

Public Document Pack

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



CS/NG

7 March 2024

Sharon Thomas 01352 702324
sharon.b.thomas@flintshire.gov.uk

To: Cllr Richard Lloyd (Chair)

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

Dear Sir / Madam

NOTICE OF HYBRID MEETING
PLANNING COMMITTEE
WEDNESDAY, 13TH MARCH, 2024 at 2.00 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.

AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting held on 7 February 2024.

5 **ITEMS TO BE DEFERRED**

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

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

**REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO
PLANNING COMMITTEE ON 13 MARCH 2024**

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	061994 - A	Full application - Erection of residential development of 235 no. units together with associated public open space and infrastructure at Land to the north of Gwernaffield Road, Mold (Pages 9 - 36)
6.2	062458 - A	Outline application - 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 (Pages 37 - 56)
6.3	FUL/000769/22 - A -	Full application Erection of 70 dwellings, construction of a new vehicular access, landscaping and associated works at Land at Wrexham Road, Abermorddu (Pages 57 - 78)
6.4	COU/000751/23 - A	Change of Use - Change of use from vacant retail and offices, to a ground floor bar with new shop front and flats on first and second floors at former Barclays, 19-21 Church Street, Flint (Pages 79 - 90)
6.5	FUL/000621/23 - A	Full application - Conversion and extension of outbuilding to form a home office and gym, demolition of part of a boundary wall to create off-street parking space with an electric vehicle charge point at Arweinfaf, Gwaenysgor (Pages 91 - 104)
6.6	CONS/000790/22 - A	Conservation area application - Conversion and extension of an outbuilding to form a home office and gym; and the demolition of part of a boundary wall in order to create an off-street parking space with an electric vehicle charge point at Arweinfaf, Gwaenysgor (Pages 105 - 114)
6.7	FUL/001017/23 - A	Full application - Erection of a 66 bedroom care home (Use Class C2) for the elderly with associated access, parking and landscaping at Plot 2, The Airfields, Northern Gateway, Sealand (Pages 115 - 134)
6.8	FUL/000419/23 - A -	Full application - Replacement dwelling at St Kilda, Fagl Lane, Hope (Pages 135 - 146)
6.9	059489 - A -	Full application - Formation of a two way vehicular access and road at Mold Road, Ewloe Green, Deeside (Pages 147 - 160)

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

This page is intentionally left blank

PLANNING COMMITTEE **7 FEBRUARY 2024**

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 7 February 2024

PRESENT: Councillor Richard Lloyd (Chair)

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

APOLOGIES: Councillors: Paul Cunningham

ALSO PRESENT: The following attended as Local Members:
Councillors Glyn Banks and Gina Maddison for agenda item 6.2

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

50. DECLARATIONS OF INTEREST

Councillor Mike Peers declared a personal interest with regard to agenda item 6.1 as he had a family member who worked for Clwyd Alyn Housing Association.

Councillor Bernie Attridge declared a personal interest with regard to agenda item 6.2 as he was copied into several emails from the agent to planning officers. Following a response asking that they did not copy him in, the emails stopped.

51. LATE OBSERVATIONS

The late observations would be presented prior to each item being discussed.

<http://modgov:9070/documents/s80002/7%20February%20Late%20Observations.pdf>

52. MINUTES

The minutes of the meeting held on 10 January 2024 were confirmed as a correct record, as moved and seconded by Councillors Bernie Attridge and Ted Palmer.

RESOLVED:

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

53. ITEMS TO BE DEFERRED

There were no items recommended for deferral.

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

RESOLVED:

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

55. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There was 1 member of the press and 3 members of the public present at the start of the meeting.

(The meeting started at 2pm and ended at 4.01 pm)

.....
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 7 FEBRUARY 2024

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
059739	Buckley Town Council	Outline application - Erection of a 75 to 90 bed extra care facility to include supporting communal facilities and 12 bungalows and all ancillary works at Precinct Way, Buckley	Ryan Hopwood (Resident) spoke against the application.	That in accordance with the officer recommendation, planning permission be granted subject to the conditions set out in the report and an amendment to CONDITION 4 to include submission of sectional drawings through the site including adjacent/ neighbouring properties.
FJUL/000004/23	Llanasa Community Council	Full application - Conversion of existing building to form 7 apartments / town houses, 4 new build apartments and 2 No detached dwellings and adapted bungalow, with ancillary roads and drainage works at Gronant Institute, Llanasa Road, Gronant.	Councillors Glyn Banks and Gina Maddison (Local Member) spoke against the application. Sian Braun (Llanasa Community Council) spoke against the application. Sian Humphreys (Resident) spoke against the application.	That in accordance with the officer recommendation, planning permission be granted subject to the conditions set out in the report and the additional recalculated monies identified in the late observations for the Section 106 Agreement.

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13th MARCH 2024**

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

SUBJECT: **FULL APPLICATION- ERECTION OF RESIDENTIAL DEVELOPMENT OF 235 NO. UNITS TOGETHER WITH ASSOCIATED PUBLIC OPEN SPACE AND INFRASTRUCTURE AT LAND TO THE NORTH OF GWERNAFFIELD ROAD, MOLD**

APPLICATION NUMBER: **061994**

APPLICANT: **ANWYL CONSTRUCTION**

SITE: **LAND TO THE NORTH OF GWERNAFFIELD ROAD, MOLD**

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

LOCAL MEMBERS: **COUNCILLOR T CLAYDON**

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

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

SITE VISIT: **YES- TO ASSESS THE IMPACT OF THE PROPOSAL IN TERMS OF DENSITY, TRANSPORT AND LAND USE**

1.00 SUMMARY

- 1.01 This is a full application for residential development of 235 no. units together with associated public open space and infrastructure on a site allocated for housing in the Flintshire Local Development Plan (LDP) on land to the north of Gwernaffield Road, Mold
- 1.02 This is one of a number of housing sites that are allocated in the adopted LDP where there is a need for them to begin to deliver the

LDP housing requirement they contribute to. This requires them to gain planning approval, to enable developers to build and complete homes in accordance with the committed delivery rates in the LDP housing trajectory. Failure to achieve this will put pressure on the ability of the plan to maintain delivery levels which in turn will bring pressure for speculative development proposals to be submitted.

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

2.01 Planning Obligations

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 £37,581.00 towards improvements to Mold Ysgol Bryn Gwalia
- 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 94 no. affordable homes to be of a housing mix and tenure to be agreed with the Local Planning Authority, and to remain so in perpetuity.
- The cost of advertising and making of a Traffic Restriction Order for Pool House Lane and amendments to the speed limit on the A541 Denbigh Road. The cost of each order will be £6004.87 inc VAT (£12,009.70 total).
- Provision of a controlled crossing facility. The cost of which is £60,000.

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 AH99-LP01 rev C

Transport Assessment
Coal Mining Risk Assessment
PAC report
Geo-Environmental Risk Assessment
Remediation Strategy
Design and Access Statement
Heritage Statement
Flood Consequence Assessment 05 October 2023
Arboricultural Impact Assessment
Preliminary Ecological Assessment
Bat Tree Assessment
Hedgerow Survey
Noise Impact Assessment
Written Scheme of Investigation for Geophysical Survey
Archaeological Research Services 2021
Archaeological Desk Based Assessment Heritage
Archaeology January 2021
Proposed Site Access Plan and Link Road 1901-F03 rev P
Proposed Site Access Plan A541 Denbigh Road
SW Sewer Connection to River Alyn 12-2B (1)
SW Sewer Connection to River Alyn 12-3B (1)
Design Settings
Visibility Plan 1901-F16 rev B
Street Scenes Key Plan AH099_SS02
Planning Layout PL01- rev U
Planning Layout (with constraints) PL02 rev U
Materials Layout ML01 rev P8
Boundary Treatment Plan BT01 rev P10
Hard Servicing Plan HS01 rev K
Drainage and Levels Strategy 17136-14-1 rev O
Drainage and Levels Strategy 17136-14-2 rev J
Drainage and Levels Strategy 17136-14-3 rev K
Drainage and Levels Strategy 17136-14-4 rev G
Drainage and Levels Strategy 17136-14-5 rev B
Arboricultural Impact Assessment rev D
Soft Landscaping Proposals Sheet 1 12198-P12 rev H
Soft Landscaping Proposals Sheet 2 12198-P12 rev H
Soft Landscaping Proposals Sheet 3 12198-P12 rev H
Soft Landscaping Proposals Sheet 4 12198-P12 rev H
Soft Landscaping Proposals Sheet 5 12198-P12 rev H
Soft Landscaping Proposals Sheet 6 12198-P12 rev H
Soft Landscaping Proposals Sheet 7 12198-P12 rev H
Surface Water Calculations October 23
Compensatory Storage Cross Sections 17136/12/4
Landscaping Strategy Plan 12198/P11g
Street Scenes Key Plan AH099 SS02

Electric Vehicle Charging Plan EV01 rev P2
Waste Management Plan WM01 rev B
Basic External Works Dwg 1 17135-25-1 rev D
Basic External Works Dwg 2 17135-25-2 rev D
Basic External Works Dwg 3 17135-25-3 rev D
Basic External Works Dwg 4 17135-25-4 rev D
Basic External Works Dwg 5 17135-25-5 rev D
Basic External Works Dwg 6 17135-25-6 rev D
Basic External Works Dwg 7 17135-25-7 rev D
House Type Pack February 2023
Topographical Survey 9781-2D (1)

3. 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.
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. No development or phase of development, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:
 - Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention
 - and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
 - Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
 - Anticipated duration of the works
 - Typical working days and hours of the week
 - Proposed signage types and locations
 - Position of any temporary gates – preferably set-back 12m to allow a delivery vehicle to park/wait

- The access and egress route with appropriate traffic monitoring in order to control traffic movements
- Measures to avoid depositing mud, dust or other debris onto the highway by traffic movements
- The timing of deliveries and main construction traffic arrivals and departures to avoid periods such as school arrival/leaving times
- Site notices informing construction workers and other site operatives of agreed working hours
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Measures to control the emissions of dust and dirt during construction

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

6. Prior to the commencement of development a Biosecurity Risk Assessment shall be submitted to the Council for its written approval and subsequently implemented in accordance with the approved details. This assessment must include:
 - (i) appropriate measures to control any INNS on site; and
 - (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

7. Prior to the occupation or operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. Where necessary, it shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

8. If, 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.

9. 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.
10. For the avoidance of doubt the recommendations as contained within the Preliminary Ecological Assessment (United Environmental Service ref. UES02060/04) shall be implemented. This shall include a detailed scheme of hedge, tree protection, their enhancement and future management; and protected species reasonable avoidance measures
11. Prior to the first occupation of the development a Lighting plan shall be submitted for the written approval of the Local Planning Authority. The Lighting plan shall minimize light spill in line with the Preliminary Ecological Assessment (United Environmental Service ref. UES02060/04).
12. Prior to the commencement of development a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) that shall be submitted to and agreed in writing with the Council shall be undertaken. Such a programme of work should comprise:
 - Archaeological recording of the identified areas of archaeological interest as identified in the approved Geophysical survey of the site; and
 - Analysis and publication of the result of the archaeological recording.
13. The siting, layout and design of the means of all 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.
14. 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.
15. 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.

16. 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.
17. The front of the 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. No building shall be occupied until a point of connection on the public sewerage system as has been identified by the hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the sewerage system, as identified by the hydraulic modelling assessment
23. 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.
24. For the avoidance of doubt the mitigation measures recommended in the approved FCA and the compensatory storage scheme plans (drawings 17136/12/1 Rev C and 17136/12/4) shall be implemented in accordance with these approved details prior to the first occupation of the site.

3.00 CONSULTATIONS

3.01 **Local Member (Councillor T Claydon)**: Accepts that the area is suitable for residential development, but questions the density.

Mold Town Council: Objects on the following grounds: -

1. over-development of the site with too many units;
2. development is not in accordance with the adopted Mold Town Plan, which indicates development should only take place on part of the site;
3. concern about the increased traffic flows –both on the Denbigh Road and Gwernaffield Road. Road traffic surveys should be considered;
4. concern about future maintenance of roads, paths, play area and flood alleviation measures
5. flooding is a concern and the extra water flows generated by such a development could lead to flooding in the town centre, run off is into the River Alyn, estimates of excess water should be provided;
6. the LDP has not yet been approved and the UDP did not identify this site for housing;
7. the Town Council respectfully asks the Planning Authority to hold a site visit to appreciate the likely issues and contours of the land.
8. concern is expressed about the proposed link road as it would bisect this large residential settlement and likely to become well used including HGV's and the like, thus would present a danger to residents and pedestrians; and
9. with the emerging guidance from Welsh Government and LDP's, some consideration should be given to renewable energy sources such as solar, hydro or anaerobic digestion systems

Gwernaffield and Pantymwyn Community Council: Objects as follows:

The proposal is to provide an alternative link road through the new development. The application states: The key benefit of the development in highway terms is the new link road through the site, which will provide a safer and more convenient link between Gwernaffield Road and the A541 Denbigh Road. The existing route via Pool House Lane is narrow, with sharp bends, high banked verges/hedgerows and limited passing places, as well as being subject to habitual fly-tipping.

The new link road will have a positive effect on many journey times and to some extent has potential to reduce the amount of through-traffic within the town centre itself. It will provide a shorter, safer, more direct route across from Gwernaffield Road to Denbigh.

The Community Council are concerned that currently, Gypsy Lane is used as a section of a 'rat run' between Denbigh Road, Mold, and the A494, Mold to Ruthin Road and that the new road through the proposed development would inevitably enhance this 'rat run' and make it much easier and attractive for drivers currently reluctant to use the narrow and winding Gypsy Lane. For this reason, the Community Council opposes this planning application.

Highways Development Control: This proposal has been the subject of previous pre-application consultations which have enabled the developer to table proposals in-line with highway expectations.

Proposals include a traffic restriction order Pool House Lane and amendments to the speed limit on the A541 Denbigh Road; the cost of advertising and making these orders should be covered by a S106 agreement. The cost of **each** order will be £6004.87 inc VAT (£12,009.70 total).

In order to encourage pedestrian movements along Gwernaffield Road. The cost of a controlled crossing facility should be included in the S106 agreement; the value of which is £60,000.

Dwr Cymru Welsh Water: Note that the proposed development would be situated outside the protection zone of the public water mains measured 4.5 metres either side of the centreline.

Advise that Mold WwTW has a phosphate permit.

Advise that the applicant has instructed DCWW to undertake a Hydraulic Modelling Assessment (HMA) and potential solutions have been identified to ensure that the site can be accommodated within the system, DCWW therefore request drainage Conditions (Requested conditions included as condition 22 in para 2.01)

Public Rights of Way: Public Footpath 93 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

Education: Ysgol Bryn Gwalia- Triggers hit. Intention is to seek a developer contribution. Contribution required would be £37,581.00 towards school improvements

Ysgol Maes Garmon- Triggers are not hit. No contribution sought.

Housing Strategy: Mold is a popular area and has significant levels of housing need particularly for social rented housing. From a housing need perspective, affordable housing in this area would be supported. Tenure to be agreed.

Ecology: Requests conditions regarding measures identified in Preliminary Ecological Assessment report, biodiversity enhancements and a lighting plan to minimise light spill (Conditions requested are included as conditions 13,14 and 15 in para 2.01)

Community and Business Protection: The remediation that's been proposed in more detail now is reasonable and is acceptable to be discharged up to Phase 3 (Remediation) of the land contamination assessment. There's still Phase 3 and then Phase 4 (verification) to be completed in due course as the development progresses and the works can be completed.

Natural Resources Wales: Request conditions regarding Construction Environmental Management Plan (CEMP), biosecurity and land contamination. (The requested conditions are included as conditions 9,10,11 and 12 in para 2.01)

Matters relating to The Environmental Permitting (England and Wales) Regulations 2016 and The Control of Major Accident Hazards Regulations 2015- All the proposed dwellings will be outside the consultation distance / public information zone. The proposed 12 - 13% increase in traffic would travel inside the consultation distance on the A541 (and the proposed development access overlaps with it to the north) so would therefore be subject to existing provisions.

SUSTRANS: Recommends extension of speed limit on A541

Ramblers: Objects due to inadequate Active Travel. Notes the proposals include a pavement along Gwernaffield Road and the use of Pool Lane as walking and cycling route. However there are no cycling/scooter facilities within the site itself. Considers that the path/cycle link to Alwyn Close should be provided at a very early stage of the development to provide a link to town and services.

Airbus: No aerodrome safeguarding objection to the proposal

Clwyd Powys Archaeological Trust: confirms that there are no new archaeological implications for the application other than those considered by submission.

Welsh Government - Landscapes, Nature and Forestry Division: The Flintshire LDP (2015-2030) was adopted by your authority on the 24th January 2023, which includes the current application site as a housing allocation (Ref: HN1.6). Therefore confirm that the Department has no objection to this application as BMV policy would have been considered as part of the plan process and examination.

Regional Emergency Planning Service: With regard to industrial risk mitigation measures in place at Synthite Ltd. Have nothing to add in addition to NRW's observations and are happy with the comments

they have made in their capacity as environmental and COMAH regulatory body.

4.00 PUBLICITY

4.01 83 Neighbour Notifications were sent to adjoining/nearby properties, a Press Notice was published and a Site Notice was displayed at the site.

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

1. Traffic Issues/Road safety concerns
2. Lack of schools and Doctors locally
3. No need for houses/wrong side of Mold
4. Loss of Green space
5. Visual impact
6. Noise
7. Pollution
8. Impact upon residential amenity of neighbours
9. Flooding
10. Development too big/Density
11. Road will become 'rat run'
12. Loss of Agricultural land
13. Air Quality
14. Impact on site of Synthite
15. Lack of Bus Services

5.00 SITE HISTORY

5.01 052180- Construction a strategic flood alleviation scheme for the town of Mold consisting of two separate aspects: an overland flow cut-off drain to the west of Mold and underground attenuation tanks within the town near Cae Bracty and Maes Bodlonfa with associated works. Approved 20-10-15

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

National Policy

Future Wales- The National Plan 2040

Planning Policy Wales 12 (February 2024)

Supplementary Planning Guidance Notes

SPGN2- Space Around Dwellings

SPGN11- Parking Standards

LPGN13- Public Open Space

SPGN23- Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 Proposal

The proposed development comprises of a residential development of 235 new homes, including 94 affordable units, along with associated public open space and key infrastructure and a new road between Denbigh Rd and Gwernaffield Road, enabling Factory Pool Lane to become a walking / cycling route. This application site is allocated for housing within the LDP.

7.02 The Members are advised that The Welsh Ministers have received a request to call in this application, which dates back to the time of the

LDP Examination, and as such it is subject to a holding direction. Should the Committees resolution be to approve the planning permission then it is requested that the Chief Planning Officer is authorised to approve subject to the resolution of the Committee once this holding direction has been removed, following further consideration by the Welsh Ministers.

7.03 Site

The site measures 11.088 hectares (ha) and is located on the north western edge of Mold. This site is irregular in shape, with Gwernaffield Road abutting the site to south, and Denbigh Road (A541) forming its northern boundary. The bulk of the site is bounded by Factory Pool Lane on its western edge. The built-up area of Mold comprises of the eastern and southeastern boundary of the Site, and open fields to the west and south-west.

7.04 The site is currently in agricultural use and is split over two fields, both are used as pasture land for livestock.

7.05 Principle of Development

This development is for 235 no. dwellings on a site allocated for residential development (238 units) in policy HN1-6 of the adopted Flintshire Local Development Plan. As a result of the housing allocation the site has been located within the settlement boundary for Mold in the LDP.

7.06 Policy STR1 identifies that the Plan will seek to provide sufficient homes to meet a housing requirement of 6,950 homes, through the allocation of sustainable housing sites. Policy STR11 sets out the strategic approach to providing sustainable housing sites.

7.07 Mold is a sustainable location to accommodate development during the LDP Plan period. Policy STR2 identifies that it is a Tier 1 Main Service Centre which is defined as 'the main locations for new housing development which reinforces and contributes to settlements'. Mold is the administrative town for the County and has a wide range of facilities and services and sporting and cultural opportunities as well as employment.

7.08 The site is physically well-defined and related to the settlement of Mold and represents a logical and sustainable urban extension and is allocated for housing. The principle of developing this site is in accordance with the policies STR1, STR2, STR4 and HN1 in the adopted Flintshire Local Development Plan.

7.09 Design & Layout

The site layout can be broken into two parts. The northern element of the site, north of Factory Pool Lane, has been retained as an open green space and will also accommodate the surface water drainage attenuation basin, as well as the play area and multi-use games area. Pool House lane is retained and will become a pedestrian and cycle way which links the two parts of the site as well as Denbigh Road and Gwernaffield Road. The southern section of the site is bisected by a central spine road with estate roads off, The density of the development is higher towards the eastern side of the site where the site lays alongside the existing urban fringe, with a noticeably lower density in the south western portion of the site to assist in the integration of the site into the wider rural landscape.

7.10

The proposal comprises of 22 no. 1-bed properties, 44 no. 2-bed properties, 92 no. 3-bed properties and 77 4-bed properties. House types proposed are a variety of detached, semi-detached and townhouse type dwellings with hipped roofs with brick or rendered walls, and a variety of rendered and cladding details across the development. The development provides a visually pleasing variety within its streetscenes.

7.11

Interface distances, with regard to distances between dwellings, both proposed and existing dwellings that abut the site, and garden depths are in accordance with the minimum distances as set out in SPGN2: Space About dwellings. It is considered that the scheme provides an appropriate amount of private garden space for the dwellings and will not give rise to adverse impacts upon residential amenity. It is considered that the proposal will accord with policy PC3 in the Flintshire Local Development Plan.

7.12

Policy HN2: Density and Mix of Development requires that housing development should aim to provide a density of at least 30 dwellings per hectare and incorporate a mix of dwellings by type and size in order to make the most efficient use of available land and to meet the needs of residents for a range of house types thereby creating mixed and socially inclusive communities. The development has a net density of 33 units to a hectare which is considered to be appropriate for this location and in accordance with this policy.

7.13

Impact upon local character

The development scheme itself has been designed to respond to the site context, minimising tree and hedgerow loss, creating a planting palette for visual and sensory stimulation, providing adequate off-sets to the retained boundary features and Factory Pool Lane.

7.14

The proposed development provides a community benefit in the form of a new road which both accesses the site and provides a link between Denbigh Rd and Gwernaffield Rd. This will divert traffic away from known problems at Dreflan, but it will also retain Factory

Pool Lane as a rural lane to be used as a walking and cycling route. The retention of this minor road, with its hedgerows and mature trees forms a distinctive landscape feature and firm edge to the development. The road forms a strong physical and landscape feature which provides the opportunity for a logical urban extension to the settlement. Enhanced planting along this western edge of the site and the open space and SuDS features between Denbigh Road and Factory Pool Lane will soften the appearance of the proposed development within the landscape.

7.15 As the visual effects are localised, there will be 'negligible' change in the wider geographical context, particularly those travelling through Mold itself, where the development will be seen with the backdrop of the townscape and built up development of the existing town fringe. Whilst it is noted that a development of this size will invariably affect the landscape these effects will be mitigated, as the proposed development will be set back from existing properties whilst characteristic planting will break up the density and scale of development.

7.16 Proposed landscaping retains much of the existing hedgerows and trees on site, particularly on the site boundaries, and includes the planting of a belt of native trees on the western elevation of the northern section of the site.

Ecology

7.17 The site has been identified as predominantly agriculturally improved grassland and semi improved agricultural grassland used for hay or silage and part of a species-poor semi-improved grassland field used for the grazing of livestock. Other habitats on site include dense scrub, scattered trees, tall ruderal vegetation, species-rich hedgerows, species-poor hedgerows, earth banks, dry ditch and hardstanding. The hedgerows and mature trees are considered to be the key ecological features on site. The Hedgerow Survey identifies those hedgerows as ecologically and/or historically important under the Hedgerow Regulations.

