

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **WEDNESDAY 28<sup>TH</sup> OCTOBER 2020**

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

**SUBJECT:** **PROPOSED RESIDENTIAL DEVELOPMENT FOR 90 NO. RESIDENTIAL UNITS OF ACCOMMODATION (OF WHICH 40% WILL BE AFFORDABLE AND SUPPORTED LIVING), PUBLIC OPEN SPACE, LANDSCAPING, MEANS OF HIGHWAY AND PEDESTRIAN ACCESS, LOCAL HIGHWAY AND PEDESTRIAN INFRASTRUCTURE IMPROVEMENTS**

**APPLICATION NUMBER:** **061154**

**APPLICANT:** **GOWER HOMES LTD & CLWYD ALYN**

**SITE:** **LAND AT PLAS ANEY, RUTHIN ROAD, MOLD**

**APPLICATION VALID DATE:** **27<sup>TH</sup> MARCH 2020**

**LOCAL MEMBERS:** **COUNCILLOR G COLLETT**

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

**REASON FOR COMMITTEE:** **DEPARTURE, SCALE OF DEVELOPMENT & LOCAL MEMBER REQUEST**

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

**1.0 SUMMARY**

1.0 This is a full planning application for the development on land at Plas Aney to provide a residential scheme of 90 no. dwellings together with public open space, landscaping and infrastructure improvements. As the site is outside the settlement boundary of Mold, the application has been advertised as a departure from the Development Plan.

Members will be aware that this application was deferred on the committee of the 30<sup>th</sup> September due to an administrative error in sending out the committee notifications, this meant the Agent had not been notified. Deferring the application resolved the matter and the Agent has now been furnished with both the notification and the principle reasons for the refusal of this application; of which you will note have not changed since the 30<sup>th</sup> September.

In the interim however, the Applicant has sought to liaise with the Highways Authority, providing an amended site plan and has engaged with Housing Strategy to agree the mix of affordable ownership and intermediate rent units.

## **2.0 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

- 2.0
1. It is considered that there is insufficient evidence to identify the need to bring forward this speculative site outside the settlement boundary of Mold. In the absence of the evidence of need, and in light of the satisfactory levels of residential housing completions, commitments and allocations as set out in the planned housing trajectory in the Deposit LDP, the Council does not attach considerable weight to the need to increase housing delivery. The proposal therefore conflicts with the principles set out in section 4.2 of PPW 10 as it would prejudice the plan-led system with respect to the most appropriate housing sites from being brought forward as set out in the Deposit LDP.
  2. The Local Planning Authority considers that insufficient evidence has been provided to identify the very exceptional circumstances necessary to justify inappropriate development within an area of open countryside and Green Barrier given the proposals would result in a form of unsustainable development which would unacceptably harm the openness of the Green Barrier in this location. Accordingly the proposal conflicts with paragraphs 3.69 and 3.71 of PPW 10 and Policies STR1, STR7, GEN1, GEN3 and GEN4 of the Flintshire Unitary Development Plan.
  3. The Local Planning Authority considers that the proposals would result in the unjustified loss of 3.39ha (0.58ha of ALC Grade 2 and 2.81ha Subgrade 3a) of Best and Most Versatile (BMV) agricultural land. Accordingly, it is considered that the proposals conflicts with paragraphs 3.54 and 3.55 of PPW10 and is contrary to the provisions of Policies STR1, STR7, STR10, GEN1 and RE1 of the Flintshire Unitary Development Plan.

