

Public Document Pack

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



CS/NG

14 November 2024

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

To: Cllr Richard Lloyd (Chair)

Councillors: Mike Allport, Bernie Attridge,
Sean Bibby, Chris Bithell, Bill Crease,
Paul Cunningham, Adele Davies-Cooke,
Chris Dolphin, Gladys Healey, Dave Hughes,
Paul Johnson, Richard Jones, Allan Marshall,
Hilary McGuill, Ted Palmer and Mike Peers

Dear Sir / Madam

NOTICE OF HYBRID MEETING
PLANNING COMMITTEE
WEDNESDAY, 20TH NOVEMBER, 2024 at 1.00 PM

Yours faithfully

Steven Goodrum
Democratic Services Manager

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

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

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

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

A G E N D A

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

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

Purpose: To confirm as a correct record the minutes of the meeting held on 25 September 2024.

5 **ITEMS TO BE DEFERRED**

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

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

REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO PLANNING COMMITTEE ON 20 NOVEMBER 2024

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	FUL/000353/24 - A	Full application - Full application for a new tissue machine facility and associated structures at Shotton Paper Mill, Weighbridge Road, Deeside Industrial Park, Deeside (Pages 7 - 20)
6.2	FUL/000789/24 - A	Full application - Proposed Erection of 2 x 3 Bed Semi Detached Dwellings at Land Adj. 1 Moore Cottage, Elfed Drive, Buckley (Pages 21 - 32)

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

PLANNING COMMITTEE **25 SEPTEMBER 2024**

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 25 September 2024

PRESENT: Councillor Richard Lloyd (Chair)

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

ALSO PRESENT: Councillor Bill Crease (as an Observer) for agenda items 6.1 and 6.2 only

IN ATTENDANCE:

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

20. DECLARATIONS OF INTEREST

Councillor Carol Ellis declared a personal and prejudicial interest, as a School Governor of Elfed High School, on agenda item 6.1 FUL/000826/23 – Full application - Erection of 159 dwellings, construction of a new vehicular access, landscaping and associated works at Land north of Well Street, Buckley

Councillor Mike Peers also declared a personal interest in agenda item 6.1 as a family member works for Clwyd Alyn

Councillor Bernie Attridge declared a personal interest, as joint local Ward Member, on agenda item 6.3 FUL/000826/23 - ground floor extension to the rear of the house to provide a new kitchen space and enhance family living area and a downstairs shower room and separate toilet to aid disability.

21. LATE OBSERVATIONS

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

22. MINUTES

The minutes of the meeting held on 4 September 2024 were submitted.

Accuracy

Councillor Bernie Attridge to be recorded as present at the meeting.

The minutes were confirmed as a correct record, subject to the above amendment, as moved and seconded by Councillor Mike Peers and Councillor Chris Bithell.

RESOLVED:

That, subject to the above amendment, the minutes be approved as a true and correct record.

23. ITEMS TO BE DEFERRED

There were no items recommended to be deferred.

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

RESOLVED:

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

25. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 4 members of the public present at the start of the meeting.

(The meeting started at 2.17 pm and ended at 4.30 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 25 SEPTEMBER 2024

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
FUL/000826/23	Buckley Town Council	Full application - Erection of 159 dwellings, construction of a new vehicular access, landscaping and associated works at Land north of Well Street, Buckley	<p>Mr P Newby, local resident, spoke against the application.</p> <p>Mr S Andrew, applicant, spoke in support of the application.</p> <p>Councillor Carolyn Preece (joint local Ward Member) spoke against the application.</p>	<p>That planning permission be granted, in accordance with the Officer's recommendation, subject to the conditions set out in the report and the late observations, and the following additional condition:</p> <ul style="list-style-type: none"> • an on-site construction management plan to include hours of working etc.
FUL/000209/24	Sealand Community Council	Full application – for proposed redevelopment of the former hotel site to provide 4 no. food and retail units falling within use class A1 and A3, together with landscaping, car parking and site signage at Former Gateway to Wales Hotel, Welsh Road, Garden City, Deeside	<p>Mr R Davies, applicant, spoke in support of the application.</p> <p>A statement was read out on behalf of Councillor Christine Jones (joint local Ward Member) against the application.</p> <p>A statement was read out on behalf of Ms C Cousins (local resident) against the application.</p>	<p>That planning permission be granted, in accordance with the Officer's recommendation, subject to the conditions set out in the report and in the late observations.</p>

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
FUL/000497/24	Connah's Quay Town Council	Full application - Ground floor extension to the rear of the house to provide a new kitchen space and enhance family living area and a downstairs shower room and separate toilet to aid disability at Burton House, Church Hill, Connah's Quay, Deeside		That planning permission be granted, in accordance with the Officer's recommendation, subject to the conditions set out in the report and in the late observations.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **20th NOVEMBER 2024**

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

SUBJECT: **FULL APPLICATION FOR A NEW TISSUE MACHINE FACILITY AND ASSOCIATED STRUCTURES AT SHOTTON PAPER MILL**

APPLICATION NUMBER: **FUL/000353/24**

APPLICANT: **SHOTTON MILL LIMITED**

SITE: **SHOTTON PAPERMILL, WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL PARK**