7.18 Technically hedgerows that border properties are exempt from the Hedgerow Regs but that does not mean they do not have ecological or historical value. Also, from the report photos the majority of hedges appear to be well maintained with good nesting bird potential, including those next to properties. All Hedgerows are a "Priority Habitat under Section 7 Environment (Wales) Act 2016.

7.19 From the submitted Hedgerow survey, the most species rich hedgerows, and which also include woodland flora, are the lane hedges. On the planning layout, these are to be retained as part of the cycleway and not included as garden boundaries which is appropriate and supported.

- 7.20 The preliminary ecological appraisal has highlighted potential issues with the following ecological receptors on or adjacent to site: amphibians, reptiles, badgers, bats, breeding birds, hedgehogs, otters, trees and hedgerows. This report provides recommendations to ensure that the development may proceed without adversely impacting the aforementioned ecological receptors. Ecology have commented that providing the habitats and species are addressed in accordance with the report recommendations then ecological impacts will be minimized, and a number of ecological conditions will be imposed to ensure that these recommendations are implemented.
- 7.21 Natural Resources Wales have queried the impact on protected species, particularly otters, as a result of recreational pressures resulting from the development and advised the Local Planning Authority to consider the likely significance of the development.
- 7.22 As discussed below, the proposal will positively contribute to the green infrastructure of the area in a number of ways, not least by the provision of green spaces and enhanced habitats, through new planting and the enhancement of existing habitats such as the native hedgerows. The provision of open space and new and enhanced walking and cycling routes provides mitigation to the recreational pressures as residents of the site will not have to go to the sensitive areas for recreational activities such as dog walking, which may otherwise be a potential source of impact. With reference to Otters particularly, it is noted that the River Alyn is separated from the site by the highway to the north of the site, and it is important to note that the Preliminary Ecological Assessment did not find any evidence of Otters on site. It is therefore considered that with the above mitigation in place there is unlikely to be a significant impact upon the conservation objectives of the designated areas or protected species.
- 7.23 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. This is confirmed in the recently published Planning Policy Wales 12.
- 7.24 It is considered that the development presents an opportunity to enhance the habitats available to wildlife on site. The provisioning of bat and bird nest boxes on site will provide improved roosting and nesting opportunities into the long-term future of the site.
- 7.25

Landscaping can also be used to promote biodiversity through the appropriate design of habitats and creating habitat mosaics, which promote natural linkages and hence the dispersal of target species. Principles and landscaping ideas beneficial to wildlife and relevant to this site include the planting and management of hedgerows; Planting of berry and nut bearing shrub species to encourage winter birds; Planting and management of shrubs which develop a mosaic of structures to support breeding birds; and the use of nectar bearing flowers to encourage invertebrates (such as bees, flies, beetles and butterflies)

7.26

Species to be used in the planting scheme are to be native, of local provenance or to have a proven benefit to biodiversity.

7.27

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 benefit, 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, EN2, EN6 and PPW12.

7.28

Highways

This proposal has been the subject of previous pre-application consultations which have enabled the developer to table proposals in-line with highway requirements.

7.29

Proposals include a traffic restriction order Factory Pool Lane and amendments to the speed limit on the A541 Denbigh Road. As identified in the submitted Travel Plan Framework, the development has the potential to increase pedestrian flows towards town centre and the local school; in order to encourage pedestrian movements along Gwernaffield Road a controlled crossing facility on this road will be provided. These elements, including the cost of advertising any Traffic Regulation order, will be contained within the Section 106 Legal Agreement.

7.30

Overall, and subject to suggested Highways conditions and the aforementioned Section 106 agreement, the proposal is acceptable. There are no Highways objections to the proposal and it is considered that the application accords with policies STR5 and PC5 of the Flintshire Local Development Plan.

7.31

Concerns have been raised about the new road through the site becoming a way for traffic to access Gwernaffield road from Denbigh road and vice versa. This currently already happens through a road with a lower standard of visibility and width than the proposed link road. Proposed speed limits suitable for the fact the road will traverse a built up area will control vehicle speeds, and may also have the advantage of allowing drivers to avoid the Dreflan mini roundabout

when approaching Mold. As stated Highways Development Control have raised no objection to the proposal which it should be noted is well supported with empirical evidence in the Transport Assessment. The principle of a road through the site was also specifically considered at the LDP Examination where the Inspector supported the allocation of this land.

7.32 Drainage

It is intended to connect the development to the public sewerage system. Dwr Cymru Welsh Water have confirmed that sufficient capacity exists at Mold 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.

7.33 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

7.34 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.

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

7.36 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.

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

Best and Most Versatile Land

7.38 The site occupies approximately 12 ha of agricultural grassland to the north-west of Mold to the north of Gwernaffield Road and south of the A541, as such it is important to consider the loss of agricultural land. Land in grades 1, 2 and 3a, known as best and most versatile land which is recognised as a finite resource that should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

7.39 The issue of BMV agricultural land was considered as part of the Examination of the LDP. The Council produced a Background Paper 'Agricultural Land' which explained that throughout the preparation of the Plan, efforts had been made to minimise the loss of BMV agricultural land. Welsh Government made representations on the Deposit Plan but did not object to any allocation on the basis of BMV agricultural land and in fact stated a 'support in principle' to the approach taken by the Council who worked closely with the Welsh Government Officers in respect of agricultural land'. The Inspectors' Report found the approach to be soundly based and in line with PPW.

7.40 Given the allocation of the site for housing the potential loss of this land has already been considered and accepted by the Welsh

Government Land Unit in recognition of the overriding need for development as a housing allocation that contributes towards the Plans requirement to delivery housing over the Plan period and as such meets one of the exceptions for acceptable development on such land as set out in Planning Policy Wales . The Welsh Government Land Division did not object to the allocation of this site at the LDP Examination and the Inspector found the allocation to be sound, taking account of all factors including this matter.

Archaeology

7.41

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of potentially high archaeological sensitivity. The Alyn Tinplate factory pond (PRN 98373), formerly the mill pond for Mold cotton mill, is recorded within the northern part of the site, and within the southern part of the site, the Portable Antiquity Scheme records the findspot of a possible a lead stylus of Roman or early medieval date.

Technical Advice Note 24 (Paragraph 4.7) states that *'Where archaeological remains are known to exist, or considered likely to exist, and a study has not already been undertaken by the applicant, the local planning authority should ask an applicant to undertake a desk-based archaeological assessment and, where appropriate, an archaeological evaluation.*

7.42

A geophysical survey has been undertaken and its findings submitted in support of the application. It is suggested that a condition will require the testing of the anomalies identified by this survey by field evaluation prior to the commencement of development. This suggested approach is corroborated by the findings of the desk based assessment undertaken by Heritage Archaeology and also submitted in support of the application.

Land Contamination

7.43

The application site has been subject to phase I and II ground investigations that have identified ground contamination which could affect the proposed development. Namely elevated lead concentrations have been identified in the near surface soils. This may be as a result of natural processes in an area where natural lead deposits are known to exist..

7.44

The land contamination officer has agreed with the proposed remediation as show in the submitted land contamination assessment. The remediation of the site and verification of these measures shall be secured by condition and will be carried out as the development progresses in accordance with the submitted details. Subject to the satisfactory carrying out of the agreed details it is

considered that the proposal is in accordance with policy EN16 of the Flintshire Local Development Plan.

Flooding

7.45

NRWs Flood Risk Map confirms a small area of the site adjacent to the A541 to be partially within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

7.46

A Flood Consequence Assessment (FCA) has been submitted in support of the application. This assessment identifies the potential for fluvial flooding from the River Alyn as the primary source of flood risk to part of the site. The FCA outlines that there is no detailed modelled data available for this location and provides a qualitative assessment of flood risk. The FCA shows that the flood outline extends to a level of approximately 110 m AOD in the northern section of the site, which will remain undeveloped and contains the public open space areas. This is based on a comparison of the DAM flood outline and site levels. Ground levels in this northern section rise to around 112 m AOD, before falling to 109 m AOD adjacent to the northernmost section of the development platform. The FCA confirms that the development platform is not considered to be at flood risk from the Alyn, as there is high ground between this section of the site and the flood outline. Given that there is an area of continuous natural raised ground (which is elevated approximately 2 metres above the calculated flood level) between the development platform and the flood outline, the conclusion that the site is considered to be at low risk of fluvial flooding is considered reasonable. The FCA does not comment on the potential impact a blockage of the A541 Bridge could have on flood risk at the site, although it is acknowledged that it is unlikely this would result in floodwaters rising sufficiently to reach the development platform.

7.47

As part of the proposed surface water drainage strategy, a new sewer pipe is proposed in the northern parcel of the site, which would run through the flood outline. The FCA states that in order to provide sufficient cover for the pipe, ground raising is required over the pipe. Approximately 1 m of ground raising would be required along the length of the pipe, which would result in the loss of approximately 802 m³ of flood storage. The fill for the ground raising will be taken from land bordering the flood zone, thereby compensating for the loss of floodplain storage.

7.48

Detailed drawings have been submitted with the application showing existing and proposed cross sections for this area, demonstrating the proposed flood compensation scheme. The drawings show that regrading works would be undertaken, providing approximately 802 m³ compensatory storage on the edge of the existing floodplain.

7.49 Based on the above, NRW raise no objection to the application, subject to securing the mitigation measures recommended in the FCA and the compensatory storage scheme plans (drawings 17136/12/1 Rev C and 17136/12/4) through the inclusion of suitably worded planning conditions. These documents will be listed in condition 2 as approved documents and for the avoidance of doubt condition 28 has been suggested to ensure these measures are installed prior to the occupation of the site.

Planning Obligations

7.50 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'.

7.51 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.

Affordable housing

7.52 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. The application is for 235 dwellings.

7.53 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.

7.54 Whereas for those registered on the social housing register the greatest demand is for 1 and 2 bed roomed properties. There is also demand for larger 4 bed general needs homes.

7.55 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).

7.56 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 Mold and this need is evidently increasing.

7.57 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.

7.58 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).

7.59 The proposal provides 94 no. units, which equates with a 40% provision which is policy compliant. The exact tenure of the units will be established through the Section 106 Legal agreement in consultation with Housing Strategy which have already been the subject of discussions in advance of the granting of planning permission.

Education

7.60 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: Mold, Ysgol Bryn Gwalia

- The required Section 106 contribution would be £37,581

7.61 There is sufficient capacity in the relevant High School to accommodate the potential pupil yield arising from this development and as such no contributions are being sought.

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

Public Open Space

7.63 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 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.

7.64 The proposal provides approximately 2.63 hectares of onsite public open space provision in the form of public open space, predominantly located in the northern portion of the site but with green areas within the development itself, as well as more formal play space within the northern area including a 1000m² LEAP (Local Equipped Area for Play) and a 30m x 16m Multi Use Games Area (MUGA) . This provision meets the requirements in EN1 and SPGN13.

7.65 The LEAP 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 the ongoing management and maintenance of the LEAP and MUGA, can be secured and controlled through a legal agreement.

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.

7.66 Other Matters

7.67 An objection has been received from the Ramblers Association regarding the issue of Active travel. Sustrans had also made a number of suggestions on earlier layouts around these issues and these were taken on board as the scheme evolved.

7.68 LDP Policy PC6- Active Travel requires that all new development should ensure that people have access to employment, education, healthcare and other essential services and facilities, and suggests a number of ways that this can be achieved, including the provision of appropriate walking and cycling routes and integrating the existing public footpath network into the scheme. It is noted that the scheme improves existing walking and cycling routes both within and from the site and it is considered that this promotes the principle of active travel within the terms of the policy.

8.00 CONCLUSION

The proposal is allocated for housing in the Flintshire Local Development Plan and accords with the stipulations in the plan, namely providing a new access onto Denbigh Road, the retention and enhancement of strong site boundaries particularly along western

edge of site, and with no residential development on land between Denbigh Rd and Pool House Lane.

There are no technical impediments to the development of this site and the layout, access and landscaping proposed are considered to be acceptable. The proposal accords with the relevant development plan policies and as such the proposal is recommended for approval subject to the planning obligations and conditions specified in paragraph 2.01.

8.01 Other Considerations

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

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

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

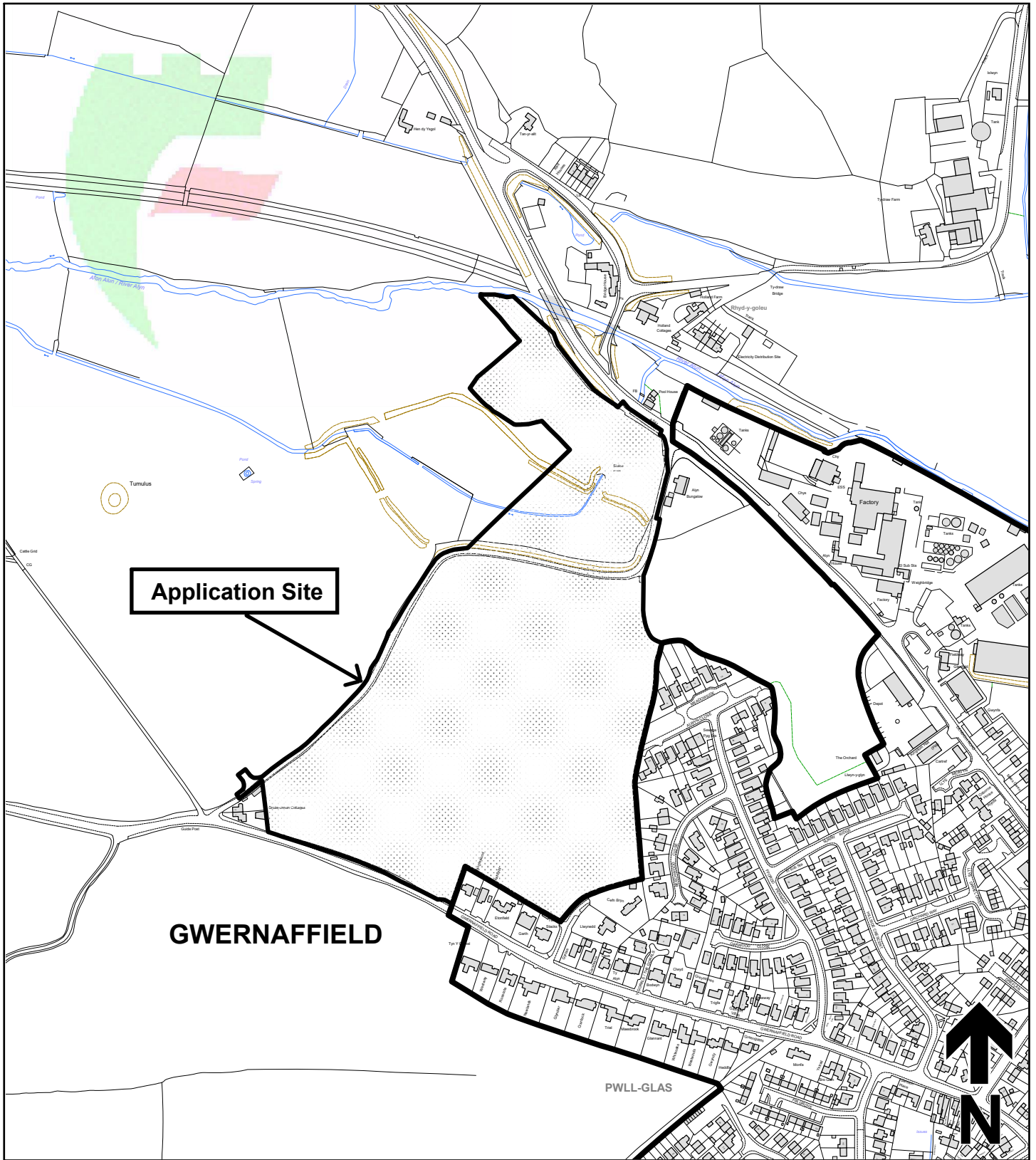
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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

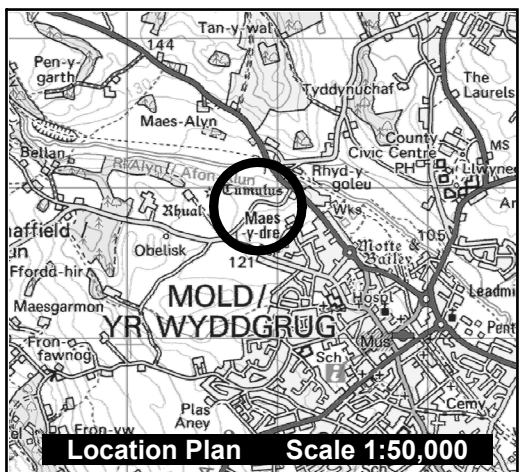
This page is intentionally left blank



Application Site

GWERNAFFIELD

PWLL-GLAS



Location Plan Scale 1:50,000



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

Legend

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 Licence number: 100023386.
 Flintshire County Council, 2023.

Map Scale: 1:5000

OS Map: SJ 2264

Application: 061994

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13th MARCH 2024**

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 ASSOCIATION**

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

APPLICATION VALID DATE: **1ST 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: **NO (SITE VISIT CARRIED OUT IN NOVEMBER 2023)**

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

This application was previously brought before the Planning Committee on 22nd November 2023. The Committee deferred the

determination of the application at this meeting and requested further information with particular regard to drainage matters, including flooding issues and existing field drainage ditches, access and pedestrian safety, and land contamination. The report has been updated with regard to these matters with further information and clarification received from the applicant.

This is one of a number of housing sites that are allocated in the adopted LDP where there is a need for them to begin to deliver the LDP housing requirement they contribute to. This requires them to gain planning approval, to enable developers to build and complete homes in accordance with the committed delivery rates in the LDP housing trajectory. Failure to achieve this will put pressure on the ability of the plan to maintain delivery levels which in turn will bring pressure for speculative development proposals to be submitted.

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 (if not provided on site). 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 £18,200k to cover the cost of advertising and implementing future Traffic Regulation Order.

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. 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

(ii) 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
- Phase 1 and Phase 2 Ground Investigation (E3P Consultants)
- Remediation and Enabling Works Strategy (E3P Consultants)
- 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. 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.
21. A Bat emergent survey will be submitted with the application for reserved matters.
22. A Tree report complete with a scheme for RPA mitigation will be submitted with the application for reserved matters.
23. 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 (adj Town Council): 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 (included as conditions 5-16 in para 2.01)

Highways Rights of Way: Public Footpath 54 abuts the site but appears unaffected by the development.

Community and Business Protection: no objection in principle to the application.

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: 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. 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. The Councils Housing Strategy team will 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 (included as conditions 17 and 18 in para 2.01). 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

Airbus: Requests condition (included as condition 23 in para 2.01)

Clwyd Powys Archaeological Trust: Raise no objection to principle of development. Requests Archaeological survey prior to determination of application. (included as condition 19 in para 2.01)

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

Planning Policy Wales 12 February 2024
Future Wales 2040: The National Plan

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 This application was previously brought before the Planning Committee on 22nd November 2023. The committee deferred the application at that meeting and requested further information with particular regard to drainage matters, including flooding issues and existing field drainage ditches, Access and pedestrian safety, and Land contamination. The report has been updated with regard to these matters with further information and clarification received from the applicant. The matters clarified by the applicant in response to the deferral can be summarized as follows:

- Flooding & Drainage particularly maintenance of drainage ditches. The Drainage Strategy, (Document re: 220-137 - Well Street Drainage Strategy - AJP Structural and Civil Engineers) explores foul and surface water issues and preliminary measures for management. The development will require SAB approval which secures and deals with legal requirements for provision, management and long term maintenance of SUDS.
- Access and width of road and risk to pedestrian safety; The data (including traffic counts of September 2020, junction capacity assessments, trip generation data) underpinning the Transport Assessment show results very similar to that in Assessment supporting the full application currently being determined at the site.
- Land Contamination The application is accompanied by Phase 1 and Phase 2 Ground Investigation and A Remediation Strategy (E3P Consultants).

7.03 It should be stressed that as this is an outline application with all matters reserved it would not be reasonable for the Local Planning Authority to require items of detail unless there is a compelling reason to do so, or indeed seek to refuse when there is no clear evidence to support such an approach.

7.04 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

7.05 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.

7.06 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 in this respect the site is allocated for housing (policy HN1-1) in the adopted LDP. The principle of residential development in this location is therefore already established.

7.07 Highways and access

The application is supported by a detailed study that is supported by empirical evidence including traffic counts, junction capacity assessments, and trip generation data which has taken into account changes in traffic generation patterns and changes to background flows since the 2007 assessments undertaken at the time of the UDP Examination. The current assessment concludes that the impact of the proposal from a highways perspective is acceptable.

7.08 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. Given the Inspector's findings at the Examination it is considered that the principle of this access has already been confirmed.

7.09 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.

7.10 It is noted that there has recently been the imposition of a 20mph speed limit on the majority of streets within Buckley and Mynydd Isa. It is also suggested that consideration is made to 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.

7.11 It is considered that the principle of the proposed access arrangement is acceptable and complies with policies STR5 and PC5 of the

Flintshire Local Development Plan. Standard conditions have been requested by the Highways Authority and form part of the recommendation.

7.12 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.

7.13 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.

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

7.15 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. Given current economic circumstances, this is a significant level of affordable provision not replicated by the majority of currently adopted LDPs in Wales.

7.16 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.

7.17 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.

7.18 Welsh Water have confirmed that there are no capacity issues and that the waste water treatment works has a valid and up to date phosphate permit. The foulwater flows deriving from this development would be capable of being treated within the phosphate permit limits.

7.19 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.

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

7.20 Land Contamination

The application is supported by Phase 1 and Phase 2 Ground Investigation and a draft Remediation Strategy and these reports have identified the presence of lead within shallow topsoil deposits. It is considered that this 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.

7.21 The Remediation Strategy will be secured by condition and will be required to be implemented and verified prior to development taking

place. This condition has been listed as condition 20 in paragraph 2.01.

- 7.22 Members are asked to note that this was a matter considered as part of the Examination of the LDP and given this, as well as the surveys and investigations undertaken and clear mitigation strategy, there are no particular concerns from a land contamination perspective that relate to the consideration of the principle of development of this site.

Ecology

- 7.23 An ecological assessment comprising of an Extended Phase 1 Habitat survey, a desk study, and an assessment of the likely impacts was submitted in support of the application.

- 7.24 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.

- 7.25 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. This is requested as condition 21 in para 2.01.

- 7.26 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 and EN6 given the outline nature of the proposal.

- 7.27 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 12 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.”

7.28 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.

7.29 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.

7.30 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.

7.31 While the Council 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.

7.32 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**

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

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

7.35 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. The developer will need to consider how provision will be met as part of the detailed submissions to follow this outline consent.

7.36 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 should there be no on-site provision proposed.

7.37 Affordable Dwellings

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

7.38 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.

Green Infrastructure

- 7.39 Planning Policy Wales 12 (PPW) Chapter 6 requires development to take account of 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.
- 7.40 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 PPW12. As this is an outline submission with all matters reserved much of the detail that will inform a full green infrastructure statement 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 chapter 6 of PPW12.
- 7.41 A Green Infrastructure Statement will be conditioned to be submitted in support of the consideration of the reserved matters for this proposal. A prior to commencement condition requiring a scheme of biodiversity enhancement, to ensure biodiversity net benefit is achieved, has been included with this recommendation for approval.

Flooding

- 7.42 The site is not identified on the Natural Resources Wales' Development Advice Map and National Flood Hazard and Risk Maps as one that is prone to flooding. The Drainage Strategy, (Document re: 220-137 - Well Street Drainage Strategy - AJP Structural and Civil Engineers) explores foul and surface water drainage and preliminary measures for management.
- 7.43 The development will also require SAB approval which is a separate legislative requirement which deals with the legal requirements for provision, management and long term maintenance of the Sustainable Urban Drainage System.
- 7.44 There is no evidence that the site is prone to fluvial or tidal flooding, and as such any potential for flooding would come as a result of surface water drainage issues that are currently experienced by surrounding development is unlikely to be influenced by the proposed site as it lies at a lower level than the existing built up area.. The greenfield run off rate will be significantly higher than any engineered solution that will be installed as part of the proposal. As such the development of this site could be considered to be a betterment with regards to management of surface water generated by the

development. The proposal accords with policy EN14 in the Flintshire Local Development Plan.