### **3.0 CONSULTATIONS**

#### **3.0 Local Member – Councillor G Collett**

In regard to the above planning application I request that this application be referred to the Planning Committee. I have many objections to this development which include:

- a) This development is located in a Green Barrier area. The Green Barrier in this specific area has been recently reviewed by the Planning Committee who have confirmed that this area should remain undeveloped to avoid coalescence between Mold and Gwernymynydd.
- b) This area is not part of the development planned for Mold in the current LDP plan which is being considered by WG. Considerable time and effort has been spent by FCC and Mold TC in developing this plan and this area was not considered to be an appropriate area for development.
- c) There are approximately 350 houses with planning permission in Mold this excludes the additional 250 houses (Total 600 houses) this already represents a massive increase in the size of the town of Mold (current no. of houses in Mold is approximately 4000) and these numbers will take a great deal of assimilation without the additional pressures on services from this development.
- d) Access to this site is from Ruthin Road. A recent development opposite this proposed development was refused access on Ruthin Road for Safety Reasons.

#### **Mold Town Council**

##### **Objection**

1. The site is outside the Mold settlement boundary in the Flintshire UDP and it has Green Barrier designation.
2. It is not a site allocated for housing in the Mold Town Plan 2017-2030 as Mold Town Council, in consultation with residents over 18 months, wants to avoid further coalescence with Gwernymynydd.
3. The application does not constitute 'special needs' because the emerging Flintshire LDP meets the Welsh Government requirements for affordable housing in the county.
4. With the changes to TAN 1 any lack of five years' housing supply should not be given weight, and the emerging Flintshire LDP meets the Welsh Government requirements for housing in the county.
5. This proposal does not accord with either Planning Policy Wales or Flintshire UDP as a sustainable development.
6. Sites have been identified in West Ward, that developers are actively planning, which will deliver over 100 residential units.

These are in sites identified for development in the Mold Town Plan and the emerging Flintshire LDP.

7. There is very little green space within the proposed site, or tree planting, or places for people to sit and children to play. There is no community growing area or community orchard. The benefits of these are all well researched and part of the Welsh Government well-being agenda, through the Well Being of Future Generations Act, and included in several FCC policies and the Mold Town Plan.
8. The house types are standard off-the-page designs, as can be seen from their names, there is no attempt to create a bespoke modern 'Mold' style.
9. Surface water:
  - a. On the application water run-off from roofs will not be harvested and recycled in the dwellings, instead each property will be fitted with a water butt, suitable for garden needs. If these are not emptied regularly or the diverters become blocked, then water just flows into the drain.
  - b. The applicant's drainage report shows that the land is not suitable to have soakaways from the dwellings. It proposes a dry retention basin end of the pipe solution with all surface water run offs from highways, roof and private drives to be collected in gravity piped networks and discharged into the surface water public sewerage networks at restricted flow rates agreed with Welsh Water.  
Yet Welsh Water has already told Gower that no surface water from highways or land drainage run off will be permitted to discharge directly or indirectly into the public sewerage system. FCC now has a SuDS Approving Body.
10. Renewable energy: from the plans it appears that there are no renewable energy measures, such as solar PV, or district heating schemes proposed for the site. Even though at 90 dwellings it falls just outside the national and local authority recommendations, that sites of over 100 dwellings should include such measures, it would still be beneficial to residents to have these cost-cutting energy saving measures in place and to help reduce the CO2 emissions in Mold. We should be planning for the future and using all available technology to build sustainably.
11. With a 1 in 7 gradient across the site, sloping to the south east, it is disingenuous to only provide a street view of a single row of proposed dwellings which are next to the Ruthin Road. Dwellings on the site will have a visual impact on all sides,

especially on entering and leaving Mold on the Ruthin Road, and for residents on the Lon Cae Del estate and spur roads off.

