of the area and wider surroundings.

These issues are addressed in further detail below.

7.06 Justification for the new mast

The information submitted during progression of the application advises that APW are a group company of Icon Tower who own the freehold of the land where the current masts and proposed replacement mast are to be located. The operators of the three existing masts are renting the land from APW to site their existing masts,

7.07 Whist Technical Advice Note 19 – Telecommunications and Policy PE15 of the Flintshire Local Development Plan encourage mast sharing where possible, there is a requirement in assessing proposals for development, to balance technical constraints against the visual impact associated with any proposed development.

7.08 Having regard to the lease arrangements for the 3 existing masts, it would appear at this stage that there are no formal arrangements / preliminary contracts in place with existing or proposed operators seeking to relocate their telecommunications equipment onto a new 30m mast.

7.09 Whilst it is understood that a redevelopment clause could be triggered by APW as landlords to secure removal of existing masts and equipment, no evidence has been provided in this respect to confirm that any negotiations have taken place to date. In addition, it is important to note that there isn't any specific town planning ability to remove the masts other than by the imposition of a planning condition seeking their removal within a specified time.

7.10 From a development management perspective, the main concern is that were there to be any challenge to removal of the existing masts/equipment, if the 30m mast now proposed was also permitted, that there could potentially be 4No masts on site. In addition, new providers could show an interest in relocating to the mast which could potentially result in relocation of existing masts/reduction in height

under the prior notification process. This would have the potential impact of leading to the proliferation of masts at this location with an associated visual impact (See Paragraph 7.11 below).

7.11 Impact on Character of Locality

The site is located to the south of the main Chester – Llandudno Railway line being within an open landscape setting. Any new mast would be visible from existing residential properties at Bridge Street, as is currently the case with the existing masts on site, the nearest residential properties being approximately 60m to the south-east. The proposed mast at 30m would be approximately 7.5m higher than that of the highest mast currently on site and approximately 25m higher than the existing Sports and Social Club. As a result it would be a prominent feature both within the site and when viewed from wider surroundings. It is considered that whether viewed on its own, or in conjunction with existing masts were they to be retained, that the mast would result in a detrimental impact on the visual amenities of the locality.

8.00 **CONCLUSION**

Whilst the principle of mast sharing is encouraged in Technical Advice Note 19 – Telecommunications, it is important in the assessment process to consider whether there is a realistic prospect and commitment to mast sharing, particularly in instances where there is existing telecommunication equipment on site.

It is considered that the application has at this stage been submitted with no firm commitment from existing or proposed operators to relocate onto the proposed mast. It is considered in these circumstances that this could lead to a proliferation of facilities at this location, with there being no commitment to ensure their removal.

In addition to the above it is considered that a 30m high mast whether viewed on its own, or in combination with the 3 existing masts would have a detrimental visual impact on the locality and its wider surroundings. It is therefore recommended that planning permission be refused for the reasons 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.

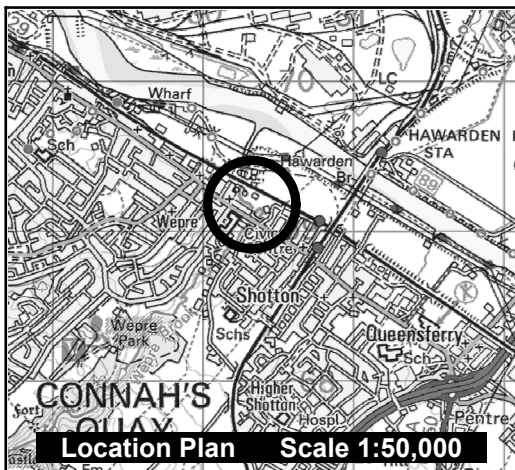
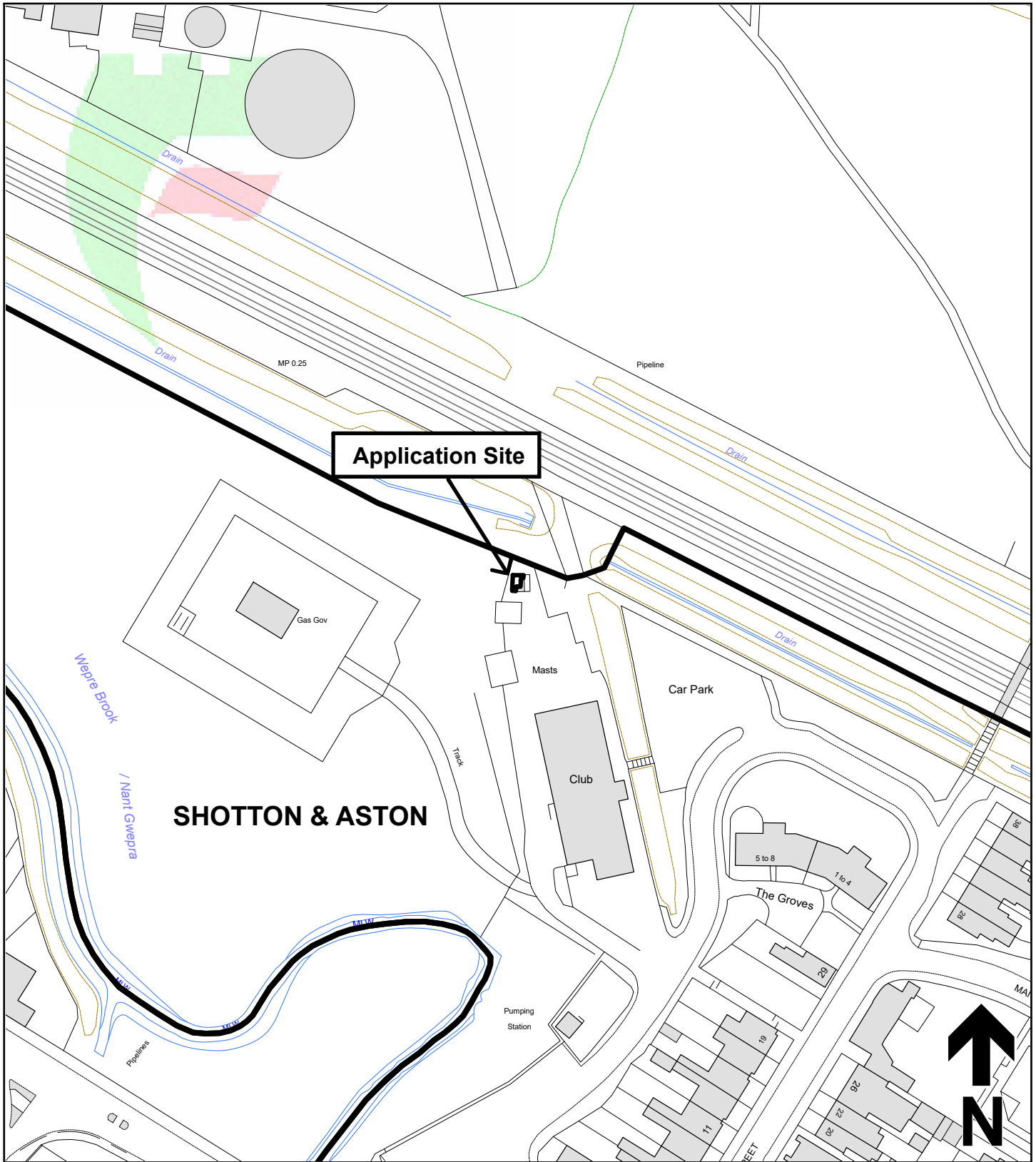
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

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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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Application: FUL/000813/22

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