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.

The proposal, on a site allocated for residential development within the Flintshire LDP, is in accordance with policy. The access details are considered to be in accordance with Policy HN1 and PC5 and the Highways Authority have raised no objection to the scheme. There are no fundamental issues on site that would preclude the approval of this outline planning permission.

As it is considered that the proposal is acceptable and complies with the relevant development management policies it 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.

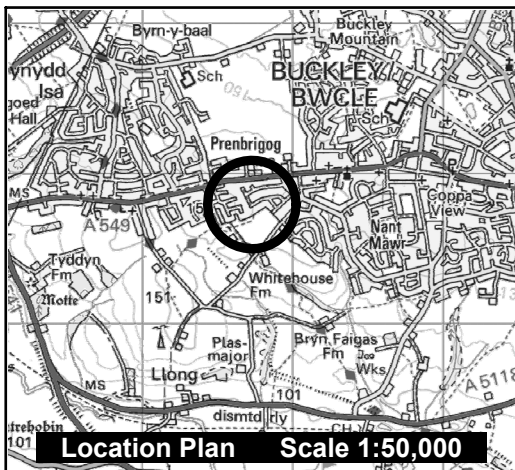
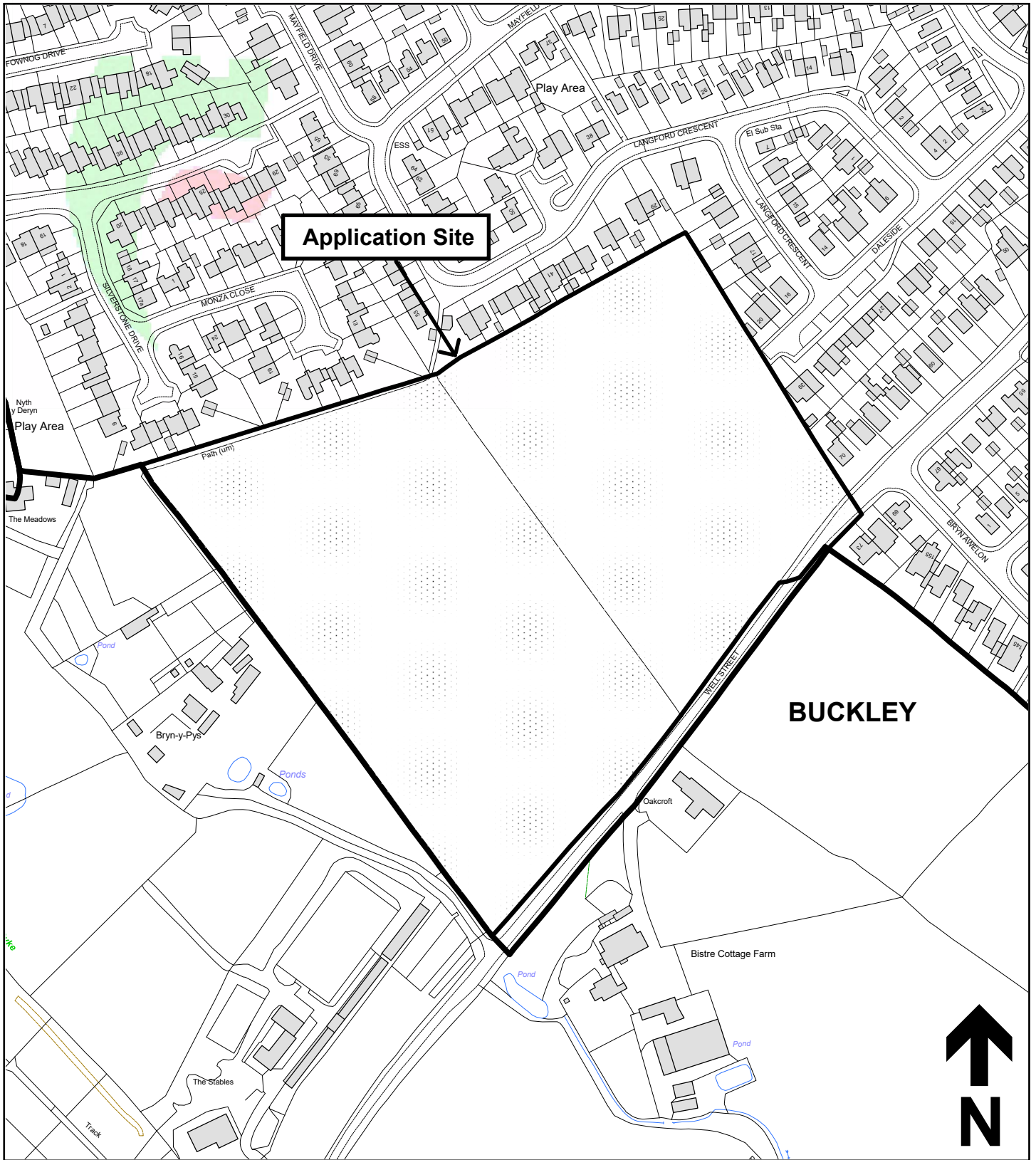
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2023.

Map Scale: 1:2500

OS Map: SJ 2663

Application: 062458

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13 MARCH 2024**

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

SUBJECT: **FULL APPLICATION- ERECTION OF 70 DWELLINGS, CONSTRUCTION OF A NEW VEHICULAR ACCESS, LANDSCAPING AND ASSOCIATED WORKS AT LAND AT WREXHAM ROAD, ABERMORDDU, HOPE**

APPLICATION NUMBER: **FUL/000769/22**

APPLICANT: **CASTLE GREEN**

SITE: **LAND AT LAND AT WREXHAM ROAD, ABERMORDDU, HOPE**

APPLICATION VALID DATE: **12TH DECEMBER 2022**

LOCAL MEMBERS: **COUNCILLOR G HEALEY**

TOWN/COMMUNITY COUNCIL: **HOPE 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 the erection of 70 dwellings, construction of a new vehicular access on land at Wrexham Road, Abermorddu, Hope. This site is a housing allocation in the Flintshire Local Development Plan.
- 1.02 This is one of a number of housing sites that are allocated in the adopted LDP where there is a need for them to begin to deliver the LDP housing requirement they contribute to. This requires them to gain planning approval, to enable developers to build and complete homes in accordance with the committed delivery rates in the LDP housing trajectory. Failure to achieve this will put pressure on the

ability of the plan to maintain delivery levels which in turn will bring pressure for speculative development proposals to be submitted

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

2.01 Planning Obligations

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

- Secondary School contributions for Ysgol Castell Alun- The required contribution would be £221,628.00
- TRO 10k for extension of 20mph speed restrictions along A541
- TRO £6,538.80 inc VAT for the alteration of the existing parking restrictions along the A541 (Wrexham Road)
- The provision of the identified affordable homes to be of a housing mix and tenure to be agreed with the Local Planning Authority, and to remain affordable in perpetuity.
- Provision of a Management agreement for the upkeep of the footways and public open space

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
 - Heritage Impact Assessment v2
 - Alderton Brick Elevations
 - Alderton Render Elevations
 - Alderton Floor Plans
 - Beaumont Brick Elevations
 - Beaumont Render Elevations
 - Beaumont Floor Plans
 - CNR Brick Elevations
 - CNR Render Elevations
 - CNR Floor Plans
 - 4P2B Brick Elevations

- 4P2B Render Elevations
- 4P2B Floor Plans
- 5P3B Brick Elevations
- 5P3B Render Elevations
- 5P3B Floor Plans
- Henley Brick Elevations
- Henley Render Elevations
- Henley Floor Plans
- Marlow Semi Brick Elevations
- Marlow Render Elevations
- Marlow Floor Plans
- Oxford Brick Elevations
- Oxford Render Elevations
- Oxford Floor Plans
- Stafford Brick Elevations
- Stafford Render Elevations
- Stafford Floor Plans
- WBUR Brick Elevations
- WBUR Render Elevations
- WBUR Floor Plans
- Wentworth Brick Elevations
- Wentworth Render Elevations
- Wentworth Floor Plans
- Landscaping Layout rev B
- Planting Plan rev B
- Drainage Strategy
- Topographical Sheet 1
- Design and Access Statement
- Screen Fencing Plan
- Gate with Screen Fencing
- Free Standing Brick Wall
- Site Layout rev C
- GRP Plinth rev 5
- Preliminary Ecological Appraisal
- Great Crested Newt and eDNA survey
- PAC report
- Soil Analysis Results Jan 22
- Bat Activity report
- Bluebell Survey
- Grassland Mitigation Scheme v2
- Detailed Botanical Survey Field 1
- Reptile Survey
- Bat and Barn Owl Survey
- Arboricultural Impact Assessment
- Flood Consequence Assessment
- Transport Statement

3. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
4. 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.
5. 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.
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: a) Widening of the footway to a minimum width of 2.0m along the site's frontage with the A541 Wrexham Road. b) Provision of parking bays on the westerly side of the A541. 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.
8. 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

9. 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.
10. 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.
11. The proposed access shall have a visibility splay of 2.4m x 120m 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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
17. Prior to the commencement of development a scheme of enhanced double glazing to the bedroom/living rooms windows of properties adjacent to the A541 shall be submitted to be approved in writing by the LA planning authority prior to

installation. Following the written approval of these details the glazing of these properties shall be in accordance with these approved details and shall remain so in perpetuity.

18. 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.

19. Prior to the commencement of development a Habitat Management Plan shall be submitted for the written approval of the Local Planning Authority. Thereafter the site shall be managed in accordance with these approved details.

3.00 CONSULTATIONS

3.01 **Local Member (Councillor G Healey):** Objects to the planning application for the following reasons:

1. Phosphates- Existing historic watercourse across the site would act as pathway for water runoff into the Alyn
2. Drainage and Foul Sewage infrastructure- Inadequacies of local system. Recent cases of flooding locally
3. Proximity to Abermorddu School and existing parking issues locally

Hope Community Council: Object to this planning application for the following reasons;

1. There is an official public footpath across the field. Locals have historically used this field for leisure to enjoy the flora and fauna that it contains and access Hope Mountain.
2. Loss of biodiversity/impact on protected species.
3. Sewage system/ flooding/ phosphates
4. Believe that there should be an historical investigation of the site as it is a potential ancient monument.
5. Doctors- Our doctors are already finding it difficult to meet the needs of the community. An increase in patient number would exacerbate the already worrying situation.
6. Schools – At capacity
7. Traffic Impact

Therefore, Hope Community Council strongly object to this planning application as the infrastructure in our villages can't satisfactorily support any more properties. We also need to value our green spaces and historic heritage. But most of all we need to respect and protect

the biodiversity of the site, not destroy the habitat of the area and increase phosphate levels that create dead spots in our river systems.

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 in the South Border sub market area where 30% affordable housing is required on site. The application is for circa 70 dwellings.

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

Whereas for those registered on the social housing register the greatest demand is for 1 and 2 bed roomed properties. There is also demand for larger 4 bed General needs homes.

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 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 and this need is evidently increasing.

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.

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).

Recommended Mix: Based upon the data on the current housing registers Housing Strategy would generally recommend the mix calculated on bedroom need as per FCC Prospectus for Social and as a percentage of those registered on Tai Teg for affordable rent and purchase. Mix would generally be based on 30% Affordable dwellings i.e. 21.

Ecology: The submitted Ecological Assessments have undertaken appropriate surveys, which follow on from previous sites surveys to

identify the biodiversity value of the site, its relationship with the adjacent Wildlife Site.

The Assessments recommend the key ecological features to be retained and enhanced or compensated where this is not possible in line with the mitigation hierarchy PPW12.

While the layout does buffer the Wildlife Site which is welcomed, this will need to be protected during construction and a sensitive lighting plan produced to ensure that impacts are avoided/minimised.

Native hedge, scrub and tree planting as detailed on the landscape drawing will mitigate for the relevant losses.

Considers that the Grassland Compensation Scheme for the translocation of grassland and bluebells, is acceptable.

Highways Development Control: Para. 3.4 of the TA proposes the extension of the 30mph (now 20mph) speed restriction along the A541 (Wrexham Road) road, across the site's frontage. Highways Development Control advise that the cost of such a review and amendment to the traffic order is £10k and this should be covered by a Section 106 agreement.

No objection to proposal. Recommends conditions (Listed as Conditions 7-16 in para 2.01)

Community and Business Protection: No objections in principle to this application. However, the site is on the A541 and can potentially be subject to high levels of traffic noise. Therefore, I would recommend Enhanced glazing condition.

Leisure: The existing play area on the Anwyl development is not an FCC owned facility ,but it makes complete sense to link this development to that play area, is there scope to add further play elements on this development such as an informal five a side area . There needs to be a management agreement in place for the upkeep of the open spaces, pathways etc

Natural Resources Wales: Note that the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). Local Planning Authority must follow NRW advice regarding Phosphates and potential impacts upon designated sites.

Dwr Cymru Welsh Water: confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site, and that Hope WWTW have a valid phosphate license. Requests Conditions (included as condition 3 in para 2.01)

CADW: The proposed development will have no effect on the setting of registered park and garden PGW(C)6(FLT) Bryn Iorcyn or scheduled monument FL020 Caergwrle Castle and will have only a minor adverse and not significant effect on the setting of scheduled monument FL020 Caergwrle Castle.

Ramblers: This site is crossed by a popular and well-used path leading from the metal field gate on the main road to a stile on western boundary, and then to Whitty's pond. Although the path is not currently on the Definitive Map, the path is subject to a path claim lodged in 2015 ref 53/B18.

Suggests that the applicant is invited to re-design the layout to provide an off-main road cycle/path link towards the school/Llys Clark area from the north (Caergwle) end of site, path links to path 306/2/10, and a cross-site path.

Airbus: No aerodrome safeguarding objection to the proposal based on the information given.

4.00 PUBLICITY

4.01 120 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.

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

1. Inadequate drainage/flooding issues
2. Traffic Issues
3. Dog Fouling
4. Noise
5. Insufficient Doctors/Local Services/School provision
6. Impact upon heritage sites
7. Ecological Impact
8. Phosphates/pollution
9. Loss of green space
10. Use of Parc Celyn play area
11. Amalgamation of Settlements

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 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 EN2: Green Infrastructure

Policy EN7: Development Affecting Trees Woodlands and Hedgerows

Policy EN15: Water Resources

National Planning Policies

Future Wales- The National Plan 2040

Planning Policy Wales 12 (February 2024)

Supplementary Planning Guidance

SPGN2- Space Around Dwellings

SPGN11- Parking Standards

LPGN13- Public Open Space

SPGN23- Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 Site

The site comprises of an approximately 3 hectare greenfield site located in an area adjacent to Abermorddu Primary school site and within the settlement boundary of Abermorddu. The site is currently agricultural fields bounded by established hedgerows and fronting onto the A541 Wrexham Road.

7.02 Proposal

The proposed development subject to this full application is for the erection of 70 residential dwellings. The site is a housing allocation within the adopted Flintshire Local Development Plan.

7.03 Principle of Development

The site is a housing allocation within the adopted Flintshire Local Development Plan (HN1.9) for up to 80 dwellings and subject to the stipulation that any development demonstrates a retention of hedgerows, the creation of attractive development frontage and where the layout is be sensitive to wildlife and break of slope along western edge of site.

7.04 Policy STR2 identifies Hope, Caergwrlle, Abermorddu, Cefn y Bedd (HCAC) as a Tier 2 Local Service Centre and is therefore a sustainable location to accommodate growth. The site is located on the edge of the settlement and being physically well defined by Wrexham Rd and the housing opposite, by the break of slope and by the school and recent Anwyl development. It is therefore considered to represent a sustainable and logical urban extension in close proximity to a range of services and facilities and public transport. The LDP inspector agreed with this and found the site sound as part of the overall soundness of the LDP.

7.05 As the development is in accordance with the housing allocation within the adopted Local Development Plan it is considered that the principle of development is acceptable.

7.06 Layout and Design

The proposed site was accepted as a housing allocation partly as it was considered to represent a logical extension to the settlement, being situated to the west of Wrexham Road on a naturally contained parcel of land.

7.07 The proposed layout takes account of the topographical changes across the land, to ensure that none of the proposed dwellings will be more than 2-storeys in height. The house and plot sizes are reflective of the local character, incorporating a mix of terraced and detached properties. The affordable homes have been pepper-potted

throughout the proposed development, and these properties will be indistinguishable in their appearance from the open market homes.

- 7.08 Plots 5 to 8 and 60 to 67 maintain a frontage on to Wrexham Road (served via private drives off the new internal access road). This reflects the development facing them on the other side of Wrexham Road.
- 7.09 The layout reflects the linear nature of existing development and works with the natural topography of the land and residential garden area for the proposed dwellings have been orientated in relation to each other such a way as to protect the residential amenity and privacy of future residents, as well as existing nearby dwellings/land-uses, and prevent issues of overbearing and overlooking.
- 7.10 The net developable site area, minus the public open space and landscaping and buffer zone areas, is approximately 2.06 hectares, which equates to a density of roughly 34 dwellings per hectare, which is in accordance with policy HN2 of the Flintshire Local Development plan, which prescribes a general density of more than 30 per hectare as appropriate. In terms of dwelling and plot size the proposed development is considered to be analogous to other development in the vicinity of the site.
- 7.11 Given the proximity of the A541 to the dwellings on the site frontage there has been a request from Community and Business Protection for a condition to be applied requiring a scheme of enhanced glazing, in order to protect the amenity of the future occupants of these dwellings from adverse noise arising from traffic.
- 7.12 The proposed dwellings are two-storey houses both detached, and terraced and finished primarily in brick with some rendered details throughout the site. In terms of both scale and design the proposal is in keeping with the prevailing character of the locality, particularly those properties on Llys Clark and Wyndenham drive to the south. The house designs are considered to be appropriate to the location.
- 7.13 Ecology and Green Infrastructure
- The site comprises semi-improved grasslands, poor semi-improved grassland, broadleaved mixed deciduous woodland, wet alder woodland, bramble & blackthorn scrub, bracken, hedgerows, treelines, a stream and two ditches. To the west of the site is the designated Caeau Abermorddu Wildlife Site
- 7.14 The submitted Ecological Assessments have undertaken appropriate surveys, which follow on from previous sites surveys to identify the biodiversity value of the site and its relationship with the adjacent Wildlife Site.

- 7.15 The Assessments recommend the key ecological features to be retained and enhanced or compensated where this is not possible in line with the mitigation hierarchy of PPW12.
- 7.16 While the layout does buffer the Wildlife Site, this will need to be protected during construction and a sensitive lighting plan produced to ensure that impacts are avoided/minimised. This will be controlled by condition to ensure that this is the case.
- 7.17 It is considered that the native hedge, scrub and tree planting as detailed on the landscape drawing will mitigate for potential losses of existing features as a result of the proposal.
- 7.18 Two areas of semi-improved grassland are present on site. It is accepted that the grassland cannot be feasibly retained in situ, and therefore in accordance with PPW12 and the mitigation hierarchy, a mitigation and compensation scheme is required to retain where possible or to specify translocate where this is not possible. This Grassland Compensation Scheme, which has been submitted in support of the application, details a range of actions, in order to provide compensation for the species-rich grassland and associated fringe habitats to be lost within the development site. A strategy for the translocation of native bluebell is also included, as are measures to reduce light spill onto the adjacent Caeau Abermorddu Wildlife Site and retained woodland on site.
- 7.19 These actions comprise the translocation of grassland via both turves and as individual plant plugs, enhancement and creation of hedgerows, woodland and scrub creation, bluebell translocation, seeding of the attenuation basin and creation of hibernacula and control of injurious weeds. A robust monitoring scheme will also be input to monitor the success of the actions proposed and will recommend remedial actions where necessary.
- 7.20 It is proposed to condition the preparation of a Habitat Management Plan to ensure the ongoing favourable management of habitats on site, including both new and retained habitats. This is included as condition 19 in the recommendation.
- 7.21 Planning Policy Wales 12 notes how the quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.
- 7.22 It is considered that the layout, landscaping buffers, generous area of public open space and translocation and management of the

grassland assists in meeting the objectives and outcomes of net biodiversity benefit and green infrastructure and ensuring compliance with policies STR13 and EN2 of the Flintshire Local Development Plan and PPW12.

7.23 Highways and Access

The proposal is served by a single central vehicular access onto the A541. There are a number of pedestrian links from the site onto the footway of the A541 along the site frontage. This application was subject to pre-application discussions between Highways and the applicant and their advice has been incorporated into the proposal.

7.24 Highways Development Control have raised no objection to the proposal subject to suggested conditions, and the requirement of the cost of Traffic Regulation orders for both the extension of the 20mph speed restriction along the A541 (Wrexham Road) road, across the site's frontage as well as the alteration of the existing parking restrictions along the A541 (Wrexham Road).

7.25 Objections have been received regarding the problems currently associated with Abermorddu primary school and parking on the road during school drop off and pick up times. It is not considered that this is a matter that should weigh against the proposed development as there is no suggestion that the dwellings being proposed will in any way add to this issue, which is a pre-existing one. Parents of children who attend this school from the development site will have a short walk from their homes to the school, utilising the pedestrian links to the existing footway network.

7.26 Public Open Space

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 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, where proposals seek to develop 25 or more dwellings, but less than 100, the minimum standard to be applied will be 56.65 square metres per dwelling. This equates to 3,965 Square metres.

7.27 Public open space will be provided in the southern parcel of the Site and is approximately 4.11 acres in size, or 16,632 square metres. Part of this area will include an attenuation basin as part of the surface water drainage strategy. Footpath connections will be provided through this space from the site to the adjacent equipped area of play that was delivered as part of the nearby Llys Clark residential

development. Leisure Services have confirmed that this is an acceptable and logical arrangement.

7.28 The area of public open space provided meets the required area as set out in LPGN13, and it is considered that providing a link to the existing play area adjacent to the site is an acceptable and sensible design solution.

7.29 Heritage Assets

The application site is close to a number of scheduled ancient monuments, including sections of both Offas and Watts Dyke , Cergwrle Caste and the packhorse bridge at Caergwrle and the bridge at Ffrith as well as the Caer Estyn Hillfort. Planning Policy Wales and Technical Advice Note 24 Historic Environment requires the Planning Authority to assess the impact of the development upon these heritage assets as this is a material consideration in the balanced assessment of a site.

7.30 Of particular importance is the proximity and impact of the proposed development upon scheduled monument FL020 Caergwrle Castle and the registered park and garden PGW(C)6(FLT) Bryn Iorcyn as the development is potentially inter-visible with these designated historic assets.

7.31 A Heritage Impact Assessment has been submitted in support of the application. This report concludes that there is a slight impact upon the setting of Caergwrle castle, although the proposal does not extend built development any further along Wrexham Road than existing development on the east side of Wrexham Road and therefore maintains an open buffer to the conservation area and castle

7.32 The views of CADW were that the proposed development will have no effect on the setting of registered park and garden PGW(C)6(FLT) Bryn Iorcyn or scheduled monument FL020 Caergwrle Castle and will have only a minor and not significant effect on the setting of scheduled monument FL020 Caergwrle Castle.

7.33 Given the above it is considered that there are no significant impacts upon local heritage assets as a result of this development.