12. Sustainable travel:

- a. The application states that 'there is a good cycle-friendly' infrastructure in the area'. This is a false statement. There are roads for cars and virtually no off road or designated cycle lanes in Mold. Using S106 and adding such down the Ruthin Road with safe links to the Alun campus, primary schools and into the town centre would be necessary.
- b. Only one 'potential' pedestrian link in the top right of the development between proposed dwellings 24 and 25 to between 59 and 38 Lon Cae Del. This is inadequate for a new estate of this size on the very outskirts of Mold, especially as the people living in the affordable housing may have limited access to private transport.
- c. The nearest bus stop on Ruthin Road is just by the gas/electric substation by where the grass verge on Ruthin Road begins on the left hand side of the road before St Mary's junction. The developer states that this is 350m from the proposed site, which may be the case from the entrance to the site, but is certainly not the case to walk from dwellings at the top end of the site. There is an old bus stop sign buried in the hedge just opposite the Upper Bryn Coch lane junction, just up from where the new entrance junction to the proposed development is planned. The bus stops would need to be improved and moved closer to service any proposed development.

Gwernymynydd Community Council

Refers to the above planning application and proposed development of which I do emphasise that this Council strongly objects. Members of the Council have discussed the proposal via the internet due to the present Coronavirus situation and as such have expressed strong views and comments about the planning application.

Therefore, the Members of this Council have emphatically resolved to object to this proposal for the following reasons and draw reference from the Associated Documents given in the application, e.g. the Agricultural Report LRA, the Archaeological Report DBA-LPA, the Landscaping Report, the Transport Statement, Tree Solutions and the Ecological Report.

**1. Transport/Highway issues:**

- (a) A ghost island is suggested as a means of access to the road going into Mold. If this is a mini roundabout, then this could

add to traffic congestion. Recently when there were temporary traffic lights near this proposed ghost island this led to problems at the large roundabout at the bottom of the Gwernymynydd hill. The traffic was backed up in all directions. As the new access to the site is suggested at the bottom left of the site this could mean that it is facing a junction to the road with the old prison thus adding to the congestion probabilities.

- (b) The suggested vehicle movements are 55/65 2-way movements daily. It is also suggested that these would only be one or two per hour. It is more likely that all these vehicles would be between 8-9am and between 4-6pm. This would add to traffic congestion in Mold which already struggles to deal with the existing traffic. It is more likely that these vehicles will be going north ie.to Mold or the A55 onwards than south to Ruthin as there are more employment opportunities to the North of Mold than to the South.

## **2. Green barrier issues:**

- (a) The document with 337 pp on page 98 lists other possible housing areas within Mold to the north of the town which should be utilised before other green barrier areas are used.

- (b) Flintshire's LDP 2015-2030 (not yet adopted but quoted in the applicants' paperwork) states on pages 16/17 that following a Green Barrier review the green barrier between Gwernymynydd and Mold should be retained. It mentions that there is a possibility of limited housing infill development to meet proven housing need or the affordable housing exception scheme. Ninety (90) houses is NOT limited housing infill.

- (c) The application form states that to overturn a green barrier policy designation would require special circumstances. In addition, the application form indicates that support would not be forthcoming from the Planning Policy Officer from FCC.

- (d) the Agricultural land report states that the proposed site consists of Grade 2 land 15%, Grade 3a 75% and Grade 3b 10%. The report states that Grade 2 and Grade 3a (which is 90% of the site) should only be considered if no other sites are available as these should be conserved as a finite resource for the future page 9, para 4.1

## **3. Environmental issues:**

- (a) the Archaeological Report states that there are historic hedgerows on the site – the north boundary hedgerow is shown on 1839 tithe map, the east boundary hedgerow dates to between 1872-1899; in addition there is a small section of historic hedgerow on the southern boundary.

- (b) there is an ancient tree in the middle of the site with some decay and fungal fruiting which should be retained.

- (c)The Ecological report states section 4.4.3 page 22 that there are bat roosts on the site. This report also states 5.1.1

that the historic hedgerows should be retained. It also states that there are badgers nearby who use the site as a run. It also mentions that birds use the historic hedging for roost or nests.

**4. Education/Health issues:**

(a) It is understood that the nearest local Primary schools within Mold are oversubscribed so this would mean that the children would have to travel further afield and not within pram pushing distance.