APPLICATION VALID DATE: **17TH JUNE 2024**

LOCAL MEMBERS: **COUNCILLOR D OWEN**
COUNCILLOR R MANSELL
COUNCILLOR JB ATTRIDGE

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

REASON FOR COMMITTEE: **HEIGHT OF THE PROPOSED DEVELOPMENT EXCEEDS SCHEME OF DELEGATION**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the proposed erection of a new tissue machine facility on land at Shotton Papermill, Weighbridge Road, Deeside Industrial Park. The application has been referred to planning committee as the proposed height exceeds that criteria as set out in the scheme of delegation.
- 1.02 Members may recall that planning permission was granted for the redevelopment of the papermill, including the expansion of the site. The applicant seeks to bring forward the development of one of the

approved tissue machine facilities by utilising and extending an existing building on the main site.

- 1.03 The development is considered compliant with local and national planning policy and all material considerations have been assessed as acceptable. It is therefore recommended that Members endorse the recommendation to approve the application subject to the conditions as outlined at Paragraph 2.01 of this report

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

- 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:
 - Pre-Application Consultation Report
 - Application Form
 - Proposed Elevations - Dwg 1141-120-MG-104
 - Covering Letter
 - Request for screening letter
 - Location Plan
 - Landscape & Ecological Management Plan
 - CEMP
 - Appendix 8 - Traffic Management
 - Appendix 7 - Hazardous Material Management
 - Appendix 6 - Preliminary Work Programme
 - Appendix 5 - Waste Management Procedure
 - Appendix 4 - Spill Response Procedure
 - Appendix 10 - Geoenvironmental Interpretative Report for Phase 1 - Part 2
 - Biosecurity Condition 8
 - Construction Traffic Management Plan
 - Appendix 10 - Geoenvironmental Interpretative Report for Phase 1 - Part 1
 - Appendix 10 - Geoenvironmental Interpretative Report Part 3
 - Appendix 10 - Geoenvironmental Interpretative Report for Phase 1 - Part 4
 - Proposed Tissue Machine Floor Plan C - Dwg 1141-120-MU-009
 - Proposed Tissue Machine Floor Plan B - Dwg 1141-120-MU-008
 - Proposed Tissue Machine Floor Plan A - Dwg 1141-120-MU-007

- Proposed Tissue Machine Floor Plan C - Dwg 1141-120-MU-006
- Proposed Tissue Machine Floor Plan B - Dwg 1141-120-MU-005
- Proposed Tissue Machine Floor Plan A - Dwg 1141-120-MU-004
- Proposed Tissue Machine Floor Plan C - Dwg 1141-120-MU-003
- Proposed Tissue Machine Floor Plan B- Dwg 1141-120-MU-002
- Proposed Tissue Machine Floor Plan A - Dwg 1141-120-MU-001
- Proposed Roof Plan - Dwg 1141-120-MG-105
- Proposed Site Plan - Dwg 1141-120-MG-102
- Existing Site Plan - Dwg 1141-120-MG-101
- Appendix 3 - Reptile Mitigation Strategy
- Proposed Process Water System - Dwg SPM-ARUP-01-ZZ-M2-CU-008103
- Proposed Hydrant System - Dwg SPM-ARUP-01-ZZ-M2-CU-00810
- Proposed Water System - Dwg SPM-ARUP-01-ZZ-M2-CU-008101
- Proposed Stormwater Drainage Profiles 2 - Dwg SPM-ARUP-01-ZZ-M2-CU-003602
- Proposed Stormwater Drainage Plan 3 - Dwg SPM-ARUP-01-ZZ-M2-CU-003104
- Foulwater Drainage Profiles - Dwg SPM-ARUP-01-ZZ-M2-CU-002601
- Proposed Foulwater Drainage Plan - Dwg SPM-ARUP-01-ZZ-M2-CU-002101
- Proposed Oil & Sand Separator Detail – Dwg SPM-ARUP-01-ZZ-M2-CU-000703
- Proposed Site Layout with Services – Dwg H2991-12000 - Rev AV
- Proposed Stormwater Drainage Profiles - Dwg SPM-ARUP-01-ZZ-M2-CU-003601
- Proposed Stormwater Drainage Schedule - Dwg SPM-ARUP-01-ZZ-M2-CU-003301
- Proposed Stormwater Drainage Plan 3 - Dwg SPM-ARUP-01-ZZ-M2-CU-003105
- Proposed Stormwater Drainage Plan 2 - Dwg SPM-ARUP-01-ZZ-M2-CU-003103
- Proposed Stormwater Drainage Plan - Dwg SPM-ARUP-01-ZZ-M2-CU-003102
- Proposed Stormwater Hydraulic Plan - Dwg SPM-ARP-01-ZZ-M2-CU-003101 - Rev P01
- Proposed Stormwater & Foulwater Manholes Details – Dwg SPM-ARUP-01-ZZ-M2-CU-000702