7.34 Phosphates and Drainage

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

7.35 The proposal intends to connect to the public sewer system. Having reviewed the submitted drainage strategy (7896/SK02) Dwr Cymru acknowledge that the applicant proposes to discharge foul flows to manhole SJ30568601 and have confirmed that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

7.36 They further advise that Hope WwTW has a valid and up to date phosphate permit.

7.37 In line with NRW advise it is considered likely that a conclusion of no likely significant effect could be drawn in some cases in the context of water quality impacts where the following apply:

- the environmental permit for the associated wastewater treatment works has been reviewed against revised conservation objectives for water quality
- there is capacity in place to accommodate the additional wastewater in compliance with revised permit limits.
- the sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows

7.38 These criteria apply to the proposal and given the confirmation from Dwr Cymru that capacity exists to accommodate the development, and that the Hope WwTW has a valid phosphate permit, which was subject to re-permitting in 2023, it is considered that a no likely significant effect conclusion can be drawn in this instance and the proposal is in accordance with policy EN15 in the Flintshire Local Development Plan.

7.39 Dwr Cymru have confirmed that subject to the submitted drainage plan being implemented they have no objection to the proposal.

7.40 The Local Member has raised concerns regarding the possibility of phosphates entering the River Alyn directly through surface water run off. It should be noted that as part of the development process the site will be subject to SAB approval for a surface water drainage solution which will address any issue with water leaving the site.

7.41 Planning Obligations

The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be

assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.42 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.

7.43 Planning obligations sought with this development consists of education contributions and with regard to the proposed affordable dwellings, and their tenure.

7.44 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.

Secondary School: Ysgol Castell Alun

- The required Section 106 contribution would be £221,628.00

7.45 It is considered that the education contributions would meet the regulation 122 tests. The Local Education Authority have confirmed that Ysgol Castell Alun does not appear to have received more than 5 contributions and therefore the limitations of regulation 123 does not apply.

7.46 Affordable Housing

The site sites within the South Border housing market area. Policy HN3 of the LDP requires 30% on site affordable housing delivery within this market area. The proposal for 21no. affordable dwellings meets this requirement of HN3. Whilst the application does not identify the tenure of these affordable dwellings, it will be possible to decide upon the relevant mix through the legal agreement, and will ensure that the development meets the most up to date identified need. The Local Housing Market Assessment (LHMA) currently identifies the need for a tenure split of 30% social rented, 30% intermediate rented and 40% low cost home ownership.

7.47 Policy HN2 of the LDP requires residential developments to incorporate a mix of dwelling types and sizes. As per para 8.6 of the LDP, applications should make reference to the evidence contained

within the LHMA and provide a range of housing types and sizes on site in order to meet identified needs.

7.48 The proposal features 14 no. 2 bedroom affordable dwellings and 7 no. 3 bedroom dwellings. Housing Strategy have commented that 2 & 3 bedroom properties are most in demand on the affordable register, particularly houses, for both intermediate rent circa 79% and low cost home ownership circa 90%.

7.49 The proposal provides the percentage amount of dwellings identified by LDP policy HN3, and the sizes of dwellings being proposed will meet identified affordable housing need as shown on the register. It is therefore considered that the proposal is in accordance with policy Flintshire Local Development Plan policy HN3.

7.50 Other Matters

Reference has been made in third party submissions to a public footpath that runs through the site. It has been confirmed that this is not a designated public right of way.

7.51 The proposal will require SAB approval to agree the surface water drainage solution on the site. As such this is not a matter for consideration as part of the planning application.

8.00 CONCLUSION

This proposal, for residential development is on a site allocated for such development. Due to the sustainable nature of the development and its location, and the fact that this is a development that would also provide the full complement of affordable housing in accordance with the relevant policy requirement and adequately addresses the site constraints, in particular the ecological issues on site, it is considered that the development is acceptable in principle.

It is therefore 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

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

This page is intentionally left blank

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13TH MARCH 2024**

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

SUBJECT: **CHANGE OF USE FROM VACANT RETAIL AND OFFICES TO A GROUND FLOOR BAR WITH NEW FRONTAGE AND FLATS ON FIRST AND SECOND FLOORS.**

APPLICATION NUMBER: **COU/000751/23**

APPLICANT: **LUCAS HUNTER**

SITE: **19-21 CHURCH STREET, FLINT**

APPLICATION VALID DATE: **30/8/23**

LOCAL MEMBERS: **COUNCILLOR I ROBERTS**

TOWN/COMMUNITY COUNCIL: **FLINT TOWN COUNCIL.**

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS THE IMPACT ON THE LIVING CONDITIONS OF OCCUPIERS OF NEARBY RESIDENTIAL PROPERTIES**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the change of use of a current vacant retail and office building at 19-21 Church Street, Flint, into a ground floor bar with flats above on both first and second floors. Amended plans and a noise mitigation statement have been submitted in progression of the application on which further consultation has been undertaken.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION
SUBJECT TO THE FOLLOWING CONDITIONS**

- 2.01
- 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:
 - Location Plan
 - AMENDED Proposed Site Plan A023/193/P/01B
 - AMENDED Proposed Elevations A023/193/P/02B
 - AMENDED Proposed Ground / First Floor Plan A023/193/P/04A
 - Proposed Second Floor Plan A023/193/P/05
 - AMENDED Proposed Frontage A023/193/P/06B
 - AMENDED Proposed Noise Mitigation Statement Rev B
 - 3 The proposed Noise Mitigation Measures approved as part of condition 2 of this permission, shall be carried out in accordance with timescales as may be approved in writing by the Local Planning Authority.
 - 4 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system
 - 5 No development shall commence until a scheme of biodiversity net benefit to incorporate bird nesting boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with a timetable to be approved in accordance with the approved details or any agreed variation therefrom

3.00 CONSULTATIONS

3.01 Local Member

Councillor I Roberts: Requests a site visit and Planning Committee determination given concerns raised by some local residents, due to the proximity of residential properties on Sydney Street. If approved, he requests the following conditions be placed on the development,

- Access and egress to the proposed sports bar in non - emergency circumstances will be from Church Street with emergency access only permitted to Sydney Street.
- Deliveries to be between specified hours from Sydney Street.
- The current car parking will be retained to allow emergency access to Sydney Street with the 3 bays allocated as one per apartment and 1 management space. This car parking space

will be kept open to Sydney Street to ensure compliance with conditions.

- The smoking area will be the outside space between the former bank and the former Iceland Store. This is located behind the wooden gate which will be retained.
- The playing of music and sound emanating from the sports bar will not be permitted in the smoking area.
- Except for the smoking area there will be no seated outside provision to the rear or side of the premises.

Flint Town Council: Support the application.

Highways Development Control: No objection recognising the sites sustainable town centre location.

Community and Business Protection (Pollution Control): No objection following the submission of a Noise Mitigation Statement which seeks to incorporate measures to minimise the impact of development on the living conditions of occupiers of nearby residential properties.

Welsh Water/Dwr Cymru: Request that any permission includes a condition to prevent any increase in surface water drainage entering into the public sewerage system.

Council Ecologist: No objection subject to the imposition of a condition securing biodiversity net benefit to include for the installation of bird nesting boxes.

Airbus: No aerodrome safeguarding objection.

Built Heritage Officer: Confirm following the receipt of amended plans that the scheme is acceptable and sympathetic to the existing building and Flint Conservation Area.

4.00 PUBLICITY

4.01 Neighbour Notifications were sent to 16 neighbouring and nearby properties. The application was also publicised by way of a Site Notice displayed at the site and a Press Notice.

10 No letters of objection have been received, the main points are summarised as follows:

1. Detrimental impact on the living conditions of occupiers of nearby properties by way of increased noise and disturbance.
2. The proposal will result in exacerbating anti-social behaviour.
3. There are already adequate numbers of public houses/bars within the town.

5.00 SITE HISTORY

- 5.01 041324 - Retrospective application for the relocation of night safe and new door. Approved 19/5/06
- 045666 – Installation of new external staircase. Refused 9/2/09
- 046737 – Installation of new galvanised steel fire escape staircase.
Approved 16/11/09
- 049477 – Erection of new CCTV camera and ATM downlighter.
Approved 25/4/12
- 049478 – Erection of replacement fascia and projecting signs
.Approved 25/4/12
- 062736 – Removal of existing fascia projecting sign, protruding boxing and projecting Barclay’s signage, allow for new fascia to be installed, existing ATM to be removed and opening infilled with render to match existing. Approved 20/9/21.

6.00 PLANNING POLICIES

- 6.01 Flintshire Local Development Plan (LDP)
STR2 – The Location of Development
STR4 – Principles of Sustainable Development, Design and Placemaking.
STR5 – Transport and Accessibility
STR13 – Natural and Built Environment, Green Networks and Infrastructure.
PC2 – General Requirements for Development
PC3 – Design
PC5 – Transport and Accessibility
PE8 – Development within Primary Shopping Areas
EN8 – Built Historic Environment and Listed Buildings.
EN9 – Development in or adjacent to Conservation Areas.
EN18 – Pollution and Nuisance.

Supplementary Planning Guidance Notes (SPGN)

- SPGN2 – Space Around Dwellings
SPGN6 – Nature Conservation and Development
SPGN7- Conservation Areas
SPGN11 – Parking Standards

National Planning Policy

Planning Policy Wales (PPW) – Edition 12

The National Plan 2020-2040
Technical Advice Note 5 – Nature Conservation and Planning.
Technical Advice Note 8 - Transport
Technical Advice Note 11- Noise
Technical Advice Note 12 – Design
Technical Advice Note 23 – Economic Development
Technical Advice Note 24 – The Historic Environment

7.00 PLANNING APPRAISAL

7.01 Introduction

The frontage of the building the subject of this application is located on the southern side of Chester Street, Flint, its rear elevation and associated parking area being accessed directly from Sydney Street. The site is located within both the town centre and Conservation Area boundaries of Flint as defined in the Flintshire Local Development Plan (LDP).

7.02 The frontage of the building consists of a modern single storey former retail office building that has been built in front of a pair former Edwardian Villas that are also currently vacant. The red brick villas date from 1906, having rich architectural detail including dentilated (toothed) eaves, fret cut barge boards and bold square cast iron rainwater goods.

7.03 Proposed Development

The amended plans submitted as part of this application propose: -
i) conversion of the ground floor of the existing building into a ground floor public bar, with the introduction of a new frontage.
ii) the creation of an associated outdoor drinking /smoking area at the rear/side
iii) change of use of the first and second floors of the building into 2 No 3 bedroom flats

7.04 Amended plans propose as part of the application to provide a total of 4 No car parking spaces accessed directly from Sydney Street, for use by the occupiers of the proposed flats and delivery vehicles.

7.05 Main Planning Considerations

The main considerations to be taken into account in determination of this application include:

- i) Principle of development
- ii) Scale /form/design and impact on the conservation area
- iii) Adequacy of access and parking
- iv) Impact on living conditions

These issues are addressed in further detail below.

7.06 Principle of Development

As referenced, the building and its associated curtilage are located within both the town centre and Conservation Area boundaries of Flint as defined in the LDP. The site is also located within the Primary Shopping Area of Flint, where Policy PE8 seeks to control the loss of retail uses to other uses. However, in this case the premises is a former bank and the proposed change of use does not represent the loss of a retail unit.

7.07 Within the town centre, there is a mix of retail and commercial properties including other public houses. The proposed change of use of a currently vacant building, offers the opportunity to bring the building into use, helping to secure the vitality of the town centre from both commercial and residential perspectives. The principle of development is considered acceptable having regard to Policy PC2 of the LDP, subject to the safeguarding of relevant development management considerations. LDP Policies do not place any restriction on the number of such facilities in town centres in order to allow for choice and competition.

7.08 Scale/ Form/Design

Following consultation with the Council's Built Heritage Officer, amended plans have been received in progression of the application. These have secured improvements to the proposed design and form of the proposed new shop frontage recognising the sites location within the conservation area of Flint. The amendments seek to ensure that the proposed development complements the works previously secured as part of the Flint Townscape Heritage Initiative (THI) and carried out to nearby buildings. The works are therefore supported having regard to Policies PC2, PC3 and EN9 of the LDP.

7.09 Adequacy of Access and Parking

Consultation on the application has been undertaken with Highways Development Control, who raise no objection to the development recognising the sites sustainable town centre location.

7.10 Amended plans received in progression of the application propose the provision of 3 No parking spaces for use by the occupiers of the proposed flats. The number of spaces takes into account the position of 2 No existing bollards that are set behind the back edge of the footpath at this location, which impact on the manoeuvrability of vehicles accessing the site from Sydney Street. The provision of 3 No spaces, allows a safe access into these spaces to be achieved, there being no objection to the parking proposed from a highway perspective recognising the sites sustainable town centre location and an existing public car park within approximately 19m of the application site.

7.11 Impact on Living Conditions

Of particular importance in consideration of this application is ensuring that the living conditions of the occupiers of nearby residential properties are safeguarded as part of the proposed development.

7.12 The application proposes that the hours of operation of the bar are as follows:

Monday – Saturday: 12:00 – 23:00

Sunday: 12:00 – 21:00

7.13 There are however a number of residential properties located at Sydney Walk, on Sydney Street, that are within approximately 17m of the application site. The concerns raised in relation to potential noise and disturbance associated with the proposed sports bar use are noted

7.14 In recognising the relationship of the site to these existing properties and following consultation with the Council's Community and Business Protection Service (Pollution Control), Noise Mitigation Measures initially proposed to seek to address the concerns raised included :

- The outdoor area being used only during the hours of 12:00 – 22:00 Monday to Saturday and 12:00 – 21:00 Sunday.
- There being no outdoor speakers or TV's.
- All windows to the beer garden being closed when not in use.
- Notices asking patrons to please respect neighbours and keep noise to a minimum being visible in the beer garden and entrances.
- Routine monitoring to be carried out by staff.

7.15 It has been confirmed by Pollution Control, that the above measures are acceptable to seek to address the concerns raised, but in light of additional measures requested further to the consultation exercise undertaken, the applicant has submitted a revised Noise Mitigation Statement to also include the following additional measures :-:

- Restrictions over hours of delivery to the premises from Sydney Street to be between 0800-1800 hours Monday – Saturday with there being no deliveries on Sundays.
- Restricting access/egress to the bar from onto Sydney Street to emergency situations only.
- The smoking area will be the outside space between the former bank and former Iceland Store located behind the wooden gate which will be retained.
- Except for the beer garden to the side, there being no outside seating provision to the rear or side of the premises.

7.16 It is considered that the revised Noise Mitigation Measures that are now proposed, have taken into account the concerns raised and can be secured by condition against which any breaches can be monitored and potentially enforced by the Council in the future.

7.17 Other Matters

Planning Policy Wales (PPW12) has confirmed the requirement for development to deliver Biodiversity Net Benefit recognising that this should be proportionate the development proposed.

7.18 Consultation on the application has been undertaken with the Council's Ecologist who advises that for a building in an urban area, bird boxes represent the best option. There are records for house martin, swifts and house sparrow in the immediate locality which will use appropriate boxes, appropriately located under the eaves of the building. This can be secured by the imposition of a condition.

8.00 CONCLUSION

It is considered that the proposal is acceptable and supported in accordance with the relevant Local Development Plan policies. The scheme secures an acceptable commercial /residential conversion of an existing vacant building within both the town centre and conservation area boundaries of Flint, where there are a mix of uses.

It is acknowledged that there are a number of residential properties located in proximity to the site where it is important to seek to safeguard the living conditions of existing occupiers. On this basis and having considered the objections received and all other matters, which have been addressed through the submission of a Revised Noise Management Statement , it is recommended that planning permission is granted.

8.01 Other Considerations

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

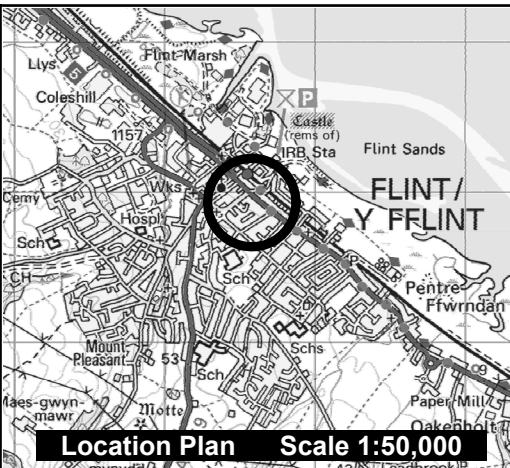
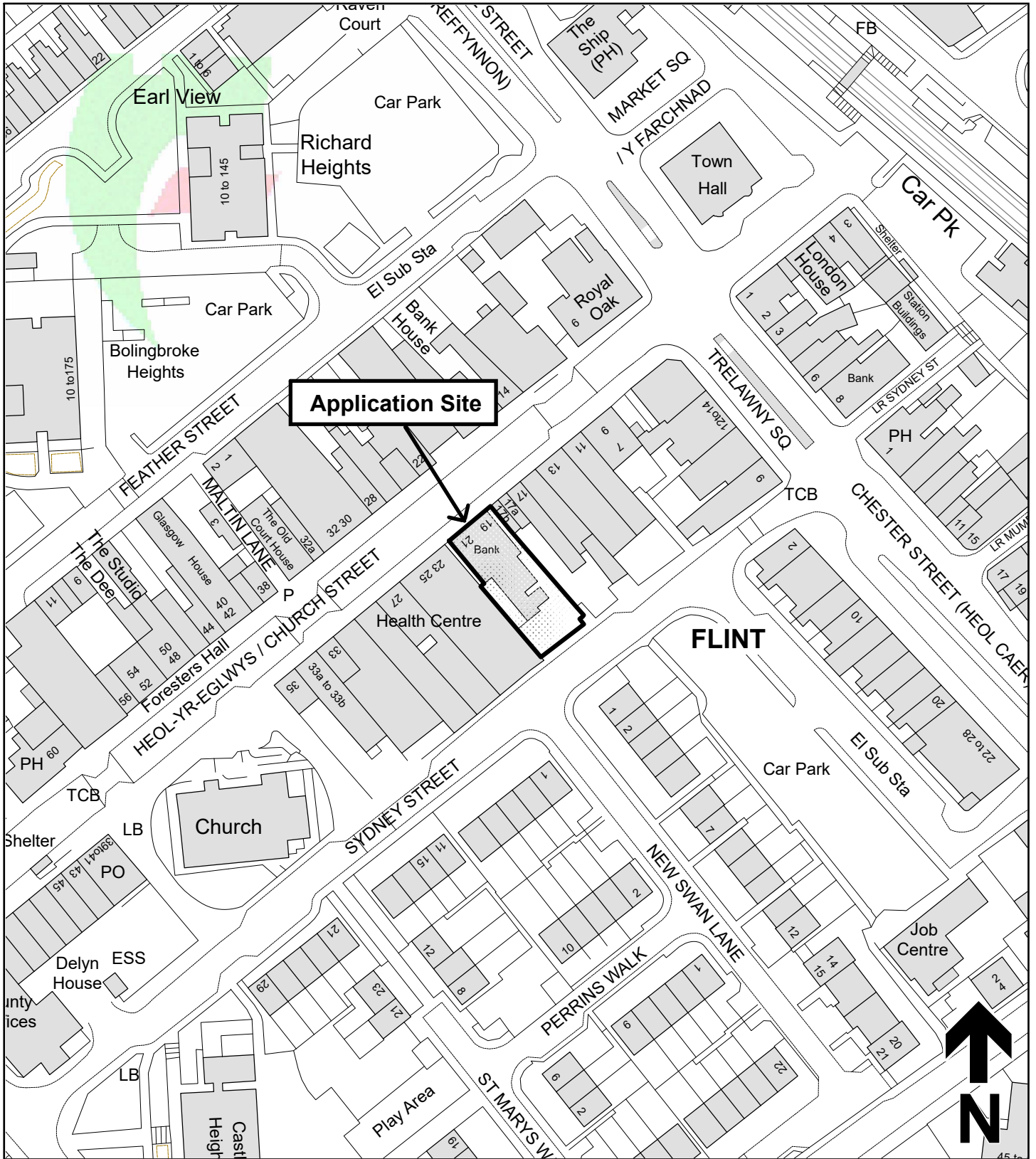
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity




Contact Officer: Robert Mark Harris

Telephone: 01352 703269

Email: Robert.M.Harris@flintshire.gov.uk

This page is intentionally left blank



	Planning, Environment & Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow	
	<p>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2023.</p>	
<p>Legend</p> <p> Planning Application Site</p> <p> Adopted Flintshire Unitary Development Plan Settlement Boundary</p>	<p>Map Scale: 1:1250</p> <p>OS Map: SJ 2473</p> <p>Application: COU/000751/23</p>	<p>Page 89</p>

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13th MARCH 2024**

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

SUBJECT: **REVISED APPLICATION FOR THE CONVERSION AND EXTENSION OF AN OUTBUILDING TO FORM A HOME OFFICE AND GYM; AND THE DEMOLITION OF PART OF A BOUNDARY WALL IN ORDER TO CREATE AN OFF-STREET PARKING SPACE WITH AN ELECTRIC VEHICLE CHARGE POINT (INCLUDING AREA OF LAND OUTSIDE APPLICANTS OWNERSHIP).**

APPLICATION NUMBER: **FUL/000621/23**

APPLICANT: **MR & MS M & S HODGSON & POOSTCHI**

SITE: **ARWEINFA, GWAENYSGOR, RHYL, LL18 6EP**

APPLICATION VALID DATE: **05-Jul-2023**

LOCAL MEMBERS: **CLLR G BANKS**
CLLR G MADDISON

TOWN/COMMUNITY COUNCIL: **TRELAWNYD & GWAENYSGOR COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **CLLR G MADDISON - I WISH FOR THE APPLICATION TO BE DISCUSSED AT PLANNING COMMITTEE. REASON, THE DEVELOPMENT IS UNSUITABLE FOR A CONSERVATION AREA IN AONB**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application seeks permission for the conversion and extension of outbuilding to form a home office and gym and the demolition of part of a boundary wall to create off street parking space with an electric vehicle charging point.

The application was deferred from Planning Committee on the 30th August 2023 following the site visit to allow the applicant additional time to prepare further information in support of the application concerning - visibility splays, section drawings of the parking area and an amended plan of the parking area. The site visit was also rearranged to allow for Members to have access to the site.

Since the original submission the original plans have been amended to include revised location plan which includes the highway verge within the red line area. As this land falls outside of the applicant's ownership they have placed a notice in the Rhyl Journal advertising their intention to utilise this piece of land and signed certificate D.

In addition the applicant has revised the parking area plan and the rebuilt wall is now proposed to extend down the right-hand side of the parking area, with a gate as well as sectional drawings of the parking area showing the span of the structural deck, supporting walls and foundations proposed.

The application is to be read alongside the associated Conservation Area consent - CONS/000790/22 application for the demolition of part of a boundary wall in order to create an off-street parking space with an electric vehicle charge point.

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

2.01 Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Written notification of the date of commencement of any works on the site deemed to begin the development shall be sent to the Local Planning Authority within seven days of such commencement.

2. The development shall be carried out in accordance with the following approved plans and documents:

- Proposed Elevations 1030 PL17 (Rev D) Dated 14/03/2023
- Proposed Ground Floor Plan 1030 PL15 (Rev C) 14/03/2023
- Proposed Section 1030 PL18 (Rev D) 14/03/2023
- Proposed Roof Plan 1030 PL16 (Rev D) 14/03/2023
- Location Plan, Existing and Proposed Block Plans 1030 S15 (Rev B) 17/11/2023
- Proposed Parking Area Sketch 1030 PL19 (Rev E) 20/11/2023

- Proposed Parking Area Sketch Plan and Sections 1030 PL20 (Rev B) 20/11/2023

3. No development shall take place until samples of the materials to be used in the external finishes of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

4. The outbuilding hereby permitted shall be used only for purposes incidental to the occupation and enjoyment of the occupiers of the main dwellinghouse 'Arweinfaf, Gwaenysgor, Rhyl, LL18 6EP' and shall not be used as a separate unit of accommodation or business.

5. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

6. The proposed access shall have a visibility splay of 2.0m x 14m in an easterly direction measured to the centreline of the adjoining running lane and 2.0m x 16m in westerly direction measured to the nearside edge of the adjoining carriageway. Both sightlines shall cross over land within the control of the Applicant and/or Highway Authority and within which there shall be no obstruction to visibility in excess of 1.0m above the nearside channel level of the adjoining highway.