(b) There is a shortage of GP's within the Mold area and difficulty in joining a GP Practice. There is a similar shortage of Dentists within the Mold area with a resulting difficulty in joining a Dental Practice.

Finally, the inclusion of various planning appeals from within the Wrexham area and within Wales that have been overturned by Welsh Government Ministers, namely Julie James, Lesley Griffiths and Carwyn Jones, appears to be a bullying tactic to ensure that there is no democratic response or protest concerning this application.

This Council respectfully requests that this planning application be refused reference to the above points of objection and that any such appeal against refusal should it be taken to Welsh Government be decisively and vigorously detested.

Highways Development Control

The highway authority have previously received notification of this application direct from the developer and have provided early comment; a number of issues have been amended to address initial concerns. As a result, the detail of the application largely corresponds to highway requirement.

Due to the length of the cul-de-sac and lack of turning facility, the proposed road layout serving plots 11-13 does not meet highway adoptable standard and should be amended. In the interim of the deferral, the Applicant has provided an amended site plan which addresses the concerns raised.

The provision of a turning head or reduced status to that of shared private drive would be acceptable.

The site access and proposed visibility splays have been designed in accordance with existing speed limits however construction of the development would justify a review of existing restrictions. The Applicant has agreed to fund the review and any required changes; a Section 106 agreement to the value of £4500 will be required to cover anticipated costs.

Public footpath no. 7 runs to the east of the site, this path has been identified as route M16 on the Active Travel Integrated Network Map. The path is surfaced and although the width is limited, any improvements are beyond the control of the Applicant; the Applicant has however agreed to fund a street lighting scheme which would be of benefit to all users.

Woodland Rise is the closest bus stop to the site however this is not provided with a shelter or raised boarding kerbs; in order to encourage the use of public transport, the Applicant has agreed to fund improvements.

The Applicant has offered to fund off-site improvements by means of a Section 106 agreement however it has not been possible to ascertain values and it is suggested that these requirements be covered by a condition requiring the submission and approval of proposed details.

In respect of the above, the Highways Authority has no objection subject to the imposition of conditions.

#### Community and Business Protection

No adverse comments to make.

#### Welsh Government – Land Quality Advisory Service (LQAS)

Having considered this proposal in light of the Welsh Government's Planning Policy Wales provision for the protection of BMV agricultural land (paragraphs 3.54 & 3.55); Schedule 4 of the 2012 Order; and, TAN 6 (Chapter 6 & Annex B5 & 6), the Department for Environment, Energy & Rural Affairs **objects** to the proposal in the long term national agricultural interest for the following reasons:

The Department considers that the potential loss of BMV agricultural land is significant and unjustified for the following reasons: -

- The Department considers the proposed development to have significant agricultural implications (TAN6, Annex B5). It is not allocated for development under the UDP or the proposed LDP. The allocation, if granted, would raise significant questions regarding the soundness of the proposed Flintshire LDP in terms of BMV agricultural land national planning policy application (PPW 3.54 and 3.55).
- The recent progress of developing the proposed LDP identifies sufficient land to deliver the required growth.
- The proposed LDP has considered the losses of BMV agricultural land in allocations for the whole plan, over the plan period (LDP Background Paper 9 – Minimising the Loss of BMV Agricultural Land). This site has not been considered for allocation and therefore has not been considered as part of that process.

- In recent years the Authority has permitted housing developments on lower grade land. A number of non-BMV sites have been put forward within the un-adopted LDP. Lower grade agricultural land is available and the planning statement conflicts with PPW and Policy RE1 of the UDP. Appeal Decision - APP/A6835/A/17/3171383 supports this view.
- The Applicant has not applied BMV agricultural land national planning policy (PPW 3.54 and 3.55) in justifying overriding need and application of the sequential test.
- This expression of view is consistent with the Department's response to the Pre-Application Consultation on this case (dated 4th September 2019).