- Proposed Stormwater & Foulwater Manholes Plan & Sections – Dwg SPM-ARUP-01-ZZ-M2-CU-000701
 - Proposed Ponds & Lagoon Plan
 - Proposed Infrastructural Road & Site Plan – Dwg 1080-000-AY-001 - Rev 2
 - Proposed Infrastructural Foulwater System Profiles – Dwg 1080-000-AK-003 - Rev 1
 - Proposed Infrastructural Plan Sewage Water Discharge Plan - Dwg 1080-000-AK-001- Rev 2
 - Proposed Infrastructural Rainwater System Profiles 2 – Dwg 1080-000-AD-008 - Rev 1
 - Proposed Infrastructural Rainwater System Profiles – Dwg 1080-000-AD-007 - Rev 1
 - Proposed Infrastructural Rainwater Discharge Plan – Dwg 1080-000-AD-001-03- Rev 3
 - Proposed Infrastructural Landscape Masterplan – Dwg 410.12593.00002.0002.001
 - Proposed Temporary Car Park Plan
 - Appendix 3 - Stockpile Location
 - Infrastructure Design Development Report
 - Main site summary
 - Lagoon Summary
 - Appendix 9 - Arboricultural Implications Assessment - Part 3
 - Appendix 9 - Arboricultural Implications Assessment - Part 2
 - Appendix 9 -Arboricultural Implications Assessment -Part 1
 - Condition 8. Appendix 2 - Biosecurity & Risk Assessment

 - Appendix 1 - Habitat Regulations Assessment
 - Planning. Design & Access Statement
3. No development or phase of development shall commence until an updated Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.
 4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network
 5. Prior to the occupation 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.

6. 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
7. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
8. 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 designs shall be implemented in accordance with the approved details

3.00 CONSULTATIONS

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

Connah's Quay Town Council: No objections to the proposal provided it complies with planning policy

Highways Development Control: No objections

Community and Business Protection: No objections

Natural Resources Wales: No objections but recommend the imposition of a condition relating to the submission of an updated Construction Environmental Management Plan (CEMP).

Natural England: Requested that an updated Habitats Regulations Assessment (HRA) be completed to consider the impact on wildlife and protected species

North Wales Wildlife Trust: Raises concerns that the proposed development doesn't provide any net biodiversity benefit but recognises that due to previous consents and the existing facilities there is a limit to how much on-site biodiversity compensation can be achieved.

Dwr Cymru/Welsh Water: No objections

Airbus: No objections

North Wales Fire and Rescue Authority: No objections

4.00 PUBLICITY

4.01 A Site Notice was posted adjacent to the site. No responses were received at the time of writing report

5.00 SITE HISTORY

5.01 There is an extensive planning history associated with this site but the most relevant consents are listed below:

FUL/000011/22 – Redevelopment and expansion of former UPM Shotton Paper Mill site comprising 82 hectares of new paper factory buildings and processing plant and associated landscaping, offices, access and parking – Approved 26th October 2022

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

- Policy STR2: The Location of Development
- Policy STR4: Principles of Sustainable Development, Design and Placemaking
- Policy STR5: Transport and Accessibility
- Policy STR8: Employment Land Provision
- Policy STR13: Natural and Built Environment, Green Networks and Infrastructure
- Policy STR14: Climate Change and Environmental Protection
- 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 PE2: Principal Employment Areas
- Policy EN4: Landscape Character
- Policy EN6: Sites of Biodiversity Importance
- Policy EN16: Development on or near Landfill Sites or Derelict and Contaminated Land
- Policy EN18: Pollution and Nuisance

Adopted Supplementary Planning Guidance

- SPGN No. 8 – Nature Conservation and Development
- SPGN No 3 – Landscaping
- 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 11: Noise
- TAN 12: Design
- TAN 18: Transport
- TAN 23 - Economic development

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks planning permission for the proposed erection of a new tissue machine facility and associated structures on land at Shotton Papermill.

7.02 Site Description

The overall site comprises the operational Shotton Mill paper manufacturing facility, formerly owned and operated by UPM (the Main Site) together with adjoining vacant brownfield land (the Expansion Site, also known as the A4 land). The land subject of this application sits to the north of the Main site, adjacent to Weighbridge Road.

7.03 The site is situated within the Deeside Industrial Park close to the Dee Estuary. The Dee Estuary is subject to a number of national and European wildlife designations. The site is located within the Wrexham & Deeside National Growth Area as defined by Future Wales: The National Plan 2040.

7.04 The site lies to the south of the A548 dual carriageway, with access to the A548 being via a local distributor road that serves the Deeside Industrial Park. Vehicular access to the site is from a roundabout junction on the A548 via Weighbridge Road forming part of the

Deeside Industrial Park. The A548 dual carriageway links to the A55.