7. Notwithstanding the approved plans details of boundary treatment to be erected at the rear of the parking space hereby approved on the southern boundary adjoining Tyn Rodyn shall be submitted to and agreed in writing with the Local Planning Authority prior to first use. The agreed scheme shall be implemented in full prior to first use and retained as such thereafter.

8. Prior to the commencement of development a scheme for biodiversity enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to first use and retained as such thereafter.

3.00 CONSULTATIONS

3.01 **Local Member - Cllr G Maddison** - wishes for the application to be discussed at planning committee. Reason, the development is unsuitable for a conservation area in AONB

Local Member – Cllr G Banks – finds the proposal outrageous and states; I am personally totally against this taking place.

Trelawnyd and Gwaenysgor Community Council – objects to the proposal on the following grounds – materials not in keeping, will impose on skyline and take away privacy, inadequate drainage, loss of parking in village, loss of green verge and historic wall, plans don't appear correct, the parking area could impact on the safety of neighbours and could lead to a dangerous situation, contrary to policies in LDP.

Public Rights of Way - No objection. Public Bridleway 10 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

Highways Development Control – Subject to a condition to secure adequate visibility in perpetuity at the proposed point of access onto the highway, there are no objections to the proposal on highway safety or parking provision.

Built Conservation – Following examination the Conservation Team identified that the section of the wall subject to this application is un-historic in date, having been reconstructed within the last thirty years. Conservation thereby considers that the loss of a small section of modern wall would not be adversely detrimental to the character and appearance of the area on this basis raise no objection.

Community & Business Protection (Pollution) - No objection.

Area of Outstanding Nature Beauty (AONB) Joint Committee – No Objection

CADW - No comments received at the time of writing the report.

Clwyd Powys Archaeological Trust - No objection - recommend planning condition to secure archaeological watching brief.

4.00 PUBLICITY

4.01 A site notice was posted on the telegraph pole outside the site and 18 Neighbour Notifications were sent to adjoining/nearby properties. At the time of writing a petition of objection containing 57 signatures has been received along with a number of objections to the proposal. The objections are summarised as follows:

1. The proposal is contrary to policy EN9
2. The development is out of keeping with the character and appearance of the conservation area
3. The height and massing will unacceptably impact upon the

- streetscape and open skyline vista along Lon Chapel
4. The development defies the Conservation Area appraisal.
 5. The plans do not appear to be drawn correctly.
 6. PV Panels & scale of roof detrimental to the framing and focus of Arweinfaf.
 7. Too big and overbearing
 8. Loss of privacy and potential for overlooking
 9. The proposal represents a personal business use
 10. Building subject to application already in use as personal training business use
 11. No significant justification for the removal of the historic wall.
 12. Impact on amenity, character and appearance of the village.
 13. Highway safety concerns and loss of on street parking.
 14. Negative impact on the character of Gwaenysgor conservation area.
 15. Appearance and impact on street scene
 16. Misleading application description
 17. Safety concerns over the parking space.

5.00 SITE HISTORY

- 5.01 064268 - Proposed outbuilding conversion and extension to form home office with off-road parking- Refused 29.09.2022 (Householder)
- 064269 - Proposed demolition of stone wall within conservation area to create new access- Refused 29.09.2023 (Conservation Area Consent).

6.00 PLANNING POLICIES

- 6.01 Flintshire Local Development Plan (Adopted)
- PC1 – The Relationship of Development to Settlement Boundaries
 - PC2 – General Requirements for Development
 - PC3 – Design
 - PC4 – Sustainability and Resilience
 - PC5 – Transport and Accessibility
 - HN4 – Housing in the Countryside
 - HN5 – House Extensions and Alterations
 - EN4 – Landscape Character
 - EN5- Area of Outstanding Natural Beauty
 - EN6 – Sites of Biodiversity Importance
 - EN8 – Built Historic Environment and Listed Buildings
 - EN9 – Development within or Adjacent to Conservation Areas
 - EN10 – Buildings of Local Interest
 - EN18 – Pollution and Noise

Supplementary Planning Guidance (Adopted)
SPGN No 1 – House Extensions and Alterations

SPGN No 2 – Space Around Dwellings
SPGN No.6 – Listed Buildings
SPGN No 7 - Conservation Areas
SPGN No 8 – Nature Conservation and Development
SPGN No.11 - Parking Standards
SPG on Clwydian Range and Dee Valley Area of Outstanding
Natural Beauty (AONB)

Gwaenysgor Conservation Area Appraisal and Management Plan

National Planning Policies

Future Wales Development Plan 2020-2040

Planning Policy Wales (PPW) Edition 12

Welsh Government Technical Advice Notes (TAN)

TAN12 - Design

TAN24 – The Historic Environment

7.00 PLANNING APPRAISAL

7.01 Site & Surroundings

The application site is located Gwaenysgor and is within the Conservation Area and Area of Outstanding Natural Beauty (AONB).

7.02 The site consists of a relatively large, detached dwelling - part two storey, part single storey, located centrally within the village. The property is built in traditional stone and is surrounded by similar style dwellings.

7.03 The property has an area of amenity space at the rear that consists of a courtyard with a small orchard beyond. A stone wall surrounds the property with railings above the wall in front of the principal elevation.

7.04 The outbuilding is located at the rear of the site and forms an open store - ancillary to the main dwelling. The existing structure ties into the stone wall forming the courtyard area at the back of the property.

7.05 Proposal

This application seeks permission for the conversion and extension of outbuilding to form a home office and gym and the demolition of part of a boundary wall to create off street parking space with an electric vehicle charging point. The application is to be read alongside the associated Conservation Area consent application - CONS/000790/22 for the demolition of part of a boundary wall in order to create an off-street parking space with an electric vehicle charge point.

7.06 The Main Issues

The main issues for consideration in this matter are;

- Principle of development having regard to planning policy framework and background planning history
- Scale and design of development
- Adequacy of access
- Impact on living conditions & impact upon conservation area
- Impact upon AONB

7.07 Principle of Development

The application site is located in Gwaenysgor which is a Tier 5 Undefined Village in policy STR2 of the adopted Flintshire Local Development Plan. Tier 5 settlements are the smallest settlements and do not have defined a settlement boundary. However, the application site sits at the centre of the village and is clearly contained within the existing built form of the settlement. There are no policies in the adopted Plan which would preclude the principle of converting and extending an existing building for an ancillary residential use.

7.08 Arweinfia is sited within an area identified as a Conservation Area and Area of Outstanding Natural Beauty (AONB).

7.09 The Welsh Government sets out in para 6.1.1 of Planning Policy Wales that schemes should preserve and enhance the historic environment, recognise its contribution to economic vitality and culture, civic pride and the quality of life, and to recognise its importance as a resource for future generations. It adds that schemes should ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest and to ensure that Conservation Areas are protected and enhanced. In respect of AONBs para 6.3.7 states 'In AONBs, planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas'.

7.10 Policies PC2 and PC3 seek new development to harmonise with and enhance the existing character and appearance of the site and surroundings.

7.11 Policy EN9 states development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character and appearance of the conservation area or its setting.

7.12 The adopted SPG on Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) guides the key design

considerations at these locations, which include scale, siting, design, materials, setting and landscape.

- 7.13 SPGN No.7 advises Conservation Area designation gives control over the total or substantial demolition of unlisted buildings within conservation areas, by making it necessary to obtain conservation area consent – see CONS/000790/22.
- 7.14 Given the above context, national and local policy confirm that the application site is in an appropriate location for such development subject to compliance with the relevant policy.
- 7.15 Conservation Area and Area of Outstanding Natural Beauty
The development site is located in a prominent position in the centre of the Gwaenysgor Conservation Area and is also within an identified area of Outstanding Natural Beauty.
- 7.16 Gwaenysgor Conservation Area Appraisal and Management Plan, is a guidance document produced by the Local Authority in consultation with the Community Council and carries limited weight. It is not a SPG and does not supersede the adopted policies provided under the adopted Flintshire Local Development Plan, Supplementary Planning Guidance Notes and Welsh Government Technical Advice Note.
- 7.17 The document advises for the area that the familial character for Gwaenysgor is strengthened by the use of common building materials and building form with the north eastern section of Arweinfaf identified within the document as a focussed building with long views into the village, from routes converging towards the village core. Section 3 and subsequent paragraphs within this segment there is discussion of the alterations and changes that have occurred over the years, with the introduction of more modern elements in such as new windows, dormers and modern materials within the village. Paragraph 3.24 negative development include breaks in stone walls to create vehicular access ways.
- 7.18 The Built Conservation Team have reviewed the documents submitted within the current application which now proposes to extend and alter an existing stone outbuilding into a single storey structure rather than a two storey which had been refused under the earlier two applications due to the concerns raised over the impact of the development upon the overall character of the area.
- 7.19 The outbuilding subject to this application is located at the rear of Arweinfaf and it is intended to convert and extend the building to create a new office and gym building for personal use of the occupants of Arweinfaf. The use of the building for personal use can be controlled by condition.

- 7.20 As set out above, the host dwelling and associated buildings are located in a prominent position in the centre of the Gwaenysgor Conservation area and near to a number of Grade II* and II Listed buildings. It is noted that the Arweinfaf outbuilding was noted as a building that had a positive contribution to the character of the Conservation Area in Gwaenysgor Conservation Appraisal document.
- 7.21 It was considered that the previously proposed two storey building (REF: 064268) was out of character in terms of its massing and appearance to the surrounding buildings and as such would be out of scale with the adjacent single storey cottage and would therefore appear awkward in context with Arweinfaf. It was therefore refused planning permission.
- 7.22 As such the applicant has amended the scheme under the current proposal, reducing the height of the ridge of the proposed converted building by just under a metre. In addition, at the request of the Local Planning Authority the new dormer structure on the inward facing elevation has been removed and the building will retain a slated roof with traditional eaves. This has considerably reduced the overall bulk and massing of the structure so that it now relates much better to its surroundings.
- 7.23 The proposed roof contains three conservation style roof lights facing the orchard, with two new windows containing new cast stone lintels and stone of traditional scale. Facing into the courtyard are new timber framed double glazed, non-opening screens, enclosed within a timber structure with solar PV panels flushed to the roof. The design has been assessed having regard to its impact upon both the conservation area and the AONB and given the quality of the proposed structure/materials and its overall design are deemed acceptable given the important location.
- 7.24 It is considered that the simpler, more traditional form with materials anticipated in a traditional garden outbuilding retain the character of the conservation area as well as that of the AONB.
- 7.25 It is worth noting that the AONB Joint Advisory Committee have no objection to the proposal.
- 7.26 In terms of the loss of the proposed wall, despite concerns of local residents, the Built Conservation Officer has had an opportunity to re-examine section proposed to be removed and identified that the section of the wall is not historic in date, having been reconstructed within the last thirty years. It is thereby considered that the loss of a small section of modern wall would not be adversely detrimental to the character and appearance of the area.

- 7.27 The small area of grass verge that is now incorporated into the development will be maintained by the applicant so as to ensure visibility (see below). It is not considered that the inclusion would have any adverse impact upon the character of the Conservation Area or AONB as this appeared to be a self-seeded and unkempt shrub.
- 7.28 The development proposed is therefore deemed to comply with the principles set out in Local and National policy.
- 7.29 Given that the plot lies within the predicted medieval historic core of Gwaenysgor and the Conservation Area a condition will be imposed to ensure appropriate archaeological monitoring takes place during construction.
- 7.30 Impacts upon Living Conditions
Representation has been made to the extent that the proposal results in a loss of residential amenity of adjacent residents. Given that the site is relatively well screened from the adjoining properties and the proposed structure is now single storey in nature, the living conditions of adjoining residential properties are considered to be preserved.
- 7.31 Concern has been raised by residents over the potential safety implications of the development given that site of the car parking area backs onto a garden at a lower level with a summer house directly behind.
- 7.32 Whilst comments of this nature fall outside of the remit of planning permission, plans have been provided to show how the proposed parking area will be constructed as a consequence of the change in levels. In order to preserve the residential amenity of those residents potentially affected by the development, a condition for details of boundary treatment will be imposed.
- 7.33 Given the above it is considered that the amenities of neighbouring residents can be preserved to an acceptable degree and as such complies with policy PC2 and PC3 of the LDP as well as SPG no's 1 & 2.
- 7.34 Highway Safety and Parking
In terms of the concerns raised by local residents regarding off road parking and highway safety, the applicant has amended the site plan to include a small area of grass verge to the west of the proposed access. This will enable the applicant to retain control of this piece of land so as to ensure adequate visibility splays. The Highways Development Management Team advise that a speed survey was undertaken which demonstrated that vehicular speeds passing the site are in the region of 15 mph and on this basis were prepared to accept a relaxation to the visibility standards generally required. As such they state that whilst there is no longer a necessity to provide the measure of visibility originally requested (in the previous

application), the speed survey results do indicate the necessity for a 14m sightline to be provided in the critical direction. This is based on the 85th percentile average 7 day speeds for westbound traffic (14.2mph).

7.35 The Highways Development Management Team subsequently raise no objection to the 2.0m set back along the centreline of the access and accept the sightline being drawn to the centre of the nearside lane, which has been addressed within revised drawings taking into account that vehicles are unlikely to be driving tight up against the stone wall on approach.

7.36 Concerns by local residents has been raised over the loss of potential off street parking and that the proposed development would cause a reduction in on street parking. The Highways Development Management Team advise that the off-road parking for one car within Arweinf, would equalise the current situation and would not lead to concerns regarding highway safety. The proposal is therefore considered acceptable having regards to policy STR5 and PC5 of the LDP.

7.37 Other Issues

Concern has been raised over the accuracy of the plans. If it transpires that the development is not built in accordance with the approved plans, this matter that can be investigated by the enforcement team to see if it is expedient to take enforcement action.

8.00 CONCLUSION

8.01 It is considered that the proposed conversion and extension of an existing outbuilding, the design of the proposed development and removal of the small section of wall are deemed acceptable having regard to the impact upon the conservation area and AONB. The proposal is within acceptable limits having regard to impact upon residential amenity as well as upon highway safety and parking. The development is therefore deemed acceptable having regards to the Flintshire Local Development Plan, supplementary planning guidance and National Planning Policy

8.02 Other Considerations

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

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.

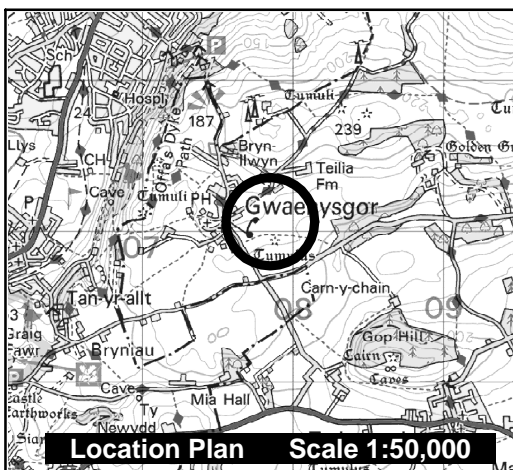
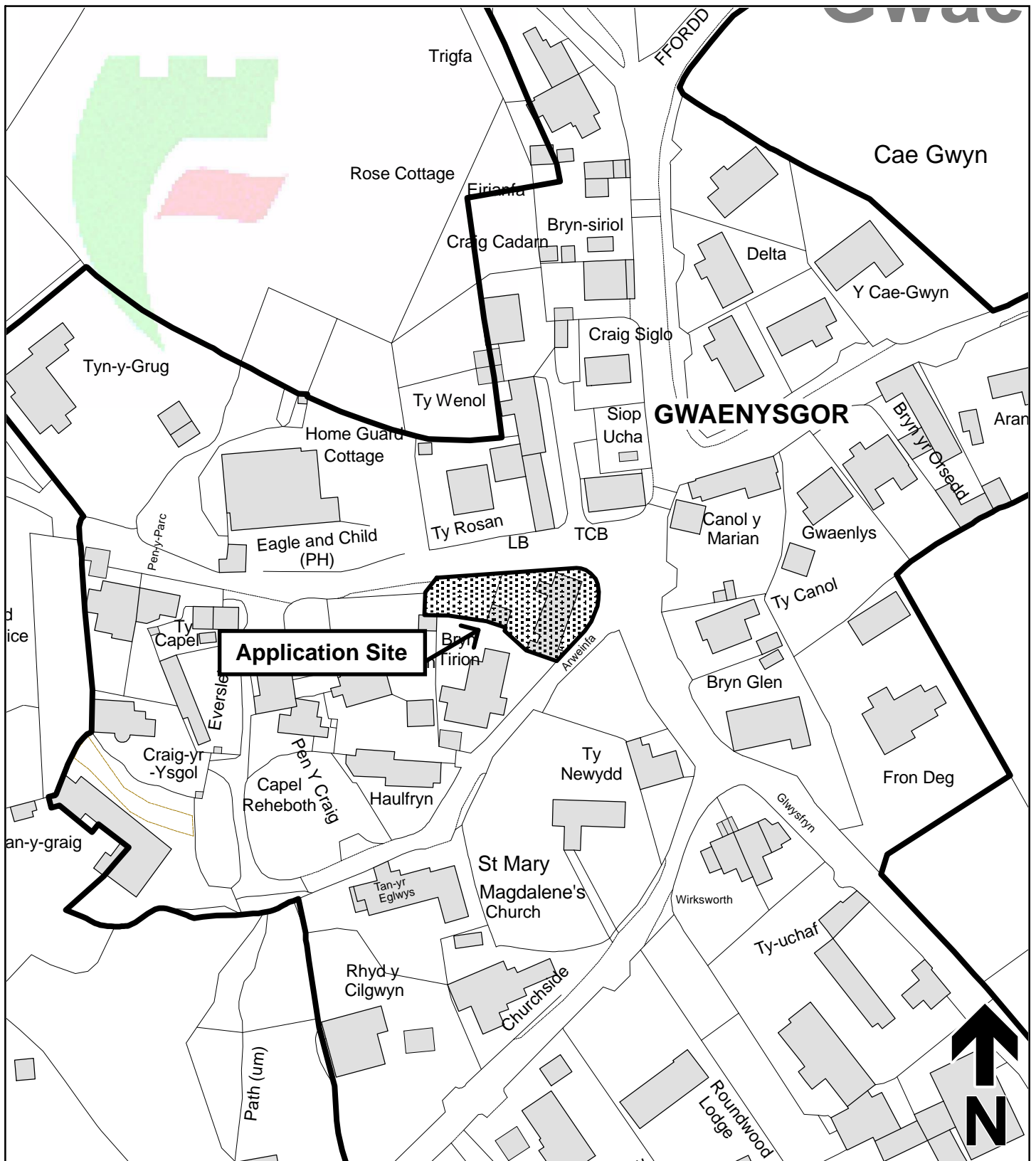
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Karl Spilsbury

Telephone: 07721649855

Email: karl.spilsbury@flintshire.gov.uk



	Planning, Environment & Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow	
	<small>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2022.</small>	
Legend Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary	Map Scale 1:1250 OS Map ref SJ 0781 Planning Application FUL/621/23	Page 103

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13th MARCH 2024**

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

SUBJECT: **REVISED APPLICATION FOR THE CONVERSION AND EXTENSION OF AN OUTBUILDING TO FORM A HOME OFFICE AND GYM; AND THE DEMOLITION OF PART OF A BOUNDARY WALL IN ORDER TO CREATE AN OFF-STREET PARKING SPACE WITH AN ELECTRIC VEHICLE CHARGE POINT (INCLUDING AREA OF LAND OUTSIDE APPLICANTS OWNERSHIP).**

APPLICATION NUMBER: **CONS/000790/22**

APPLICANT: **M HODGSON & S POOSTCHI**

SITE: **ARWEINFA, GWAENYSGOR, LL18 6EP**

APPLICATION VALID DATE: **16TH DECEMBER 2022**

LOCAL MEMBERS: **CLLR G BANKS**
CLLR G MADDISON

TOWN/COMMUNITY COUNCIL: **TRELAWNYD & GWAENYSGOR COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application seeks Conservation Area consent for the demolition of part of a boundary wall in order to create an off-street parking space with an electric vehicle charge point. The application is to be read in association with the planning application: FUL/000621/23 - Conversion and extension of outbuilding to form a home office and gym, demolition of part

of a boundary wall to create off street parking space with an electric vehicle charging point.

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

2.01 Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Written notification of the date of commencement of any works on the site deemed to begin the development shall be sent to the Local Planning Authority within seven days of such commencement.

2. The development shall be carried out in accordance with the following approved plans and documents:

- Proposed Elevations 1030 PL17 (Rev D) Dated 14/03/2023
- Proposed Ground Floor Plan 1030 PL15 (Rev C) 14/03/2023
- Proposed Section 1030 PL18 (Rev D) 14/03/2023
- Proposed Roof Plan 1030 PL16 (Rev D) 14/03/2023
- Location Plan, Existing and Proposed Block Plans 1030 S15 (Rev B) 17/11/2023
- Proposed Parking Area Sketch 1030 PL19 (Rev E) 20/11/2023
- Proposed Parking Area Sketch Plan and Sections 1030 PL20 (Rev B) 20/11/2023

3.00 CONSULTATIONS

3.01 **Local Member - Cllr G Maddison** - I wish for the application to be discussed at planning committee. Reason, the development is unsuitable for a conservation area in AONB

Local Member – Cllr G Banks – finds the proposal outrageous and states; I am personally totally against this taking place.

Trelawnyd and Gwaenysgor Community Council – objects to the proposal on the following grounds – materials not in keeping, will impose on skyline and take away privacy, inadequate drainage, loss of parking in village, loss of green verge and historic wall, plans don't appear correct, the parking area could impact on the safety of neighbours and could lead to a dangerous situation, contrary to policies in LDP.

Public Rights of Way - No objection. Public Bridleway 10 abuts the site but appears unaffected by the development. The path

must be protected and free from interference from the construction.

Highways Development Control – Subject to a condition to secure adequate visibility in perpetuity at the proposed point of access onto the highway, there are no objections to the proposal on highway safety or parking provision.

Built Conservation – Following examination the Conservation Team identified that the section of the wall subject to this application is un-historic in date, having been reconstructed within the last thirty years. Conservation thereby considers that the loss of a small section of modern wall would not be adversely detrimental to the character and appearance of the area on this basis raise no objection.

Community & Business Protection (Pollution) - No objection.

Area of Outstanding Nature Beauty (AONB) Joint Committee – No Objection

CADW - No comments received at the time of writing the report.

Clwyd Powys Archaeological Trust - No objection - recommend planning condition to secure archaeological watching brief.

4.00 PUBLICITY

4.01 A site notice was posted on the telegraph pole outside the site and 18 Neighbour Notifications were sent to adjoining/nearby properties. At the time of writing a petition of objection containing 57 signatures has been received along with a number of objections to the proposal. The objections are summarised as follows:

1. The proposal is contrary to policy EN9
2. The development is out of keeping with the character and appearance of the conservation area
3. The height and massing will unacceptably impact upon the streetscape and open skyline vista along Lon Chapel
4. The development defies the Conservation Area appraisal.
5. The plans do not appear to be drawn correctly.
6. PV Panels & scale of roof detrimental to the framing and focus of Arweinfaf.
7. Too big and overbearing
8. Loss of privacy and potential for overlooking
9. The proposal represents a personal business use
10. Building subject to application already in use as personal training business use

- 11. No significant justification for the removal of the historic wall.
- 12. Impact on amenity, character and appearance of the village.
- 13. Highway safety concerns and loss of on street parking.
- 14. Negative impact on the character of Gwaenysgor conservation area.
- 15. Appearance and impact on street scene
- 16. Misleading application description
- 17. Safety concerns over the parking space.