#### Welsh Water/Dwr Cymru

No objection subject to the imposition of conditions in relation to foul flows.

#### Natural Resources Wales (NRW)

Whilst NRW raise significant concerns in relation to the ecological constraints of the site, they would be satisfied that appropriate measures are in place provided the development is carried out in accordance with the recommendations of the supporting ecological report, ref Kingdom Ecology, KE18.402, 7 August 2019, Updated Ecological Survey Report.

#### County Ecologist

Confirms that the recommendations made within the supporting ecological report are sufficient, however notes that there are further opportunities for safeguarding in addition to further ecological enhancements. The suggestion of additional conditions to be imposed are requested in relation to a detailed scheme for tree and hedgerow protection and future management, reasonable avoidance measures (RAMS) for protected species, biodiversity enhancements (e.g. bat and bird boxes) and a lighting plan to minimise light spill.

#### Airbus

Confirms there is no aerodrome safeguarding objection to the proposed development.

#### Education

In response to the consultation of this planning application, Education have confirmed that the proposed development would trigger the need for financial contributions at the nearest and most suitable primary school, Ysgol Glanrafon. The proposed development would generate the addition of 17 primary pupils and therefore a total of £208,369.00 (17 x £12,257.00) is requested.

Education have also confirmed that in respect of secondary education, the proposed development would not trigger the need for

financial contributions at the nearest and most suitable high school, Ysgol Maes Garmon. No developer contribution is therefore sought.

### Aura

For a development of this size confirmation is required that the on-site public open space equates to 56m<sup>2</sup> of open space per dwelling. The provision is to include an equipped play area with 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. Note Individual play items have to be supplied with individual certificated proof of compliance to BS/EN 1176 and to be supplied prior to an approval by the Authority .The play area requires link pathways for inclusive access, seating areas and information/ advisory signs stipulating who manages the site all of which would need to be in accordance to a specification approved by the Authority.

The boundaries for all of the play space need to be approved, in particular roadside boundaries and gates including maintenance access gates, fencing next to private boundaries needs to approved and confirmation of the legal ownership/responsibility.

The open space/play area needs to be ready for public use when 50% of the development is sold or occupied. The open space/play space needs to be free from overhead powerlines, substations and open water. The open space/play space needs to have good drainage suitable for play and recreation The open/space boundaries next to dwellings need to provide sufficient privacy with a buffer zone. Upon completion of the play area a RoSPA post-installation inspection report is to be provided to the Authority this helps to ensure that the playground meets modern standards and has been correctly installed.

Given the above information should the developer require the Council to adopt and maintain the POS then a 10 year commuted sum is to be paid. The figure for this commuted sum can be provided at a later stage and on request.

### Housing Strategy

Gower Homes are proposing an affordable housing contribution of 40% which is above current requirements and is acceptable to housing strategy. However it is acknowledged that this site is outside of the Mold settlement boundary and may be unacceptable in planning terms.

### Preferred Mix of units:

The SARTH and Tai Teg registers suggest there is considerable demand in Mold for social and affordable housing. With regards to the supported housing, enquiries have been made with social services who advise that Mold is a popular location for housing for

people with learning difficulties due to the local facilities and social links and they have worked for a number of years with Cornerstones.

We suggest the mix being proposed by Gower Homes could be improved by including some units for intermediate rent. This would provide a broad variety and mixed community and housing strategy would support the following:

| Dwelling type  | Social Rented | Intermediate Rent | LCHO | Supported housing | Total |
|----------------|---------------|-------------------|------|-------------------|-------|
| 1 bed flat     | 4             | 2                 | 2    | 6                 |       |
| 2 bed flat     |               |                   |      |                   |       |
| 2 bed house    | 4             | 3                 | 3    |                   |       |
| 2 bed bungalow |               |                   |      |                   |       |
| 3 bed house    | 7             | 2                 | 3    |                   |       |
| 4 bed house    |               |                   |      |                   |       |
| <b>Total</b>   | 15            | 7                 | 8    | 6                 |       |

In the interim of the deferral, the Applicant has liaised with Housing Strategy and confirmed that with regards to the shared equity units, due to levels of demand and to provide a broader mix of tenures, suggests reducing the number of shared equity units to 8 units and the remaining 7 could be intermediate rent. This has been agreed by the Applicant.