- 7.05 The surrounding area of Deeside Industrial Park is occupied by a number of large-scale manufacturing and energy generation facilities.
- 7.06 Proposed Development
Planning permission was granted under reference FUL/000011/22 for a range of redevelopment of the Papermill site, to include the erection of three new tissue machines on the A4 expansion site (located to the North of Weighbridge road). However the applicant is now seeking to bring forward the development of one of those machines within the existing Main site and intends to replace the approved corrugating machine building with this new development.
- 7.07 The proposed area of land covered by the new facility and associated structures would cover 0.7ha which is smaller than the approved corrugating machine building. The main building will be formed partly from the existing PM2 building which will be extended outwardly and upwardly to allow for the new facility.
- 7.08 The height of the proposed new building will be 31.85 metres which is comparable to the consented buildings which when constructed are of a similar height. The design of the building and associated structures proposes a palette of materials which are similar to the consented buildings.
- 7.09 Principle of Development
The application site lies within a Principal Employment Area (Deeside Industrial Park) by virtue of policy PE2.11. Through policy PE2 it is considered that by identifying key areas where primarily existing employment development can be safeguarded and where new employment development in relation to this can be focussed, the LPA will generally be supportive subject to compliance with other material considerations. The policy is applicable to the use of land, new build, conversion, redevelopment and extension or expansion.
- 7.10 The policy permits B1, B2 and B8 development provided that the development is of an appropriate type and scale for both the site and its surroundings and satisfies other Plan policies.
- 7.11 The site has the benefit of a planning permission (FUL/000011/22) for the redevelopment and expansion of the former papermill and therefore the principle of employment development is established on the site. Given that the proposed development sits within a major consented development parcel the proposal is considered compliant with policy PE2 of the LDP and acceptable in principle.

- 7.12 Highway Safety
The application does not propose any new access arrangements or require any additional car parking provision above that already consented under the redevelopment.
- 7.13 No objections have been received from the Highways Development Control section.
- 7.14 Ecological Implications
The application site lies within:
- 280m of the Dee Estuary (Wales) SAC / SPA / Ramsar site
 - 1.4km of the River Dee and Bala Lake SAC
 - 280m of the Dee Estuary SSSI
 - 290m of the Shotton Lagoons and Reedbeds SSSI
 - 1.4km of the Inner Marsh Farm SSSI
 - 1.5km of the Afon Dyfrdwy (River Dee) SSSI
- 7.15 The footprint of the proposed development is outside of the above protected sites. Accordingly advice received from Natural Resources Wales in their consultation response relate to potential secondary effects upon their features, some of which are mobile species. Following consultation with Natural England a Habitats Regulations Assessment (HRA) has been completed by the Council which assesses the likely impacts of the development, both during construction and operational phases on protected species.
- 7.16 A Construction Environmental Management Plan (CEMP) was submitted with application FUL/000011/22 and is detailed by the applicant as being a live document which is updated with each phase of development. In order to ensure that appropriate mitigation measures are applicable to this proposed development it is recommended that a suitably worded condition requiring the submission of an updated CEMP be imposed.
- 7.17 The proposed works fall within the overall footprint of the site redevelopment and accordingly no concerns are raised about increased noise or visual disturbance to overwintering bird features of the Dee Estuary SPA/Ramsar site above and beyond that already assessed. It is considered that the applicant has evidenced the low numbers of qualifying species present within and close to the site boundaries appropriately.
- 7.18 Natural Resources Wales welcome the measures relating to downlighting and reducing the potential impacts of light pollution.
- 7.19 In terms of the impact of the development on Green Infrastructure a site wide Landscape and Ecological Management Plan (LEMP) has been approved as part of the wider redevelopment which follows the step wise approach in terms of providing biodiversity net gain.

- 7.20 Therefore, despite the concerns raised by the North Wales Wildlife Trust, with this provision it is considered that the proposal is compliant with local and national planning policies with regards to ecological matters.
- 7.21 Landscape Character
The character of the site is largely industrial with the visual setting of large scale industrial and infrastructure based development close to the River Dee as its backdrop. Accordingly whilst the proposed building is significant in terms of scale, taken in context with other buildings at the site both existing and under construction, neighbouring Parc Adfer, and surrounding units such as Deeside Power Station the overall scale is not considered inappropriate in this location.
- 7.22 The proposed building and ancillary structures are designed to complement the existing and proposed buildings within the papermill site through the incorporation of sympathetic material palette and building form.

8.00 CONCLUSION

This application seeks the erection of a new tissue machine facility and associated structures. The proposed building sits within the main site which is currently under redevelopment. The existing PM2 building will be extended upwardly and outwardly to allow for the new machine.

- 8.01 Although the proposed building height is not insignificant, the existing industrial backdrop and heights of adjacent buildings and infrastructure at neighbouring Parc Adfer, Deeside Power Station and Deeside Industrial Park is such that the building will not cause any visual harm. The re-use of the building is considered an environmental betterment as it avoids a demolition and rebuild.
- 8.02 With no objections from statutory or third party consultees it is considered that the application is fully compliant with both local and national planning policy 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.