5.00 SITE HISTORY

- 5.01 064268 - Proposed outbuilding conversion and extension to form home office with off-road parking- Refused 29.09.2022 (Householder)

064269 - Proposed demolition of stone wall within conservation area to create new access- Refused 29.09.2023 (Conservation Area Consent).

6.00 PLANNING POLICIES

- 6.01 Following the refusal of earlier applications 064269 and 064268 the planning policy context for Flintshire County Council has been updated with the adoption of Flintshire Local Development Plan (LDP), formally adopted on the 24th January 2023. The LDP replaces the Flintshire Unitary Development Plan which was the planning policy at the time of the two refused applications.

Flintshire Local Development Plan

PC2 - General Requirements for Development

PC3- Design

ENS- Area of Outstanding Natural Beauty

EN8 - Built Historic Environment and Listed Buildings

EN9 - Development within or Adjacent to Conservation Areas

EN10 - Buildings of Local Interest

Supplementary Planning Guidance (Adopted)

SPGN No 7 - Conservation Areas

Gwaenysgor Conservation Area Appraisal and Management Plan

National Planning Policies

Future Wales Development Plan 2020-2040

Planning Policy Wales (PPW) Edition 12

Welsh Government Technical Advice Notes (TAN) TAN12 - Design

TAN24- The Historic Environment

7.00 PLANNING APPRAISAL

Site & Surroundings

7.01 The application site is located in Gwaenysgor and is within the Conservation Area and Area of Outstanding Natural Beauty (AONB)

7.02 The site consists of a relatively large, detached dwelling - part two storey, part single storey which is located centrally within the village. The property is built in traditional stone and is surrounded by similar style dwellings.

7.03 The property has an area of amenity space at the rear that consists of a courtyard with a small orchard beyond. A stone wall surrounds the property with railings above the wall in front of the principal elevation.

7.04 Proposal

Conservation area consent is required under section 74 of the Listed Building & Conservation Area Act (LB&CAA) for the demolition (and alterations) of most buildings within conservation areas.

7.05 This application deals specifically with the demolition of the wall in order to create a single off road parking space but is to be read in conjunction with the full planning application - FUL/000621/23, that seeks to Convert and extend the outbuilding to form a home office and gym, demolition of part of a boundary wall to create off street parking space with an electric vehicle charging point.

The Main Issues

7.06 The main issues for consideration in this matter are;

- Impact of the demolition of the wall upon the character and appearance of the conservation area and its setting.

7.07 The principle of Development

LDP Policy EN9: Development in or adjacent to Conservation Area states: Development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character and appearance of the conservation area or its setting. New development in such locations must also be of a high standard of design, respond to the area's special characteristics be of a high standard of design, respond to the area's special characteristics, and pay particular regard to (amongst other criteria):

b. the retention of historically significant boundaries or other elements that contribute to the established form of development.

- 7.08 Gwaenysgor Conservation Area Appraisal and Management Plan guidance document was produced by the local Authority in consultation with the Community Council and carries limited weight. It does not supersede the adopted policies provided under the adopted Flintshire Local Development Plan, Supplementary Planning Guidance Notes and Welsh Government Technical Advice Note.
- 7.09 The principle of development is therefore acceptable subject to compliance with the above criteria.
- 7.10 Impact upon the Conservation Area
Gwaenysgor Conservation Area Appraisal and Management Plan advises for the area that the familial character for the Gwaenysgor is strengthened by the use of common building materials and building form with the north-eastern section of Arweinfaf identified within the document as a focussed building with long views into the village, from routes converging towards the village core. There is discussion within section 3 and subsequent paragraphs of the alterations and changes that have occurred over the years, with the introduction of more modern elements - such as new windows, dormers and modern materials within the village. Paragraph 3.24 states negative development include breaks in stone walls to create vehicular access ways.
- 7.11 The Built Conservation Team have reviewed the documents submitted within the current submission having regard to national and local planning policy and have re-examine the stone wall that is intended to be removed at a meeting on site.
- 7.12 Following further investigation the Built Conservation Team have identified that the section of the wall is not historic in date, having been reconstructed within the last thirty years.
- 7.13 The Built Conservation Team is therefore of the opinion that the loss of a small section of modern wall would not be adversely detrimental to the character and appearance of the area on this basis. It is therefore the opinion of the Local Planning Authority that given the small scale nature of the development, with only a small section of the wall being removed the overall important vistas, views and street scenes would be maintained within the village and therefore the character and appearance of the Conservation Area maintained.
- 7.14 Whilst the AONB Joint Advisory Committee have expressed regret that an element of the wall is being lost they have not objected to the scheme

8.00 CONCLUSION

In conclusion, given that this section of the wall to be removed is contemporary (built in the last 30 years) and not historic and given the fact the majority of wall surrounding the site will be retained the overall character and appearance of the Conservation Area will be preserved. The proposal therefore complies with Local Development Plan Policies PC2, PC3, EN8, EN9, EN10, SPGN 7, Gwaenysgor Conservation Area Appraisal and Management Plan and National Planning Policy.

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.

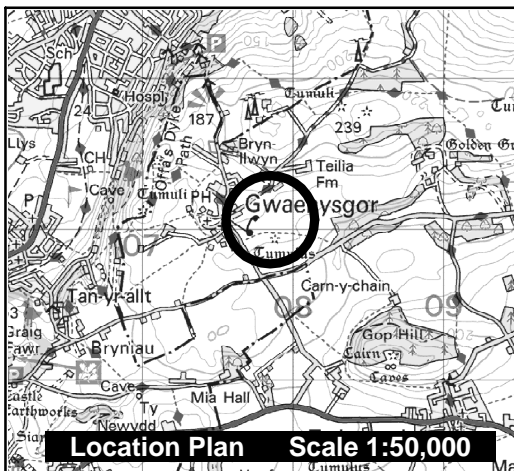
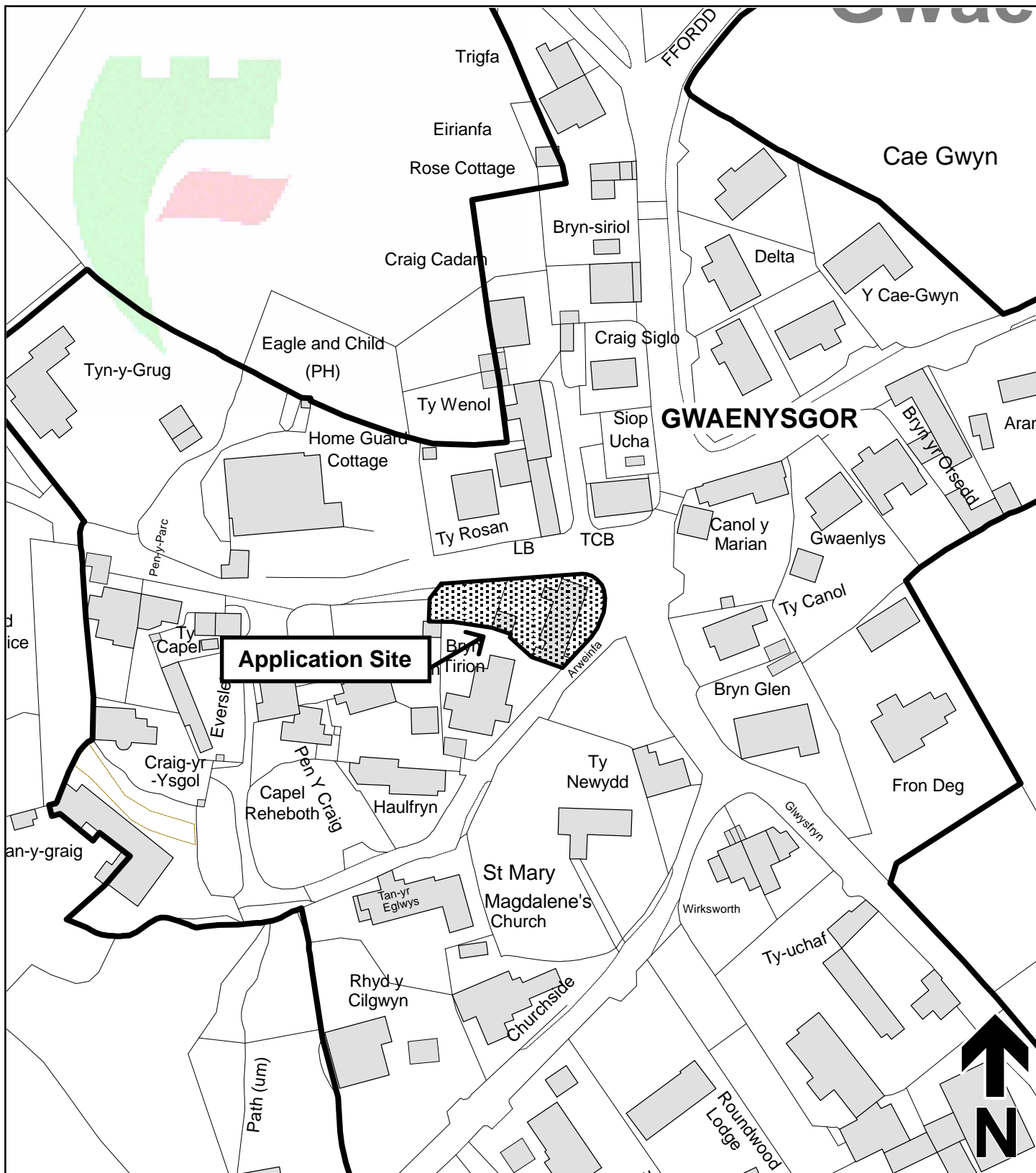
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Karl Spilsbury
Telephone: 07721649855
Email: karl.spilsbury@flintshire.gov.uk

This page is intentionally left blank



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

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

Map Scale 1:1250

OS Map ref SJ 0781

Planning Application **CONS/000790/22**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13th MARCH 2024**

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

SUBJECT: **ERECTION OF A 66 BEDROOM CARE HOME (USE CLASS C2) FOR THE ELDERLY WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING**

APPLICATION NUMBER: **FUL/001017/23**

APPLICANT: **LNT CARE DEVELOPMENTS AND CRAG HILL ESTATES**

SITE: **PLOT 2, THE AIRFIELDS, NORTHERN GATEWAY, SEALAND**

APPLICATION VALID DATE: **16TH NOVEMBER 2023**

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

TOWN/COMMUNITY COUNCIL: **SEALAND**

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the proposed development of land at the former RAF Sealand, now known as The Airfields, for the erection of a new care home on Plot 2. The site benefits from an original outline

consent reference 061125 for an employment led mixed use development and associated infrastructure comprising construction of accesses, roads, footpaths, cycle paths, earthworks, and flood mitigation on land at former RAF Sealand.

- 1.02 The Airfields site together with the neighbouring former Corus site forms part of a long standing commitment of Flintshire County Council and Welsh Government to bring forward a comprehensive, mixed use redevelopment in this area (known as a whole as the Northern Gateway) taking advantage of the strategic location and the availability of previously developed land This site forms part of the wider mixed use strategic allocation including housing under Policy STR3A: Strategic Site: Northern Gateway of the Flintshire Local Development Plan.
- 1.03 The original outline planning permission granted in 2013 has been varied by a freestanding permission (ref. 061125) approved pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended). A masterplan formed part of that approval setting out approved uses for each phase of the development site.
- 1.04 The masterplan identifies Plot 2 as a district centre providing a range of uses for future residents and employees. However, since the granting of outline consent, market circumstances have changed, and the demand for small individual retail units has lessened. However, the landowner has committed to providing a mid-sized food store, restaurant and a health care facility on the remaining land at plot 2.
- 1.05 Although the granting of this proposal will see a change to the approved masterplan, the principle of the development is considered acceptable for the reasons as outlined above. The ambitions of the FLDP Policy STR3A are still achievable and the development is compliant with this policy.
- 1.06 The provision of a 66 bedroomed care home will provide en-suite accommodation, communal areas and outside landscaped gardens for the use of residents and the community. The applicant confirms that there is a demonstrable need for this type of accommodation in the County. Betsi-Cadwallader are supportive of the proposal.
- 1.07 The scale and design of the proposed building is sympathetic to the surroundings and takes into consideration the adjacent residential developments and the wider Garden City area. In addition, careful consideration of the siting and landscaping have been given to ensure that any future commentarial uses of the remaining Plot 2 will not be adversely affected by the residential use.
- 1.08 Matters including highway safety, ecological implications contaminated land and drainage have been assessed and are

considered acceptable subject to the inclusion of conditions as set out at paragraph 2.01 of this report.

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

2.01 That conditional planning permission be granted.

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:
 - Site Plan - A.03
 - Site Plan Section - A.07
 - Location plan - A.01
 - Floor & Roof Plan - A.04
 - Proposed Visual - A.06 1
 - Proposed Visual - A.06 2
 - Proposed Visual - A.06 3
 - Landscape Master Plan - 23-300 L01
 - Proposed Elevations - A.05 1
 - Proposed Elevation - A.05 2
 - AMENDED - Plot 2 Proposed Finished Levels & Earthworks Analysis - Dwg 4671JPG 02-22-DR-C-1200 - S2 - P03
 - Proposed Access Vehicle Tracking - 10100020-PEL-ATR-01-DR-D-0001-P02
 - Proposed Access General Arrangement - 10100020-PEL-HGN-01-DR-D-0001-P02
 - Plot 2 Surface Water Drainage Layout - 4671-JPG-02-ZZ-DR-D-1400-S2-P01
 - Topographical Survey - A.02

 - Planning Statement
 - Design & Access Statement
 - Sustainability & Energy Statement
 - Travel plan
 - Transport Statement
 - AMENDED - Drainage Impact Assessment - 4671-JPG-XX-XX-PR-D-0627 - S2 - P03
 - ADDITIONAL INFORMATION - Agent response to BCUHB response and recommendations - 201223
 - ADDITIONAL INFORMATION - Agent response to Planning Policy response

- ADDITIONAL INFORMATION - Geoenvironmental Desk Study Report
 - Validation Report Section B - October 2019
 - Remedial Strategy Report Plot 2 - June 2022
 - Remedial Strategy Report Commercial Plots - Aug 2017
 - Ground Investigation Report Plot 2 - May 2022
 - Extended Phase 1 Report
 - Unexploded Ordnance Desk Study
 - Noise Impact Assessment
3. Prior to first occupation a detailed scheme for the alteration and narrowing of the existing access, including provision of a level grade cycle path across the entrance bell mouth, 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.
 4. The proposed development shall not be occupied until all the works specified in the aforementioned Agreement have been completed to the satisfaction of the County Council as Highway Authority.
 5. Adequate facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles. Such facilities being completed prior to the proposed development being brought into use.
 6. 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
 7. A full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 3 months of first occupation. The provisions of the full travel plan shall be implemented and operated in accordance with the programme and shall not be varied other than through agreement with the Local Planning Authority. For the avoidance of doubt, such a plan shall include;
 - i) Access to the site by staff
 - ii) Car park management plan
 - iii) Information on existing transport services to the site and staff travel patterns
 - iv) Travel Plan principals including measures to promote and facilitate more sustainable transport
 - v) Realistic targets for modal shift or split
 - vi) Recruitment of a Travel Plan coordinator and the establishment of a travel plan steering group

- vii) Measures and resource allocation to promote the Travel Plan
 - viii) Details of how the approved Travel Plan shall be updated
 - xi) Mechanisms for monitoring and reviewing the Travel Plan, including the submission of an annual review and action plan to the Local Planning Authority
8. 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. The approved Construction Traffic Management Plan shall provide details of:
- i. Contact name and numbers of personnel responsible for adherence and monitoring of the plan;
 - ii. Contact name(s)/number(s) for any site related enquires including out of office times;
 - iii. Anticipated duration of the works;
 - iv. Proposed signage types and locations;
 - v. Position of gates – preferably set-back 12m to allow a delivery vehicle to park/wait;
 - vi. The access and egress route with appropriate traffic monitoring in order to control traffic movements;
 - vii. Measures of avoiding depositing mud, dust or other debris onto the highway by incorporating wheel wash and dust suppression equipment;
 - viii. The timing of deliveries and main construction traffic arrivals and departures to avoid peak times.
 - ix. Working hours;
 - x. Site notices informing construction workers and other site operatives of agreed working hours;
 - xi. The parking of vehicles of site operatives and visitors;
 - xii. Loading and unloading of plant and materials;
 - xiii. Storage of plant and materials used in constructing the development.
9. No building shall be occupied until the sustainable drainage system for the site has been completed in accordance with the details which shall be submitted to and agreed in writing by the local planning authority. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
10. No development or phase of development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, have been submitted to and approved in writing by the Local Planning Authority.

- i. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site [largely completed]
- ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site [largely completed].
- iii. The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details

11. Prior to occupation of the development or phase of development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.
12. 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.

13. No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling / foundation details shall be implemented in accordance with the approved details
14. Prior to commencement of development, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall consider existing and proposed lighting together with any spillage originating from internal locations.

Details shall include:

- An assessment of lighting in respect of wildlife interests of the site, notably bats.
- Details of the siting and type of external lighting and internal light spillage during and post development. This shall include plans illustrating the location and type of lighting together with isolux drawings.
- Details to demonstrate that light spillage will not affect wildlife sensitive areas. This shall include plans illustrating projected or retained bat emergence points; together with retained or proposed features planned to be functionally used by bats for foraging/dispersal purposes.
- Measures to monitor light spillage once development is operational (post construction light monitoring).
- Ecological compliance audit for external lighting key performance indicators.

Provisions of the scheme shall accord with the provisions of the Institution of Lighting Guidance Note 08/23: Bats and Artificial Lighting at Night Lighting shall accord entirely with the details so approved for the duration of the operation of the development.

15. No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. 3 It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

16. Prior to the commencement of development a scheme for biodiversity enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to first occupation and retained as such thereafter.

3.00 CONSULTATIONS

3.01 **Local Member (Councillor C Jones):** Requested additional information. No objections received.

Local Member (Councillor D Selvester): No response received

Sealand Community Council: No objection

Highways Development Control: No objection subject to the inclusion of conditions relating to the proposed access, construction management and parking/turning facilities for vehicles.

Community and Business Protection (Pollution): No objections

Community and Business Protection (Contaminated Land Officer): Information relating to the remediation strategy and verification reports will be secured by condition and assessed fully during their subsequent approval.

Welsh Water/Dwr Cymru: No objection as capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. A condition requiring details of the drainage strategy for the site should be conditioned.

Natural Resources Wales: No objection subject to the inclusion of conditions relating to protected species and land contamination.

Betsi Cadwaladr University Health Board: No objections but make recommendations in relation to living conditions and facilities which are outlined in the report

Airbus: No objections

Conservation: No objections

4.00 PUBLICITY

4.01 Site Notice displayed and Neighbour Notification letters posted. One letter of support for the application:

1. Would enhance the Airfields development and provide a much needed quality care home in Flintshire
2. Would help generate the development of the remaining plot
2.

5.00 SITE HISTORY

5.01 062898

Application for approval of reserved matters following Outline Approval reference 061125 for the erection of 368 no. dwellings. – Approved 22.02.22

059938

Application for the approval of details reserved by condition nos. 7 (sustainable drainage scheme), 15 (landscaping) and 19 (construction environmental management plan) attached to planning permission ref. (058990) – Partially Discharges 13.08.19

059903

Application for the approval of details reserved by condition nos. 5, 7, 8, 9, 11, 12, 15, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 31, 32, 33, 35, 36 & 41 attached to planning permission ref. 058990 – Approved 19.08.19

059514

Application for approval of reserved matters following outline approval for the erection of 283 no. dwellings. – Approved 25.09.19

058990

Application for removal or variation of a condition following grant of planning permission. (049320) – Approved 25.10.18

058950

Application for approval of reserved matters phase 1 informal landscaping and POS following outline approval. (049320) – Approved 13.03.19

058531

Application for the approval of details reserved by condition no. 27 (construction management plan) attached to planning permission ref. 049320 – Approved 02.08.18

058514

Application for the approval of details reserved by condition nos. 5 (phasing scheme) 6 (development brief), 30 (highway works/transport implementation strategy), 34 (framework travel plan) and 38 (scheme for the layout, design and timetable for implementation of works) attached to planning permission ref. 049320 – Approved 24.08.18

058508

Application for the approval of details reserved by condition nos. 5 (construction environmental management plan) and 6 (ecological compliance audit report) attached to planning permission ref. 057404 – Approved 07.08.18

058506

Non-material amendment following grant of planning permission 057404 – Approved 06.07.18

058452

Non-material amendment following grant of planning permission 057404 Amendment to shape of area for proposed temporary stockpiles of imported fill materials – Approved 14.06.18

058244

Application for approval of details reserved by condition No5 & No6 attached to planning permission ref 057404 – Partially Discharges 17.05.18

057404

Application for approval of reserved matters following outline approval 049320 for phase one enabling works comprising an access road, surface water drainage, landscaping and engineering works to create developments platforms – Approved 09.03.18

054488

Reserved matters application for phase 1 of the highway works and associated infrastructure works following outline approval 049320 for a mixed use development and associated infrastructure – Approved 01.03.16

051764

Temporary contractors compound to facilitate flood defence strengthening works – Approved 15.04.14

051139

Discharge of condition no.24 (Framework Ecological Mitigation and Enhancement Strategy) attached to planning permission ref: 049320 – Approved 25.09.13

050730

Engineering works to provide flood defence strengthening along 1.5km of the River Dee embankment, to include sheet piling to a maximum depth below ground of 12m and a minimum height of 7.2m AOD and a proposed temporary access route and site compound – Approved 25.06.13

049320

Outline application for the redevelopment of a strategic brownfield site for an employment led mixed use development with

new accesses and associated infrastructure including flood defences and landscaping. – Approved 07.01.13

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

Policy STR1: Strategic Growth

Policy STR2: The Location of Development

Policy STR3A: Strategic Site: Northern Gateway

Policy STR4: Principles of Sustainable Development, Design and Placemaking

Policy STR5: Transport and Accessibility

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

Policy STR14: Climate Change and Environmental Protection

Policy STR15: Waste Management

Policy PC1: The Relationship of Development to Settlement Boundaries

Policy PC2: General Requirements for Development

Policy PC3: Design

Policy PC4: Sustainability and Resilience of New Development

Policy PC5: Transport and Accessibility

Policy PC6: Active Travel

Policy EN6: Sites of Biodiversity Importance

Policy EN8: Built Historic Environment and Listed Buildings

Policy EN14: Flood Risk

Adopted Supplementary Planning Guidance

SPGN No. 8 – Nature Conservation and Development

SPGN No. 11 – Parking Standards

National Planning Policy

Planning Policy Wales Edition 12

Future Wales: The National Plan 2040

TAN 5: Nature Conservation & Planning

TAN 12: Design

TAN 15: Development and Flood Risk

TAN 18: Transport

7.00 PLANNING APPRAISAL

7.01 Site Description

The site makes up part of the major strategic site at Deeside Airfields, the Northern Gateway. The Northern Gateway site is the largest strategic site in Flintshire. The land to which this application relates is located within the Airfields part of the site. The strategic site sits immediately adjacent to the defined settlement boundary of Garden City with the majority of the settlement located to the north. The site comprises brownfield land formerly occupied by RAF buildings.