#### 4.0 **PUBLICITY**

##### 4.0 Press Notice, Site, Notice, Neighbour Notification

The application was advertised as a **departure** from the development Plan.

118 no. Letters of objection received upon the following grounds:

- Surface water problems
- Lack of school places
- Other sites in the settlement are being developed
- Overdevelopment
- Unsustainable location
- Landscape and visual impact of developing the open countryside
- The site is a greenfield site outside the settlement boundary and within a designated Green Barrier
- The proposal if approved will lead to further development and encroachment
- Loss of productive agricultural land

- The development does not contribute to the Well-being of Future Generations (Wales) Act
- Would lead to additional traffic and Congestion on Ruthin Road into Mold which already does not provide adequate in town parking
- Impact on the sewage system, water supply and other services
- Dependency on private car as a means of transport
- Impact on dentists and doctors, current services full to capacity
- There is an overriding need for 2-3 bed affordable dwellings not large 4 or 5 bed roomed properties
- Noise impacts from the development;
- Potential drainage impacts form surface water on nearby properties
- The proposed development would be dominant and out of keeping with its surroundings, and would therefore harm the character and appearance of the immediate and wider area of the open countryside
- Cause overlooking and loss of privacy to the adjacent properties

37 no. Letters of Support received.

## **5.0 SITE HISTORY**

5.0 No previous site history.

## **6.0 PLANNING POLICIES**

6.0 Flintshire Unitary Development Plan  
 STR1 New Development  
 STR4 Housing  
 STR7 Natural Environment  
 GEN1 General Requirements for Development  
 GEN3 Development in the Open Countryside  
 GEN4 Green Barriers (GEN4 10)  
 D1 Design Quality, Location and Layout  
 D2 Design  
 D3 Landscaping  
 TWH1 Development Affecting Trees and Woodlands  
 TWH2 Protection of Hedgerows  
 L1 Landscape Character  
 WB1 Species Protection  
 AC13 Access and Traffic Impact  
 AC18 Parking Provision and New Development  
 HSG4 New Dwellings outside Settlement Boundaries  
 HSG8 Density of Development  
 HSG9 Housing Mix and Type

HSG10 Affordable Housing Within Settlement Boundaries  
RE1 Protection of Agricultural Land  
SR5 Outdoor Playing Space and New Residential Development

SPGN no. 2 Space Around Dwellings  
SPGN no. 9 Affordable Housing  
SPGN no. 11 Parking Standards  
SPGN no. 23 Developer Contributions to Education

PGN no. 13 Outdoor Space Requirements

**Planning Policy Wales Edition 10 (December 2018) (PPW10)**  
TAN6 Planning For Sustainable Rural Communities

## **7.0 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the development on land at Plas Aney to provide a residential scheme of 90 no. dwellings together with public open space, landscaping and infrastructure improvements.

### **7.02 Site Description**

The application site is located on the south-western edge of Mold and extends for an area of 4.31ha comprising undeveloped agricultural land. The Mold Bypass (A494) is the main arterial route running around the town and linking with the key routes into the town, including the Ruthin Road (A5119) along which this site lies.

7.03 The site is located and has direct vehicular access off the western side of the A5119.

7.04 The site itself comprises a regularly shaped and topographically level field with a fall from its north west to south eastern lower end at its roadside frontage. The site is fringed by an oak lined drive (once serving the Plas Aney house to the north) to the east and north and native hawthorn hedgerows to its northern, eastern and southern perimeters, with residential development to the northern and eastern boundaries. Additionally, its southern boundary is defined by the Ruthin Road over which more housing is located.