8.03 Other Considerations

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

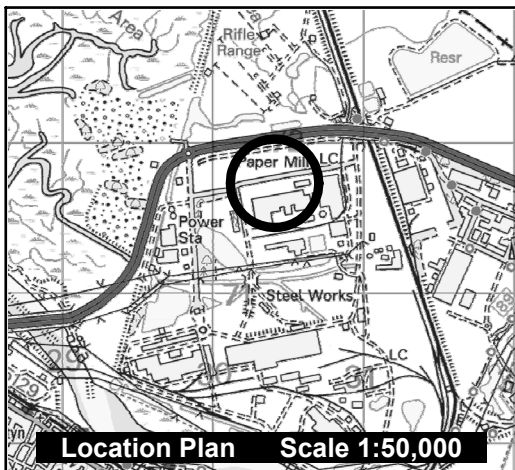
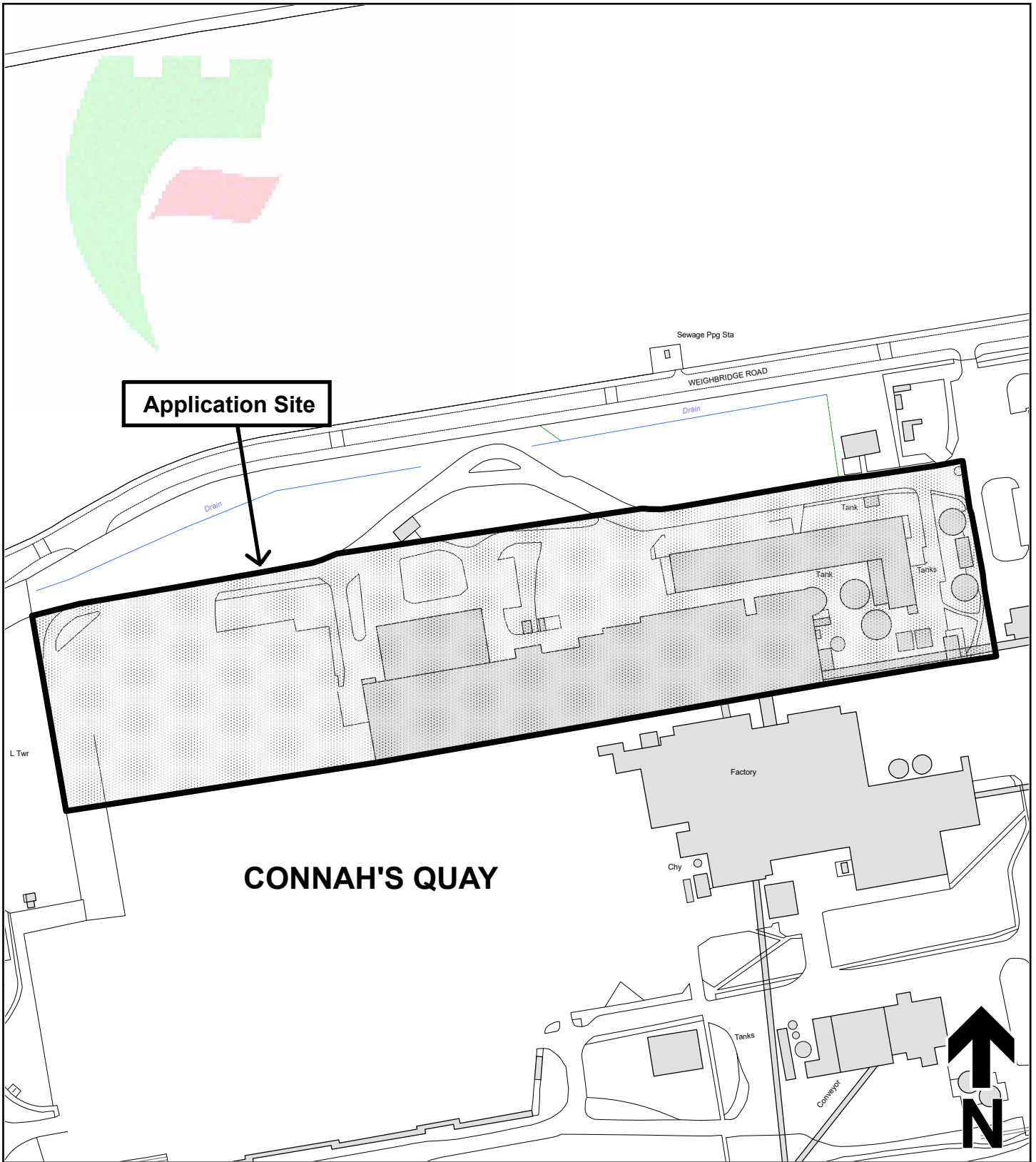
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Claire Morter

Telephone: 01352 703299

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 His 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, 2024.

Map Scale: 1:2500

OS Map: SJ 3071

Application: FUL/000353/24

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **20TH NOVEMBER 2024**

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

SUBJECT: **PROPOSED ERECTION OF 2 X 3 BED SEMI DETACHED DWELLINGS**

APPLICATION NUMBER: **FUL/000789/24**

APPLICANT: **NEIL PETERS**

SITE: **LAND ADJACENT 1 MOORE COTTAGES, ELFED DRIVE, BUCKLEY**

APPLICATION VALID DATE: **7TH OCTOBER 2024**

LOCAL MEMBERS: **COUNCILLOR C ELLIS**

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

REASON FOR COMMITTEE: **APPLICATION REFERRED BY COUNCILLOR CAROL ELLIS DUE TO THE IMPACT ON THE HIGHWAY AND EXISTING ROAD JUNCTIONS**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application for the proposed erection of two three bedroom semi-detached dwellings on land adjacent 1 Moore Cottages, Elfed Drive, Buckley. The application is a resubmission following the delegated decision to refuse application FUL/000367/24. The application was refused due to insufficient information in regards to land contamination only. All other matters at the time of determination were considered acceptable by officers.