- 7.02 The application site is located on plot 2B within the north eastern area of the Airfields site and bounded by the commercial spine road to the north and the residential spine road to the south. The site, covering approximately 1.73 acres in size is located within the area noted on the outline masterplan as a district centre. The plot is bounded to south by a public footpath and swale with housing developments under construction beyond. To the east and west are vacant development plots whilst the remaining land allocated for the district centre is located to the North.
- 7.03 The surrounding area is a mix of agricultural land, residential land and industrial land. Taking in the wider context of the site, further south is Deeside Industrial park which comprises of commercial and industrial units whilst to the west is the industrial complex of Tata Steel. Queensferry is the nearest larger settlement located to the south where there is access to a range of amenities.
- 7.04 **Proposed Development**
This application proposes to provide a new purpose-built, two-storey, sixty-six bed residential care facility for older people with associated access, car parking and landscaping. In total the development will provide 3178m² internal floor area over two floors. The overall height of the proposed building is approximately 5.2m to eaves and 8.8m to ridge.
- 7.05 The scheme will provide two types of care – general residential and residential dementia, all in single room en-suite accommodation together with communal recreational areas. A secure landscaped garden area will provide the main external amenity space for the respective elements of care.
- 7.06 The proposed care home is to be constructed with a red brick and render external finish with a anthracite concrete tile roof. The front entrance features contrast brick detailing, with cladding above the doors and first floor windows, providing a central focal point and distinguishing the main entrance from the residential wings of the building.
- 7.07 Access to the site is proposed from the new residential spine road, which will be altered from the current engineered commercial access to a more suitable entrance for the proposed care home.
- 7.08 A total of 30 car parking spaces are proposed as well as an ambulance/taxi drop-off area with 3 disabled/mobility spaces and 6 electric car charging points. A secure bike store will also be provided for residents' and visitors' use.
- 7.09 The development will result in 50-60 jobs working to a rotational shift pattern of employment, however, only up to a maximum of 24

members of staff would be present on site at any one time, due to shift pattern and staggered shift changes.

7.10 **Principle of Development**

The site forms part of the strategic mixed use development allocation STR3A: Strategic Site: Northern Gateway within the adopted Flintshire Local Development Plan.

7.11 Both this application site, the Airfields and the adjacent Former Corus, Garden City together make up the 'Northern Gateway', a comprehensive mixed use redevelopment which takes advantage of the strategic location and the availability of previously developed land. Both component sites have the benefit of outline planning permission which as part of the approved mixed use includes a residential contribution of 1,400 new homes (cumulative) to be delivered over a phased period, 72.4Ha of employment land and a district centre.

7.12 The Northern Gateway Strategic site continues to remain an allocated site commitment in the recently adopted Local Development Plan (LDP).

7.13 The application site is located on a parcel of land identified in the approved Masterplan as a district centre. This area is designated for facilities covered by A1, A2, A3, B1, C1, D1 and D2 use classes. The application is for a C2 use class, residential care home facility which will essentially sub-divide the plot and leave a resulting smaller plot for the development of the district centre.

7.14 The applicant has confirmed that the development of the care home will not restrict the potential for the district centre and the landowner has reiterated the intention to provide a healthcare unit, retail units and food outlets. The design and layout of the proposed care home has been carefully considered to ensure that the residential use of this land will not detrimentally affect any future commercial uses of the adjacent land.

7.15 It is noted that the original grant of outline planning permission was in 2013 and the details of the district centre were indicative, with details to be finalised at a subsequent Reserved Matters stage. This degree of flexibility is crucial given the scale of the Northern Gateway site and the projected build out time of both the residential and employment land. Market circumstances have changed substantially since the original outline consent and the deliverability of the originally envisioned district centre with small retail units has changed with them.

7.16 The commitment of the landowner to provide the key elements of the district centre, namely the development of a mid-sized food store, restaurant and a health care facility to still provide on-site amenities for both local residents and employees is welcomed. Accordingly, it

is considered that the ambitions of the original masterplan are still recognised and achievable.

7.17 The proposed care home will provide a new facility for the County, where there is a suggested need for this type of accommodation, which is supported by Betsi-Cadwallader's consultation response. The building is designed to be an inclusive community building which will provide support for both residents, their families and the wider community.

7.18 Taking all the above into account it is considered that, on balance, the principle of the development accords with both local and national planning policies.

7.19 **Highway Safety**

Access to the site is proposed from the new residential spine road, which, following completion of construction, will be altered from the current engineered commercial access to a more suitable entrance for the proposed care home.

7.20 A total of 30 car parking spaces are proposed as well as an ambulance/taxi drop-off area with three disabled/mobility spaces close to the main entrance for the care home and six electric car charging points. A secure bike store will also be provided for residents and visitors to use. Direct and level access will be possible from the car parking area, including disabled and drop off areas, serving the less mobile residents and visitors. A detailed Transport Assessment and Travel Plan have been submitted to support the application. Based on the above, and subject to the inclusion of conditions as set out at paragraph 2.01 of this report, the proposal is compliant with policies STR5 and PC5 of the FLDP.

7.21 **Flood Risk**

The planning application proposes highly vulnerable development (residential). Flood Risk Maps held by NRW confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 2 (Rivers) and 3 (Sea).

7.22 The application is supported by a Flood Consequences Assessment which demonstrates that the consequences of flooding can be adequately managed. The applicant has provided information with regards to proposed site and finished floor levels which are considered acceptable. Accordingly the proposal complies with FLDP Policy EN14 and TAN15.

7.23 **Ecological Implications**

The application is supported by an Ecological Appraisal relating to protected species. It identifies that bats are present in the locality and may use the application site for foraging purposes. NRW and the County Ecologist confirm that the site is a low risk for bats and it is likely that the development will not harm or disturb bats, their breeding sites and resting places provided that lighting details can be secured by condition.

7.24 The application is located within 1.25km of the River Dee and Bala Lake SAC and SSSI and 2km of the Dee Estuary SAC, SPA, SSSI and Ramsar site. The Ecological Appraisal confirms that as part of a Construction Environmental Management Plan (CEMP) a pollution prevention plan should be included. The submission of a CEMP is included as a condition at paragraph 2.01 of this report.

7.25 Finally, following the introduction of Chapter 6 of Planning Policy Wales Edition 12, every application must demonstrate that Green Infrastructure and Biodiversity enhancement can be secured. PPW12 confirms that 'A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site'.

7.26 It is accepted that the Northern Gateway site has been carefully considered as a whole in terms of biodiversity loss and net gain and Green Infrastructure. Features including swales and wildlife mitigation areas are key. Accordingly, it is recommended that in order to comply with PPW12, a condition as suggested at paragraph 2.01 of this report will require the applicant to provide details of biodiversity with particular regard to this specific application site.

7.27 Taking all the above the proposal is considered compliant with policy EN6 of the FLDP.

7.28 **Contaminated Land**

The previous use of the site as an airfield means that potentially contaminative sources may be present on the site. The application is supported by a GeoEnvironmental report which outlines the risks from contamination and mitigation required. The details of this report have been assessed and it is considered that subject to the inclusion of the comprehensive conditions as outlined at paragraph 2.01 of this report that any matters concerning contaminated land, at any point of the construction can be adequately controlled. Accordingly the proposal is considered compliant with policy EN16 of the FLDP.

7.29 **Drainage**

Dwr Cymru/Welsh Water have confirmed that capacity exists within the public sewerage network in order to receive the domestic foul only

flows from the proposed development site. Although a drainage plan has been supplied it is recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

7.30 **Public Health**

Betsi Cadwaladr University Health Board were consulted on the planning application and confirmed that whilst they have no objections to the proposed development they do make some recommendations to limit any likely impacts on public health issues in the immediate and surrounding areas.

Many of the recommendations have already been addressed in the planning submission, namely:

- Accessibility and usability of external areas
- Enhanced landscaping
- Secure storage for bicycles and mobility scooters
- Use of communal spaces for multi-functional uses.

Some of the other recommendations, such as ensuring the 'Food and Nutrition in Care Homes for Older People' Best Practice Guidance is adhered to is not a planning matter.

8.00 **CONCLUSION**

The site forms part of the strategic mixed use development allocation STR3A: Strategic Site: Northern Gateway within the adopted Flintshire Local Development Plan. The site's allocation for mixed use reflects both the strategy of the Flintshire Local Development Plan and the principles embodied in Planning Policy Wales.

The proposed development will bring forward the provision of a 66 bedroomed care home, whilst retaining a plot of land suitable for the development of a district centre, albeit it modified from the original grant of outline consent. The principle of development on this basis is therefore considered acceptable.

The report details in full matters including design, highway safety, ecological implications, flood risk and contaminated land. It is considered that these matters have been satisfied, and I therefore recommend that planning permission is granted subject to the imposition of conditions as set out within paragraph 2.01 of this report.

8.01 **Other Considerations**

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

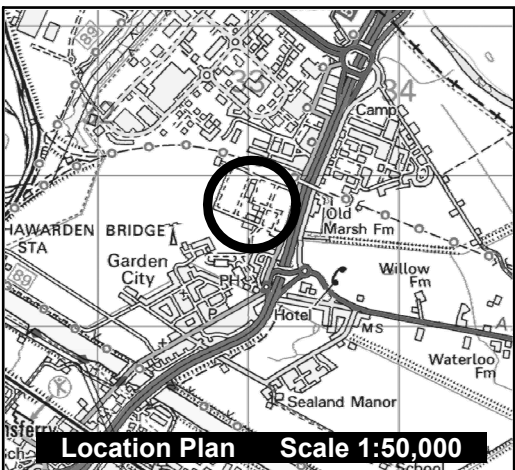
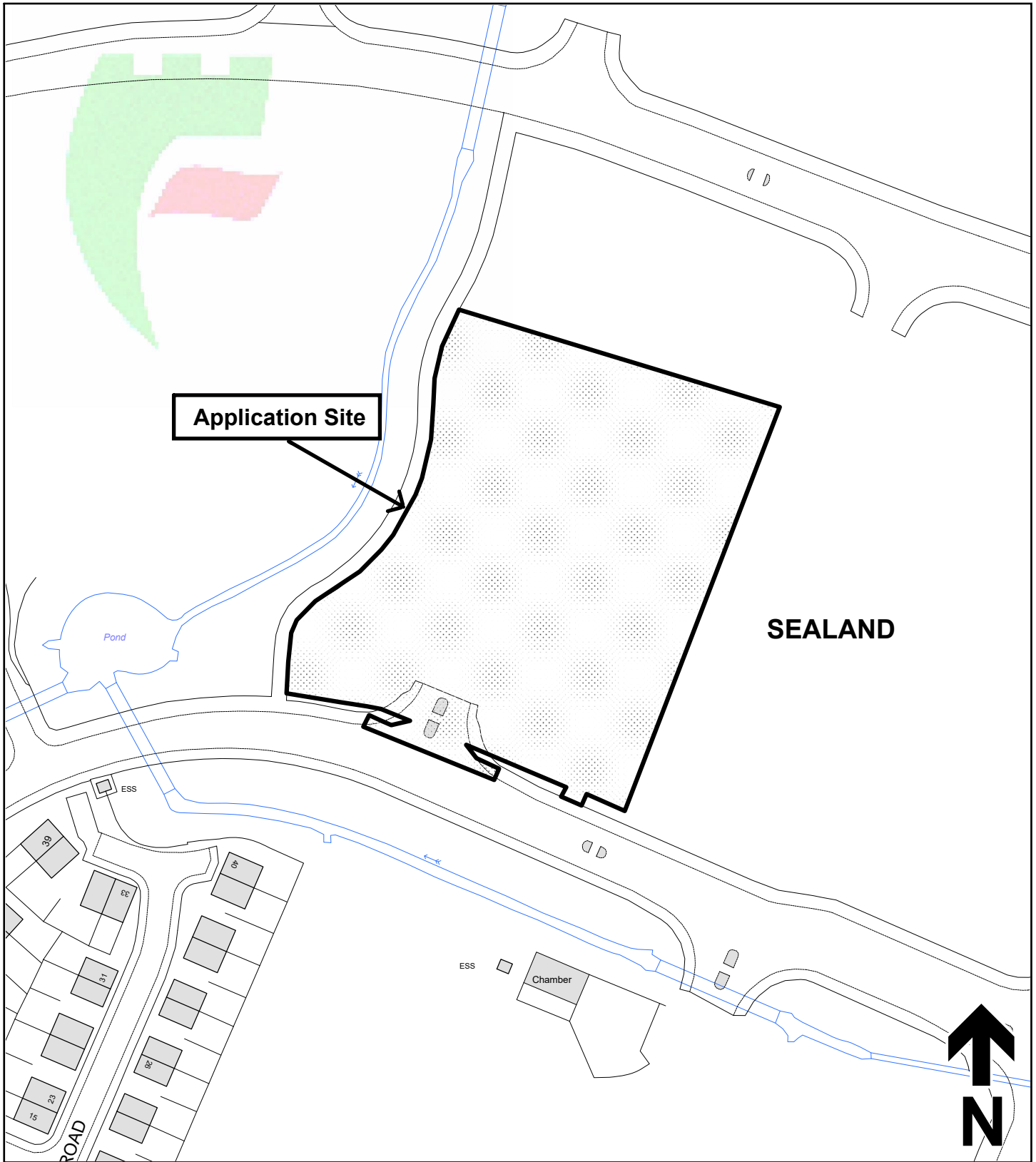
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Claire Morter

Telephone: 01352 703259

Email: claire.e.morter@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2023.

Map Scale: 1:1250

OS Map: SJ 3369

Application: FUL/001017/23

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13TH MARCH 2024**

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

SUBJECT: **ERECTION OF A REPLACEMENT DWELLING**

APPLICATION NUMBER: **FUL/000419/23**

APPLICANT: **JONES ENGINEERING & CONSTRUCTION LTD**

SITE: **ST KILDA**
FAGL LANE
HOPE
FLIINTSHIRE
LL12 9RB

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

LOCAL MEMBERS: **COUNCILLOR G. HEALEY**

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

REASON FOR COMMITTEE: **LOCAL MEMBER**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application seeks permission for the demolition of the existing dwelling upon the site and the erection of a replacement dwelling, together with access formation and the erection of a detached a garage.

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

2.01 Conditions:

1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
2. The development shall be carried out in accordance with the following approved plans and documents:
 - Application form
 - Design and Access Statement
 - Location Plan, Rev.1
 - Existing Site Layout Plan
 - Existing floor plans and elevations – Dwg. No. 3/110
 - Proposed Site Layout Rev.3
 - Proposed Floor Plans Rev.2
 - Proposed Elevations Rev. 2
 - Proposed Garage Rev 3
 - Street Elevation Rev 0
 - Drainage Plan Rev. 2
3. The parking and turning facilities indicated upon the approved plans shall be provided in full prior to the first occupation of the dwelling hereby approved and shall thereafter be retained for this purpose.
4. Notwithstanding the submitted details, prior to the first occupation of the dwelling hereby approved, a scheme detailing the installation of a window to proposed Bedroom 4 , as indicated upon approved plan Ref: Proposed Floor Plan Rev.2 dated 16/6/2023, with top hung casement only and to be obscure glazed shall be submitted to and approved in writing with the Local Planning Authority. The agreed scheme shall be implemented before the dwelling is occupied and retained in accordance with the agreed details thereafter.
5. Notwithstanding the submitted details, prior to their use in the formation of the external surfaces of the dwelling hereby approved, samples of the roofing material and external render colour shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be undertaken in strict accordance with the agreed details.
6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

7. 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):** Requests that the application is considered by Planning Committee and is the subject of a site visit. Considers that Members need to view the site and the proposed access in the context of the proximity of the site to the brow of the rise in the road adjacent to the site.

Hope Community Council: Supports the proposal.

Highways Development Control: Requests the imposition of a condition requiring the provision of the indicated parking and turning facilities.

Dwr Cymru / Welsh Water: Request the imposition of a condition restricting land and surface water to the public drainage system. Advises of capacity for foul flows to the Wastewater Treatment Works at Hope and confirms the presence of a phosphate permit at these works.

Natural Resources Wales: No objections. : Identifies that site lies within the within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC).

Airbus: No objections

4.00 PUBLICITY

- 4.01 Neighbour Notification Letters: Four responses have been received. It should be noted however, that these responses all pre-date the re-consultation which took place on 18th December 2023 on the basis of amended plans. Comments received include;

1. Structures to the front garden are not reflective of the character of the street scene;
2. Proposed ridge height is incongruous in street scene;
3. Visibility sight line not provided;
4. Access to the rear for previously approved development will impact upon living conditions;
5. Increased vehicular movements;
6. Increased noise and disturbance;
7. Consent of adjacent owner required for works to the boundary; and
8. Overlooking.

5.00 SITE HISTORY

5.01 46870

Erection of extension at rear of dwelling and alterations to roof
Permitted 15.12.2009

47286

Alteration to roof to provide first floor accommodation
Permitted 28.5.2010

60697

Outline application with all matters reserved to alter existing dwelling to reduce frontage, provision of new access minimum 4.5 metres wide and erection of four detached dwellings
Refused 22.6.2020 Appeal Allowed 2.12.2020

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

PC1 - The Relationship of Development to Settlement Boundaries
PC2 - General Requirement for Development
PC3 – Design

Supplementary Planning Guidance

SPGN 2 – Space around dwellings
SPGN No.11 Parking Standards

National Planning Guidance

Planning Policy Wales - Edition 12 (Feb 2024)
Future Wales Plan 2040
TAN 12 – Design

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

The site comprises the existing detached single storey dwelling, detached single garage to the rear and sits within its own curtilage, with gardens to the rear. The garden area to the front is laid to hardcore and provides a parking and turning area. The site boundaries to the sides and rear comprise a mixture of hedgerows and wooden panel fencing. A low stone wall marks the front boundary to the road. Access is derived via an existing gated vehicular access within the front boundary.

7.02 The site occupies a position within a row of dwellings of similar form, albeit varying in design and appearance set within spacious plots. Extant outline planning permission exists for the redevelopment of land to the rear of the application site for residential development of four dwellings, with access derived from the site frontage for this site and proposed on a shared basis.

7.03 The Proposals

The application proposes the demolition of the existing dwelling and the redevelopment of the site to provide a dwelling with accommodation proposed within the roof and the erection of a detached double garage.

7.04 The Main Issues

The main issues to consider in the determination of this application are;

- Principle of development
- Impacts on character and appearance
- Impacts on living conditions
- Access and highway impacts

7.05 Principle of Development

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 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.

7.07 Character and Appearance

The existing dwelling on the site is a bungalow with accommodation within the roof. The dwelling is finished in white render beneath a slate roof.

7.08 The proposals to replace the existing dwelling are such that result in a dwelling of a different visual appearance to that presently upon the site, albeit the proposed finish materials are render and grey concrete roof tiles. However, given that the proposed dwelling provides for a building arranged with living space on 2 floors, as is the case in neighbouring dwellings, is set back from the road and note that other dwellings in this street scene are of a variety of designs and utilise different materials in their construction, it is considered that the proposal will not have a significant detrimental impact upon the character and visual appearance of the street scene.

7.09 Particular comments were received in relation to initial proposals for the garage to be sited within the front garden area of the site to the effect that this would be incongruous in relation to existing built form along the street scene and would therefore have been out of character with the area. However, following negotiations, the scheme

has been amended to site the garage to the rear of the proposed dwelling. This is reflective of the current situation on the site.

7.10 Accordingly the proposal is considered to not adversely affect the character and appearance of the area and as such, would be compliant with the aims of policies PC2 and PC3 in this regard.

7.11 Impacts on Living Conditions

Concerns have been raised to the effect that the proposed replacement dwelling will give rise to adverse impacts upon the living conditions of the occupiers of existing adjacent dwellings. The proposals provide for a dwelling with accommodation across two floors. The principal windows face north and south. That is, to the front and rear of the site. There are windows proposed within the side elevations which would face in the direction of the adjacent dwellings The Cottage to the west and Ambleside to the east. In assessing what impact there may be and the extent to which this may result in an adverse impact upon living conditions, it is important to establish the function of the rooms which these windows serve.

7.12 The proposed eastward facing elevation towards Ambleside proposes three windows at ground floor level. These serve a kitchen, and utility room and a study. At first floor level a velux window is proposed to serve a bathroom, although the submitted details indicate that this window is to be obscure glazed and non-opening. Of these rooms, only the study is defined as a habitable room within SPGN2 – Space about Dwellings.

7.13 Considering the existing side elevation of Ambleside, it is apparent that at ground floor level there is an obscure glazed window to a kitchen and a window to an integral garage. Within the roof slope facing the application site there are two velux windows which seem to provide light into the same spaces. Given that the only interface between habitable windows relates to the proposed study, and taking into consideration that the application site sits approximately 1 higher than the adjacent site, and there are no windows at first floor level within Amble side which face onto the application site, one can be content that whilst separation is of the order of 4.5m, there is little to suggest that there is an opportunity for overlooking in either case. Indeed, when considering the existing layout of the dwelling at St. Kilda, where windows serving a bedroom and conservatory face Ambleside, the proposals in terms of openings would represent a betterment in this regard.

7.14 Turning to consider the western facing elevation to The Cottage, it is noted that the proposal provides windows at ground floor to a dining space and to a hallway, neither of which is a habitable room. The proposals at first floor level provide for windows to a stairwell and bedroom. The existing dwelling at St. Kilda provides a window serving a dining space within the west facing elevation. The elevation at The

Cottage has a window to study and dining spaces at ground floor and high level velux windows to 2No. bedrooms and a bathroom at first floor. The only habitable room interface to consider then is what potential adverse impact arises from the ground floor study window at the Cottage and the proposed bedroom window at first floor level at St. Kilda.

- 7.15 The proposals provide for separation between the elevations of the order of 13m and whilst this would fall below the standards set out in SPGN 2, it must be noted that in granting permission for the re-modelling of The Cottage, the issue of separation was considered and a condition requiring a screen fence be erected was imposed. Equally, the difference in level between the site and The Cottage must also be factored in as the application sits at a level lower than The Cottage. Therefore, the level of a first floor window in the proposed side elevation will sit lower in relation to the Cottage than would be the case on level sites. There is therefore potential for overlooking. However, the imposition of a condition requiring the window to the bedroom to be obscure glazed and top hung only will serve to reduce the likelihood of adverse overlooking whilst safeguarding the need for the window to facilitate emergency escape if required.
- 7.16 Comments in relation to the suggested levels between the site and adjacent dwelling is noted. However, it is clear that the area slopes gradually downhill in an easterly direction and development steps down the slope accordingly. Therefore proposed finished ground floor levels will appear to be higher, but this is a component of the level change between sites. The important levels relationship is that of eaves and ridge heights which in the case of the relationship between the Cottage and the site, are comparable and, in the case of Ambleside and the site are lower in the case of the ridge height and comparable at eaves level. As such the proposals would not have a dominant relationship with existing adjacent dwellings.
- 7.17 Subject to the suggested condition, it is not considered that the proposals would give rise to significant impacts upon the living conditions of the occupiers of the identified dwellings and therefore would satisfy the requirements of the Policy PC2 in this regard.
- 7.18 Access and Highway Impacts
The proposals provide for access to be derived from Fagl Lane in this position within the site frontage as is presently the case upon the site. Concerns have been raised by third parties in relation to matters in respect of access visibility and highway safety.
- 7.19 Whilst it is noted that the access point could ultimately form part of a Reserved Matters application in connection with the outline planning permission on the land to the rear, that is not what this application relates to and as such it must be considered on its own merits.