### **7.05 Proposed Development**

The proposed development comprises the erection of 90 no. dwellings to include 1, 2, 3 and 4 bed housing types on land at Plas Aney, Ruthin Road, Mold.

7.06 The proposal utilises a main access point from Ruthin Road leading to a looped primary route around the site. Properties are arranged to maximise views to the west and to minimise the impact on properties

to the east. A large area of public open space (POS) is located to the north west and south east of the site, providing both a buffer zone against Ruthin Road and an area for drainage attenuation at a low point within the site. The proposed scheme would have a gross density of 20.9 dwellings per ha and a net density of 31.4 dwellings per ha which includes the two areas of POS covering a total of 6,132sqm.

7.07 The proposed development includes the provision of 54 no. open market residential units, with the remaining 36 units being affordable. The delivery of 40% affordable units of accommodation (delivered by Gower Homes partners (Clwyd Alyn Housing Association and Cornerstone Flintshire) is proposed with a mix split of 50% socially rented and 50% shared equity and a small scheme of supported living.

7.08 In addition to the above, the scheme proposes infrastructure improvements to the vehicular access to the site, with access taken off a new priority junction formed on Ruthin Road including a ghost island to aid vehicles turning right. A robust landscaping scheme is provided in addition to the POS, with all existing trees to be retained and Tree Protection Areas respected. The landscaping proposals include complementary new feature trees and shrub planting.

7.09 Principle of Development

The site is located outside the settlement boundary of Mold and within a green barrier in the adopted UDP and therefore the proposed development is clearly contrary to the development plan. It is acknowledged that parts of the UDP are now outdated, particularly in respect of settlement boundaries, as reflected in a number of appeal decisions that were made prior to July 2018. However, when the Minister dis-applied para 6.2 of TAN1 and launched her call for evidence into the provision of housing via the planning system, which has now concluded with the deletion of TAN1 in its entirety as it was not fit for purpose.

7.10 The key determining factor is whether the proposal represents sustainable development and whether there are material planning considerations which would outweigh the development plan. A further factor, which is given considerable weight by the applicant, is whether weight should be attached to increasing housing land supply.

7.11 Sustainability – Green Barrier

There is no dispute that Mold is a sustainable location to accommodate development during the LDP Plan period. The UDP contained housing allocations and the Deposit LDP also contains allocations at Maes Gwern (160 units) which is 500m to the south east of the site and on land between Denbigh Rd and Gwernaffield Rd (246 units) which lies approximately 1km to the north. The Plan is therefore already providing for the needs of Mold over the Plan period

in a balanced, sustainable and plan-led manner. Such sites have identified clear evidence of deliverability and do not cause significant planning harm, in contrast to this application site.