This application is considered acceptable in policy terms and would have no adverse impact from land contamination, there would be no adverse effect from phosphates on ecology and no detrimental effect

on the living conditions of future occupiers, on the highway, the character and appearance of the locality or on biodiversity.

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

- 2.01
1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
 2. In accordance with approved details:
 - Application form
 - Existing site location and block plan dwg no. P100 01
 - Amended proposed block and site plan dwg no. P100 02
 - Proposed floor plans and elevations dwg no. P100 03
 - Site section, elevations and perspectives dwg no. P100 04
 - Proposed drainage plan dwg no. P100 50
 - Drainage details dwg no. P100 51
 - Exceedance plan dwg no. P100 53
 - Proposed drainage plan dwg no. P100 53
 - Storm water/SUDs maintenance plan report ref: SuDS_001 Rev –
 - Storm sewer design 27/09/2024
 - Groundsolve Ltd soakaway testing report
 - Groundsolve Ltd phase 1 preliminary risk assessment report 06/08/2024
 - Groundsolve Ltd phase 2 ground investigation report 27/09/2024
 - Coal mining report
 - Design statement A 101 DS
 3. 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.
 4. The vehicular footway crossings serving the site shall be constructed in accordance with the highway specification provided.

- 5 Prior to the commencement of development a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority
6. All planting in the approved details of landscaping approved by condition 5 shall be carried out in the first planting season following the substantial completion of the development 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. Notwithstanding the approved details, prior to the commencement of development a scheme for biodiversity enhancement of the site, including the number, locations and type of enhancements proposed 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 of the dwellings.

3.00 CONSULTATIONS

- 3.01 **Local Member (Councillor Carol Ellis):** Requests a site visit and Committee determination on the grounds of potential impact on the highway and proximity to existing entrances and roads.

Buckley Town Council: No observations.

Highways Development Control: The revised submission addresses previous concerns. Should the application be recommended for approval then a condition securing the vehicular footway crossing are constructed in accordance with the submitted specifications should be imposed.

Community and Business protection (Pollution Control): If planning permission is granted, the remediation scheme and subsequent verification of that scheme on a plot by plot basis should be secured by a suitable condition imposed upon the planning permission and the first use/occupation of the development should not take place until verification reports have been received and approved.

NRW: This application for the erection of a dwelling proposes connection of foul water to the mains sewer. Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste

material. As the controlled waters onsite are not of the highest environmental sensitivity, we would advise you to consult with the Local Authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation and if appropriate, remedial work for any contaminants present.

Dwr Cymru/Welsh Water: This site is crossed by public watermains with their approximate position being marked on the Statutory Public Watermain Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. No part of any building will be permitted within the protection zone of the public watermains measured 4.5 metres either side of the centreline of the 20" public watermain, and 4.2 metres either side of the centreline of the 12" public watermain. Our strong recommendation is that your site layout takes into account the location of the assets crossing the site and should be referred to in any master-planning exercises or site layout plans submitted as part of any subsequent planning application.

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. The proposed development site is located in the catchment of a public sewerage system which drains to Buckley Wastewater Treatment Works (WwTW) and ultimately discharges to a river Special Area of Conservation (SAC). We would advise that this WwTW has a phosphorus consent limit and is currently compliant with the 95% quartile for its flow passed forward (FPF) performance, at the time of this consultation. Accordingly, we would advise there is currently suitable hydraulic capacity in the public sewerage system and downstream WwTW to accommodate foul water flows from the development subject of this application.

Airbus: Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria. Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information given.

4.00 PUBLICITY

- 4.01 Twelve Neighbour Notifications were sent to adjoining/nearby properties. Two objections have been received which can be summarised as follows:

1. Land contamination and works carried out on site prior to appropriate tests being carried out and without planning permission;
2. Poor drainage;
3. Congestion and parking issues on Elfed Drive;
4. Noise, dust and general disruption during works on site

5.00 SITE HISTORY

5.01 FUL/000367/24 - Proposed erection of 2 x 3 bed semi-detached dwellings – Refused 28/08/2024

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

- STR1 Strategic Growth
- STR2 The Location of Development
- STR4 Principles of Sustainable Development Design and Placemaking
- STR5 Transport and Accessibility
- STR6 Services, Facilities and Infrastructure
- STR13 Natural and Built Environment, Green Networks and Infrastructure
- STR14 Climate Change and Environmental Protection
- PC1 The Relationship of Development to Settlement Boundaries
- PC2 General Requirements for Development
- PC3 Design
- PC4 Sustainability and Resilience of New Development
- PC5 Transport and Accessibility
- EN6 Sites of Biodiversity Importance
- EN15 Water Resources
- EN16 Development on or near Landfill Sites or Derelict and Contaminated Land

Supplementary Planning Guidance (SPGN)

- SPGN No.2 Space Around Dwellings
- SPGN No.3 Landscaping
- SPGN No. 8 Nature Conservation and Development - SPG 8a - Great Crested Newt Mitigation Requirements
- SPGN No.11 Parking Standards

National Policy

- Planning Policy Wales Edition 12
- Future Wales: The National Plan 2020-2040

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the proposed erection of two three bedroom semi-detached dwellings on land adjacent 1 Moore Cottages, Elfed Drive, Buckley. The application is a resubmission following the delegated decision to refuse application FUL/000367/24.