- 7.20 The proposals has been considered by Highways Development Control on this basis and no objection is raised to the proposal. Whilst a request for a condition in relation to the provision of parking and turning facilities is suggested, I note that such facilities are indicated upon the proposed plans. Accordingly, applying such a condition would not be required as the parking and turning arrangements form part of the details upon which the recommendation to grant planning permission is based. It is however considered expedient to condition that such facilities and provided and retained in perpetuity.
- 7.21 Comments in relation to potential increases in traffic would seem to relate to the access as part of the residential development permission. Clearly this application proposes a one for one substitution of dwelling on the site and therefore it is not considered that the proposals would give rise to increased traffic flows nor would be likely to result in increased risk of vehicular accidents.
- 7.22 Accordingly, it is considered that the proposals would not result in adverse impacts to highways safety and as such satisfies the requirements of policies PC2 and PC5 of the Plan.
- 7.23 Other matters
Comments have been made in respect of the proposals giving rise to increased noise and disturbance. As above, the proposal is for the replacement of one dwelling with another and therefore it is not considered this will give rise to increased noise or disturbance outside of that reasonably expected during the construction phase.
- 7.24 Matters of perceived noise and disturbance arising from the potential redevelopment of land to the rear is a matter for consideration in connection with such proposals as and when they are put before the Local Planning Authority for consideration and as such should be attributed very little weight in the determination of this application.
- 8.00 CONCLUSION**
The principle of the proposal is acceptable and there would be no significant adverse effect on the living conditions of occupiers, on the character and appearance of the location or on the highway. The application is therefore recommended for approval.
- 8.01 Other Considerations
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.02 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

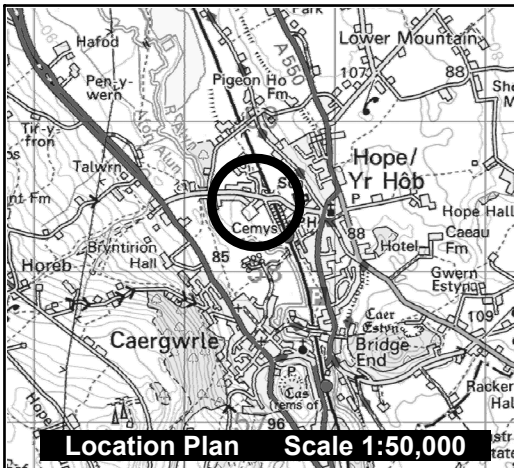
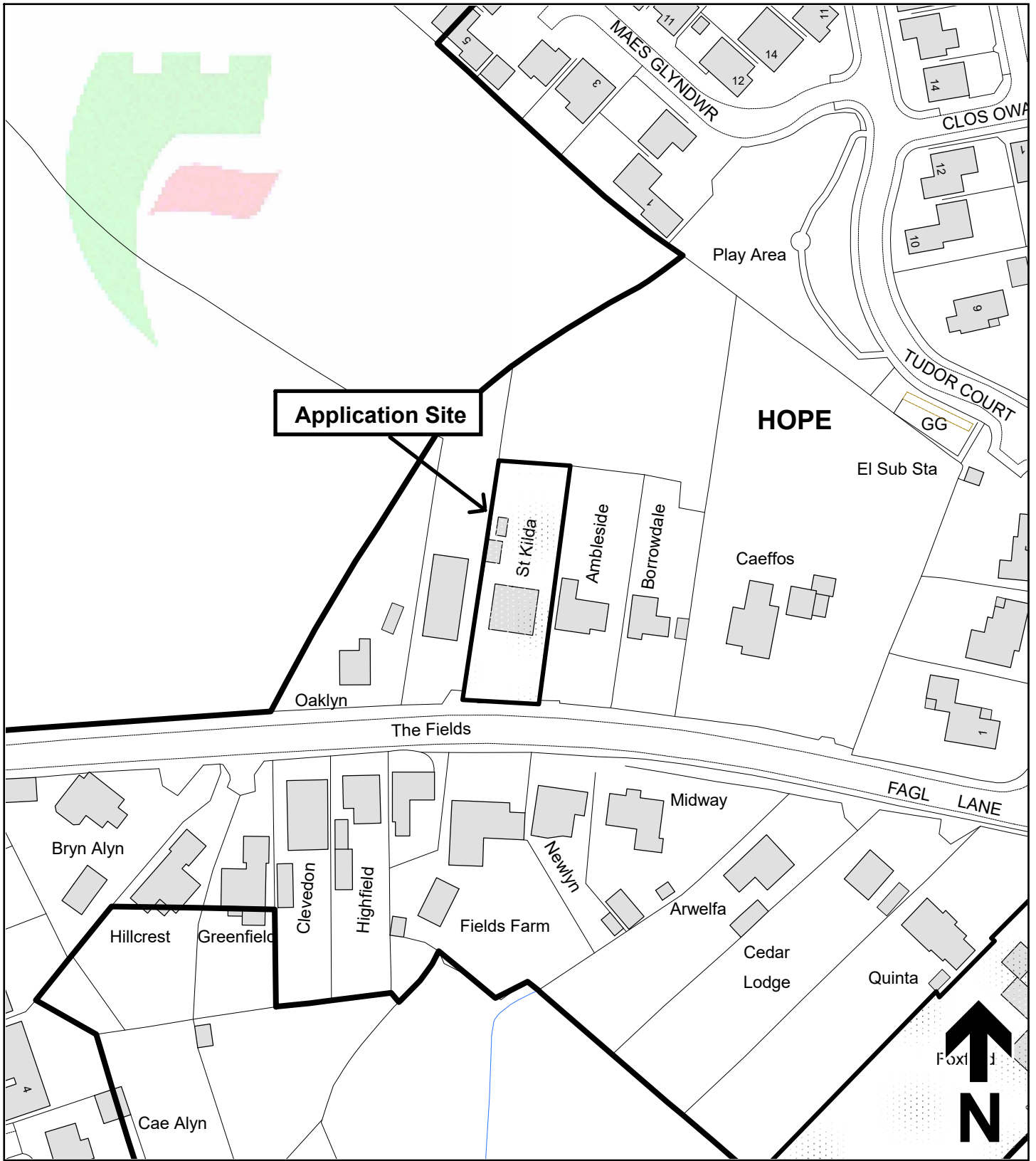
- 8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon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

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintsghire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2023.

Map Scale: 1:1250

OS Map: SJ 3058

Application: FUL/000419/23

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13 MARCH 2024**

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

SUBJECT: **FORMATION OF A TWO WAY VEHICULAR ACCESS AND ROAD AT EWLOE GATEWAY, EWLOE, FLINTSHIRE**

APPLICATION NUMBER: **059489**

APPLICANT: **DATA PROPERTIES LTD**

SITE: **PARRY'S PIT,
MOLD ROAD,
EWLOE GREEN,
FLINTSHIRE,
CH5 3BQ**

APPLICATION VALID DATE: **12.2.2019**

LOCAL MEMBERS: **COUNCILLOR L. THOMAS
COUNCILLOR D. MACKIE**

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application seeks approval for the creation of an access from the Mold Road/ A494 to facilitate 2 way traffic access to the Ewloe Gateway Services.

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

2.01 That conditional planning permission be granted subject to the applicant entering into, a Section 106 Obligation; Unilateral Undertaking; or via the making of an advance payment to secure the following: -

a) The payment of a sum of £6004.87 towards the provisions of Access Only signage at Smithy Lane be provided before the first use of the access and road hereby approved.

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

2.03 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
 - Transport Assessment
 - Post Submission Transport Assessment Note
 - Location plan
 - Dwg No. CCI-22-0101-C-ALL-SK-00-001 – Access arrangement.
3. The proposed access (and adjoining highway works) shall be completed to the written satisfaction of the Planning Authority in consultation with the Welsh Government (Transport) before the access is brought into use.
4. No development shall take place until a scheme indicating the provision of parking and turning facilities within the site shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the agreed scheme shall be implemented in full prior to the access being brought into use and retained as such thereafter.
5. No development shall take place until a scheme indicating the proposed highway drainage scheme has been submitted to and approved in writing with the Local Planning Authority. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system and

shall ensure that water from the access road does not drain onto the trunk road. The agreed scheme shall thereafter be implemented in full prior to the first use of the access hereby approved.

6. No development shall take place until a scheme to provide wheel-washing facilities or an alternative method, has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided before any development commences and thereafter remain available during the construction stage and be used by all vehicles exiting the site.
7. No development shall take place until a proposal for a Safety Audit of the scheme, (Stages 1 – 4) in accordance with GG119 of the Design Manual for Roads and Bridges, has been submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the agreed details thereafter.
8. No development shall take place until a scheme of landscaping has been submitted to and approved in writing with the Local Planning Authority. Such scheme shall include details of
 - a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection during the course of development;
 - b) proposed new trees, hedgerows, shrubs, or vegetation, including confirmation of species, numbers and location and the proposed timing of the planting;
 - c) proposed earthworks, grading and the mounding of land and changes in levels, final contours, and the relationship of proposed mounding to existing vegetation and surrounding landform; and
 - d) proposed positions, design, materials, and type of boundary treatment to safeguard against noise disturbance to nearby dwellings.
9. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five 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.

3.00 CONSULTATIONS

3.01 **Local Member (Councillor Linda Thomas):** Requests committee determination and site visit in order that Members of the Planning Committee can see the site and the concerns raised below in context . Strongly objects to the proposal for the following reasons:

1. Proposal does not conform to the design standards for roads and bridges (DMRB);
2. Impacts upon the local community;
3. Unclear how cycle route from Ewloe to Mold is incorporated into the proposed plan;
4. Noise and vehicle pollution;
5. Will increase already existing traffic problems in the area due to the nature and narrowness of surrounding roads;
6. Proposals will increase adverse impacts upon the living conditions of nearby residents; and
7. Suggests Smithy Lane be subject of 'ACCESS ONLY' signs at either end.

Local Member (Councillor David Mackie): Considers the proposal, being amended to a left turn in and left and right turn out arrangement, is now acceptable.

Hawarden Community Council: Objects. Has concerns that proposals will give rise to traffic impacts on Smithy Lane and has the potential to result in traffic accidents.

Highways Development Control: Considers there is no direct impact on the county highway network.

Recognises a potential concern related to traffic diverting onto Smithy Lane and notes the requirement for a Traffic Regulation Order is discussed within application submissions, with the applicant willing to investigate the installation of Access Only signage. As such, funding for such a restriction (£6004.87) should be provided via a Section 106 agreement as part of any planning consent.

Community & Business Protection: No objections

Welsh Government - Department for Economy and Infrastructure
No objections. Requests the imposition of conditions as set out in Section 2.03 of this report.

4.00 PUBLICITY

4.01 The application was publicised via the display of a site notice and neighbour notification letters. At the time of writing, eight letters of

objection have been received raising objections on the following grounds:

1. Increased traffic will result in detriment to highways safety;
2. Proposals will result in adverse impacts to the living conditions of nearby residents;
3. Visual detriment to the surrounding area from the proposed use;
4. Increased noise and light pollution; and
5. Potential for Smithy Lane to be used as short cut with resultant increased littering.

5.00 SITE HISTORY

5.01 No previous site history

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

STR4 - Principles of Sustainable Development, Design & Placemaking

STR5 - Transport and Accessibility

STR6 - Services, Facilities and Infrastructure

STR7 - Economic Development, Enterprise & Employment

STR10 - Tourism, Culture and Leisure

STR13 - Natural and Built Environment, Green Networks & Infrastructure

STR14 - Climate Change and Environmental Protection

PC1 - The Relationship of Development to Settlement Boundaries

PC2 - General requirements for Development

PC3 - Design

PC5 - Transport and Accessibility

EN4 - Landscape Character

EN7 - Development Affecting Trees, Woodlands & Hedgerow

EN20 - Landfill Buffer Zone

Supplementary Planning Guidance

Supplementary Planning Guidance Note 3 – Landscaping

National Planning Policy

Planning Policy Wales (PPW) Ed. 12 (Feb 2024)

Future Wales- The National Plan 2040

Technical Advice Note 18 - Transport

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

The site is located within the open countryside and within an agricultural field located to the north of the A494 Mold Road. The

access is proposed to be formed within the southern boundary of this field at a mid-point between the route of the former railway to the west and the existing agricultural access to the east. The land form in this area slopes downhill from the eastern boundary to the west. Boundaries to the field are formed of a mixture of established and mature hedgerows, interspersed with trees.

7.02 Existing residential dwellings are located at Pottery Cottages, some 100m to the west of the site, and Parry's Cottages, 75m to the east. A further dwelling is located 205m to the north of the proposed access point, close to and accessed via the existing services.

7.03 Parry's Quarry Landfill site is located to the east and the site falls within the designated landfill buffer zone.

7.04 The Proposal

The proposal seeks permission for the creation of a vehicular access to Mold Road/A494 and the provision of a circa.230m two way access road to the Ewloe Gateway Services. The reason for this link is to both facilitate an additional means of accessing the services from the easterly direction, reducing the present pressure upon Pinfold Lane from return traffic and to negate the need to travel up to the Connah's Quay Road, some 2 mile to the west, and then drive back. In addition, the access will serve to try and mitigate an existing issue and risk of pedestrians from the hotel at the services crossing the A55 to get taxi's into the local town

7.05 The Main Issues

The main issues to consider are:

1. The principle of development, having regard to the development plan;
2. Access and highway impacts;
3. Impacts upon living conditions; and
4. Impacts upon the character and appearance of the area.

7.06 The Principle of Development

Policies STR2 and PC1 indicate that development proposals should primarily be directed toward allocated sites and settlement boundaries, being the most suitable and sustainable locations to accommodate development. However, exceptions are identified to this presumption and are set out in Policy PC1. Of particular relevance to this proposal is criterion c) which advises that, inter alia, development reacted to tourism, leisure and recreation may be acceptable in open countryside locations, subject to compliance with other plan policies.

7.07 The proposal, being for the purposes of facilitating easier access to and from the Ewloe Gateway Services on the A55, would satisfy this exception.

- 7.08 The site is located within the designated Landfill Buffer Zone for the landfill at Parry's Quarry, the closest point of which is some 50m from the access road element of this proposal. This policy advises that where development proposals would amount to sensitive, such development is not to be permitted. Sensitive development comprises development which would be sensitive to the effects of noise dust, odour, pests and the effects of the potential migration of landfill gases. This proposal does not represent sensitive development and therefore this policy would be satisfied.
- 7.09 As a matter of principle therefore, the proposal is acceptable, subject to the consideration of detailed matters the relevant policies in those regards.
- 7.10 Access and Highway Impact
The proposal provides for the creation of a splayed access off the A494 to provide a left turn in from approaches from the east and a left and right turn out from the access onto the A494. The access then links into a two lane six metre wide access road which runs directly north to link in with the services at the Ewloe Gateway Services.
- 7.11 As the access is to be formed from a Trunk Road, consultation has been undertaken with Welsh Government Highways department who have advised that it is acceptable to them for the Council to issue planning permission of the works subject to the conditions set out in paragraph 2.03 of this report. The proposal has been the subject of lengthy discussion and numerous amendments to reach a point whereby Welsh Government are satisfied that the access meets the standards for road design and bridge building (DMRB).
- 7.12 Furthermore, the access and off site highway improvements make provision for pedestrians and cyclists in the form of a three metre Active Travel route across the site frontage, to link into the countywide network of cycle and pedestrian routes. It should be noted however, that this proposal is not seeking to provide pedestrian access to the services.
- 7.13 Concerns raised in relation to Smithy Lane being potentially used a short cut route from areas of Buckley to the services have been considered by the applicant. Notwithstanding that the Transport Assessment concludes that it is unlikely that the proposals will result in increased trips from the Mold area (due to the presence of similar dining offers within Mold), it is noted that the applicant is willing to seek to address this concern via the provision of a contribution towards a Traffic Regulation Order to provide for 'Access Only' signage at the junction of Smithy Lane with the A494. To this end, this recommendation includes a requirement for a Section 106 agreement to require the financial contribution to enable this provisions to be made.

- 7.14 Concerns have also been raised to the effect that the proposal will result in an increase in traffic and a consequent detrimental impact upon highway safety. It should be noted that the proposal has been the subject of consultation with both Welsh Government Highways and Highways Development Control at Flintshire County Council, neither of whom raise any objection and advise that the proposals will not result in an adverse impact upon the wider local highway network.
- 7.15 Accordingly the proposals would satisfy the requirements of policies STR5, PC2 and PC5 of the Plan.
- 7.16 The commuted sum payment as requested can be secured through the completion of a legal obligation requiring payment toward the required Traffic Regulation Order before any development upon the site is commenced.
- 7.17 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement must be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 "Planning Obligations".
- 7.18 It is unlawful for a planning obligation to be taken into account, when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests.
1. be necessary to make the development acceptable in planning terms;
 2. be directly related to the development; and
 3. be fairly and reasonably related in scale and kind to the development.
- 7.19 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure.
- 7.20 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.
- 7.21 Members are advised that since the advent of the CIL Regulations, no more than 5 obligations have been entered into in respect of the contribution requested, and that on application of the tests set out above the contributions would satisfy these requirements.

- 7.22 Impacts upon living conditions
As noted previously, the site is located in varying proximities to existing dwellings. The terraced properties at Pottery and Parry's Cottages, by virtue of their location in relation to the existing industrial and commercial sites in the local area, experience a certain degree of noise and disturbance associated with traffic using these businesses and traffic using the adjacent A494 Trunk Road. Consultation with Community and Business protection colleagues has not generated any adverse comments or objection in this regard. Indeed, in the case of Pottery Cottages, it can be suggested that vehicles which presently utilise the A494 to access the traffic interchanges at Ewloe as a means of accessing the services would be reduced by virtue of the ability to access the services without the need to pass these properties.
- 7.23 The location of the access being located at a point of some distance to the nearest point of each terrace of dwellings is such that this is not envisaged to result in any adverse impact upon the living conditions presently enjoyed by the occupiers of these dwellings.
- 7.24 The existing dwelling to the north of the site is presently located adjacent to, and accessed via, the Services access roads. As such, this dwelling experiences a certain degree of disturbance associated with the same. It is noted however, that the proposed road would pass within some 8m of the dwelling at its closest point before linking into the existing access road which serves the dwelling. As such, it is considered that there is a need for a scheme of boundary treatments and landscape planting to serve as both a visual buffer and sound mitigation to ensure that the living conditions of the occupiers of the dwelling are not unacceptably impacted.
- 7.25 Subject to this condition, it is not considered that the proposals would give rise to significant impacts upon the living conditions of the occupiers of the identified dwellings and therefore would satisfy the requirements of the Policy PC2 in this regard.
- 7.26 Impacts upon Character & Appearance
The area within which the site is located comprises a wide range of differing land uses set within an otherwise open countryside location. Whilst commercial, waste, industrial and tourism service uses are all prevalent in the area, they are all largely the subject of significant screening from wider landscape views.
- 7.27 The proposal has the potential, particularly as it would be viewed in the landscape against the woodland backdrop of the former railway line and landfill buffer to Parry's Quarry, of seeming potentially intrusive in the landscape, especially to views from the west and particularly in the autumn and winter. To mitigate this impact, a condition is suggested for the submission and agreement of a scheme of structural landscaping.

7.28 Visual impacts from the east and north are not considered to be significant in character and appearance terms as ample screening exists and is retained to ensure that the proposal does not detract from wider views from these directions. Similarly, the view of the proposed access point itself from the south is seen in the context of a busy trunk road and, whilst pedestrian and cycle provision is made within the access formation works, these will be seen against the backdrop of retained hedgerow boundaries and the additional planting required at the back edge of the newly formed access itself will compliment this existing vegetation to soften impacts in the longer term.

7.29 As such, the proposals are not considered to be detrimentally impacting to the character and appearance of the area and as such are compliant with the aims of policies STR13, PC2, PC3, EN4 and EN7 in this regard.

8.00 CONCLUSION

The proposal is in accord with the relevant development plan policies within the Flintshire Local Development Plan, there being no objection from either a Trunk Road or local Highway network perspective, subject to the completion of the S.106 agreement (or similar) and imposition of planning conditions, as referenced in Paragraphs 2.01 to 2.03 of this report. It is therefore recommended that planning permission be granted.

8.01 Other Considerations

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

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

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

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

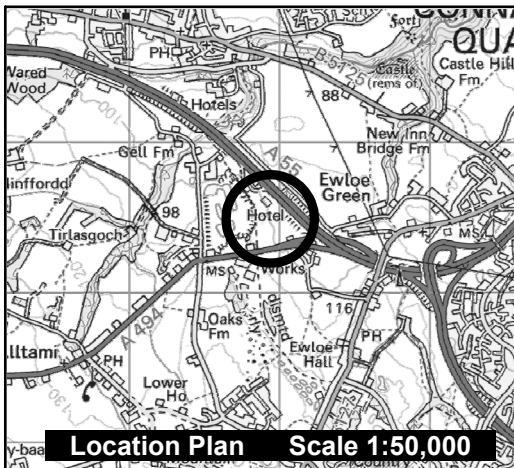
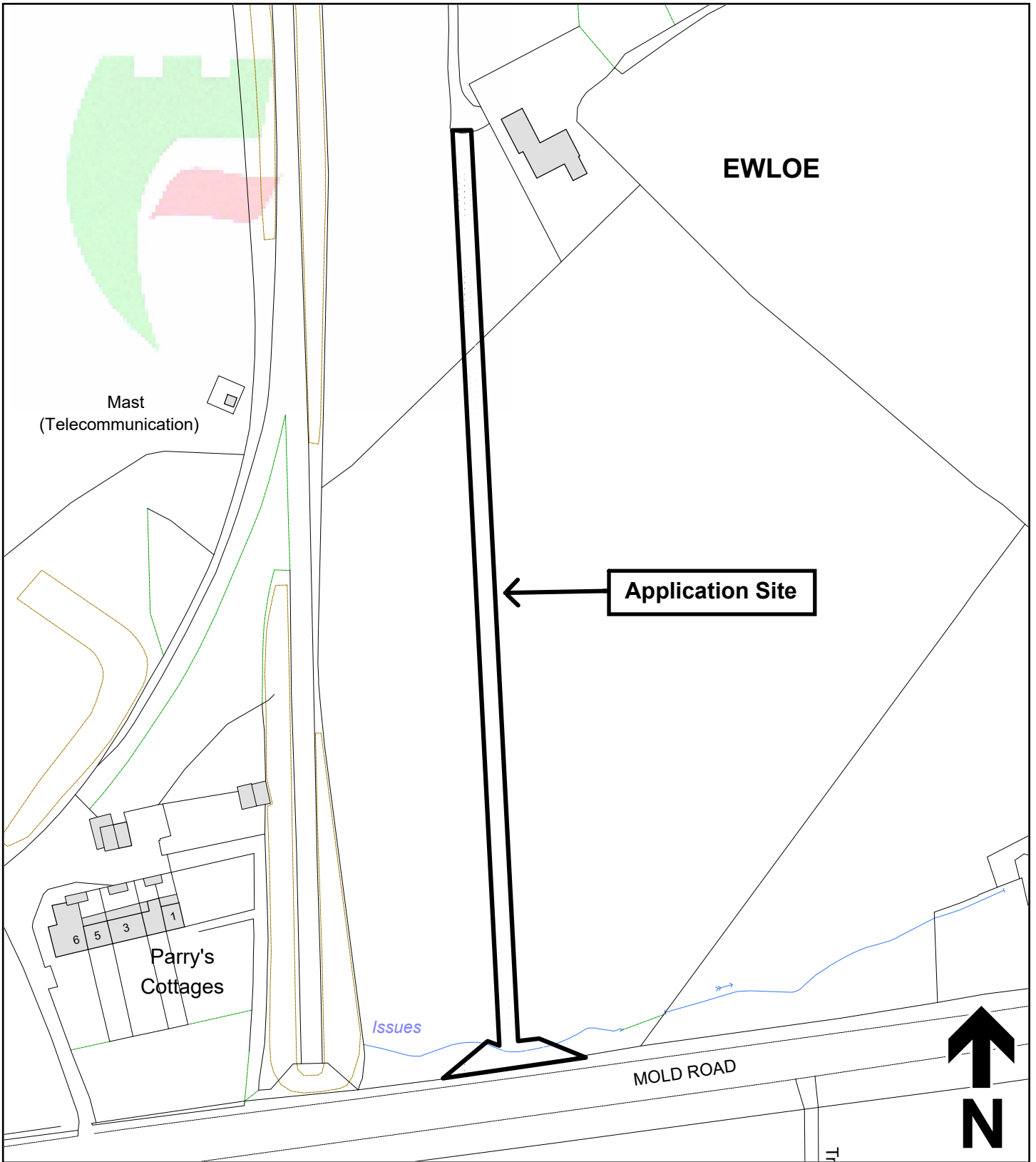
LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy

Responses to Consultation
Responses to Publicity

Contact Officer: Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk

This page is intentionally left blank



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

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

Map Scale 1:1250

OS Map ref SJ 2766

Planning Application **59489**

This page is intentionally left blank