7.02 Application Site

The application site is located inside the settlement boundary for Buckley and consists of amenity space associated with 1 Moore Cottages, located to the north of the dwelling. The site was previously bound by wooden fence panels and hedgerow and had several relatively mature trees but has recently been cleared, providing access from Elfed Drive, directly into the site.

7.03 Proposal

The application proposes to erect two three bedroom semi-detached dwellings.

7.04 Main Issues

The main issues are considered to be:

- Land contamination
- Impact from phosphates on the SAC
- Effect upon the living conditions of future occupiers
- Impact on the highway
- Impact on the character and appearance of the locality
- Effect on biodiversity.

7.05 Principle of Development

The application proposes 2 moderately sized residential dwellings within the Buckley settlement boundary, a Tier 1 Main Service Centre within the LDP. Main service centres allow for market and affordable housing on windfall sites, and as the proposals fall below the threshold for an affordable contribution, the principle of two market dwellings is acceptable. The proposals would allow the development of this parcel of land for two family homes in the highly sustainable location in accordance with Policy STR2 of the Flintshire Local Development Plan.

7.06 Land Contamination

The proposed development site is located in an area where coal has been mined extensively in the past and which has an extensive history of potentially contaminated land uses. The applicant was requested to provide a land contamination assessment to include a mine gas/ground gas risk assessment.

7.07 The land contamination assessment has subsequently been assessed by the Councils Land Contamination Officer who has confirmed that the development is acceptable, subject to a suitable condition being imposed. The condition will be required to ensure that the remediation scheme, and subsequent verification of that scheme, has been submitted to and approved in writing by the LPA, on a plot by plot basis, prior to the first occupation of the development.

7.08 The proposal has been supported with the submission of sufficient evidence that any possible land contamination that has been identified and any potential issues will be properly remediated as part of the development process and that verification reports will be required on a plot by plot basis to demonstrate that the remediation measures outlined in the supporting documents submitted with the application have been carried out. It is considered that the proposal is compliant with policy EN18 of the Flintshire Local Development Plan.

7.09 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.

7.10 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.

7.11 The proposal will connect to the public wastewater system. Dwr Cymru/Welsh Water have confirmed that there are no local capacity issues and that the waste water treatment works to which foulwater generated by this development shall go 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.

- 7.12 It is considered therefore 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.
- 7.13 Living Conditions of Future Occupiers
The proposed dwellings have been designed for modern day living for families, with adequate internal room sizes, a good degree of amenity space located at the rear and sufficient separation distances between the existing development to avoid any overlooking and adverse impact. 1.8m high fencing is proposed to be provided at the rear to separate the existing and proposed dwellings and further 1.8m high fencing is proposed along the northern boundary to provide privacy and security for the occupants. A low wall along the northern boundary, towards the highway, would allow views out from the development and would also allow visibility for pedestrians, other users of the highway. There would be no adverse effect on the living conditions of future occupiers.
- 7.14 Parking and Impact on the Highway
The application includes parking provision in the form of a driveway for 2 vehicles at the side of each dwelling, which accords with the Councils parking standards set out in SPGN No.11 for a three bedroom dwelling. Whilst concerns have been noted in regards to highway safety and the nearby road junction, the Highway Authority have assessed the proposals, and subject to conditions, it is not considered that there would be any adverse effect on the highway.
- 7.15 Character and Appearance
The proposed dwellings would be located at the side of and in line with the existing cottages to the south, being similar in scale and form to the existing development. A driveway would be located at the side of each property, grass service strips at the front adjacent to the highway and an area of amenity space located at the rear. 1.8m high composite fencing would separate the proposed dwellings and the existing dwelling at the rear and further 1.8m high fencing along the northern boundary would provide privacy to a low level brick retaining wall is proposed along the boundary to the north. The proposed dwellings would complement neighbouring development and would appear acceptable in the locality.
- 7.16 Green Infrastructure and Biodiversity
Planning Policy Wales 12 (PPW) has recently been issued by the Welsh Government, where Chapter 6 has been amended to require development to take account of green infrastructure, net benefit for biodiversity, and the protection afforded to Sites of Special Scientific Interest and trees and woodlands.

7.17 The site has been assessed as having low ecological value and the land has already been cleared and some relatively mature trees and a section of hedgerow lost. The application does however contain recommendations for ecological enhancements at the site, including the addition of new native hedgerows, landscaping to include native species where appropriate, hedgehog friendly fencing, and high-level recessed wall and ridge vents to support bats and birds. Limited information has been provided in regards to these, therefore a condition is being recommended to require further details to be provided.

8.00 **CONCLUSION**

It is considered that the proposal is in accordance with the relevant Local Development Plan policies, and having considered the objections received and all other matters I recommend that the application is approved.

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.

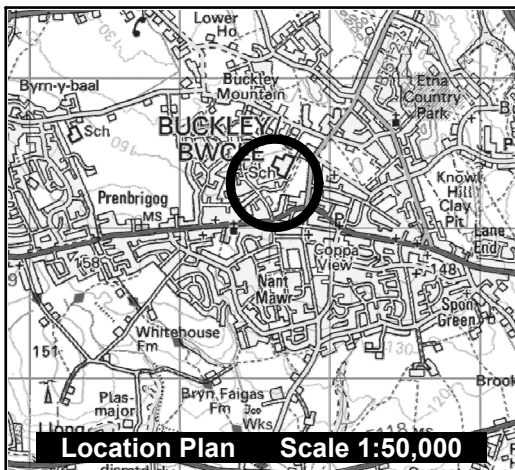
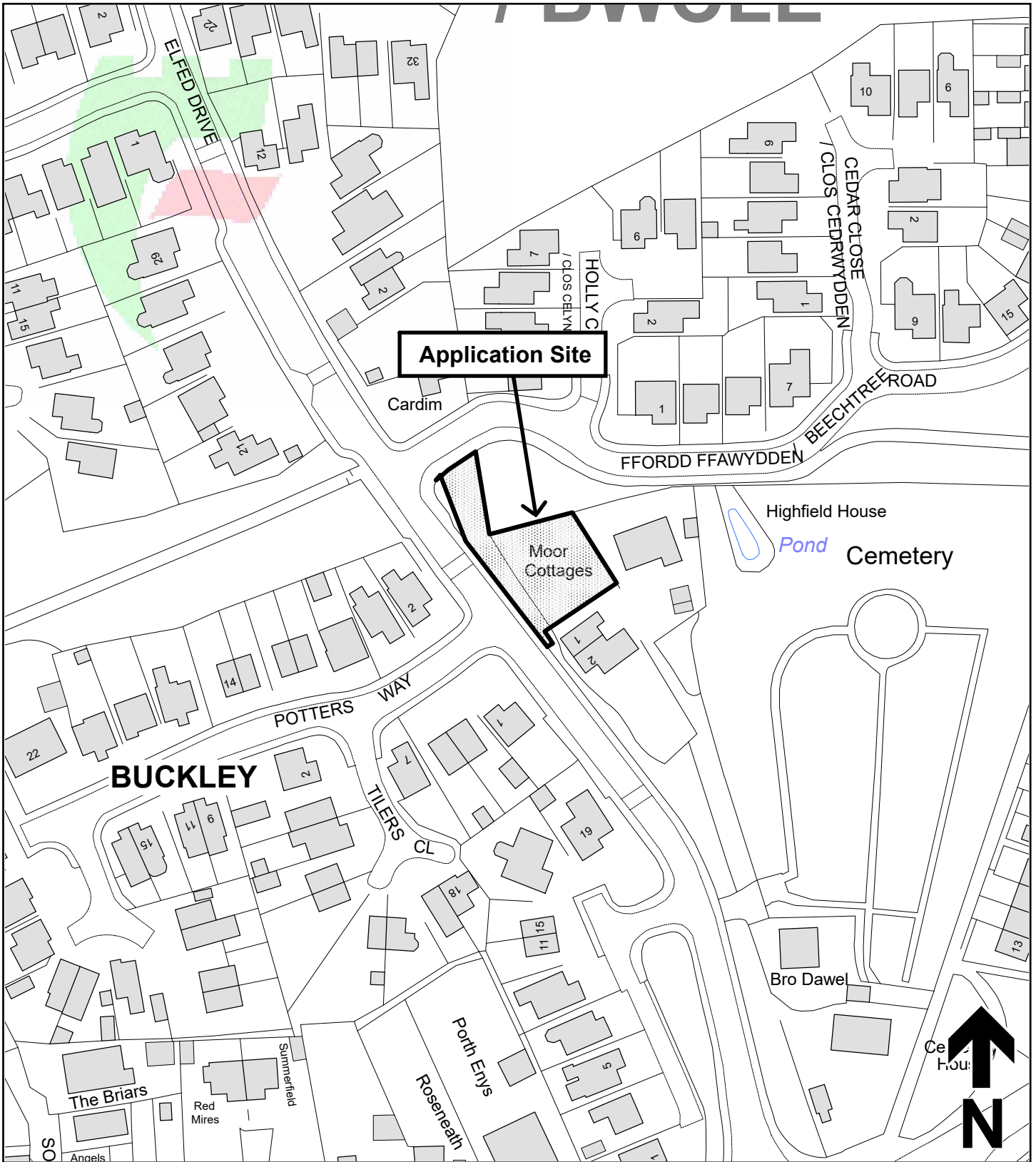
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Alison Dean

Telephone: 01352 702012

Email: alison.dean@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 His 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, 2024.

Map Scale: 1:1250

OS Map: SJ 2764

Application: FUL/000789/24

This page is intentionally left blank