- 7.12 Looking more broadly at the settlement of Mold, it clearly has a number of constraints which informs the location of future development. The southern edge of Mold has a firm and defensible boundary formed by the A494(T) bypass (and the character break between residential and open countryside formed by Mold Business Park). To the east and north is an area of flood risk associated with the River Alyn. This part of Mold also features a green barrier which serves to protect the gap between Mold and its outlying settlements of Mynydd Isa, New Brighton and Sychdyn. The south western edge of Mold also features a green barrier which works to protect the narrow gap between Mold and Gwernymynydd. This leaves the strategic direction of growth as it is free from such constraints. This is recognized in both the Mold Town Plan and the Deposit LDP.
- 7.13 The application site was previously proposed for development in the UDP in the form of an omission site. In her Report, the Inspector commented that 'The site consists of 2 fields and is an integral part of the open countryside in both character and appearance. As such it is part of the rural setting of Mold and part of a narrow neck of prominent countryside between Mold and Gwernymynydd which is designated as green barrier in order to prevent the coalescence of the two settlements. Because of its size, location and topography development on it would be far more intrusive in the rural area than to the east of Ruthin Road which is more modest in scale and not as prominent'. In preparing the LDP a Green Barrier Review has been undertaken, which concludes that the site still forms an integral part of the green barrier which seeks to retain the narrow gap between Mold and Gwernymynydd, thereby confirming the clear view of the UDP Inspector at this location, evidencing that nothing has changed in terms of the planning context since the Inspector came to that view.
- 7.14 The Applicant, in the supporting Planning Statement repeats the LDP objection, which concludes that the review of the green barrier is based upon a crude assessment and is not fit for purpose, and that there is no sound justification for the continued green barrier designation. However in doing this Applicant's own assessment is superficial and ignores the views of the UDP Inspector referred to above, the proper site context in terms of its contribution as a green barrier, and also fails to recognize the guidance in PPW10 relating to the actual purpose and function of green barriers.
- 7.15 The significance of the site's location within the green barrier is clearly highlighted in PPW10 which has strengthened the presumption against inappropriate development. Welsh Government identify that housing development (including affordable housing) is inappropriate development within a green barrier. Para 3.70 states

'Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge'.

7.16 Given the weight attached to protecting designated green barriers in PPW10, and the clear harm to the openness of the green barrier and harm to open countryside that this proposal would cause, it is not considered that the proposal represents sustainable development. Given that the site sits within a designated green barrier in the adopted UDP makes the Applicant's 'objections' to the green barrier designation a moot point in the context of its materiality to the consideration of this application.

7.17 Housing Land Supply

Since the application was submitted, Welsh Government has announced it has permanently revoked TAN1. The result of this is that there is no longer a requirement to maintain a 5 year supply of housing land. Instead, housing delivery for each authority will be measured against the trajectory in the adopted LDP. This is a significant material change in relation to the Applicant's case which promotes a site on the basis of an exception to green barrier policy as it would help meet a shortfall in the 5 year housing land supply. This is no longer a directly relevant consideration.

7.18 In relation to the new approach to measuring housing provision against the LDP trajectory, whilst the LDP is not yet adopted, Welsh Government have confirmed that the use of the draft LDP trajectory is a material consideration in assessing applications such as this proposal. In terms of present LDP performance in enabling the delivery of housing, in the first 4 years of the LDP Plan period, the County has seen annual completions of 662 (2016), 421 (2017), 608 (2018) and 454 (2019) which gives a total of 2,145 completions or an average of 536 units per annum. This is in excess of the Plan requirement of 6950 dwellings (or 463 units per annum) and is very close to the Plan's housing provision of 7,950 dwellings (or 530 units per annum). The LDP is therefore on track to deliver the amount of housing it is required to meet.

7.19 In respect of the previous terms of TAN1, the Council could not formally undertake or demonstrate a 5 year supply calculation, as it does not have an up to date adopted development plan. The Council can however provide informal calculations of supply. Firstly a measurement of supply against past completions has been undertaken which shows that over a 5 year period the land supply is 5.59 years and over a 10 year period the land supply is 6.79 years. Secondly, a measurement against the Plan's annual average requirement has been undertaken which shows against an average requirement of 463 units there is a land supply of 6.6 years. Although these figures have no formal standing, either at the time TAN1 was

in force, or since its permanent revocation, they clearly demonstrate that the County does indeed have a supply of housing land not only available, but also being delivered.

- 7.20 In addition to the position set out in the above Monitoring Report there is also the additional supply provided by allocations in the Deposit LDP. A Background Paper on Housing land Supply was published alongside the LDP which explains the various components of housing land supply and sets out a Housing Trajectory to illustrate delivery over the Plan period. Appendix 4 and 5 of that background paper shows a 5 year supply can be achieved on adoption. The evidence base alongside the Deposit LDP clearly demonstrates that a 5 year housing land supply can be delivered.
- 7.21 In the context of the new arrangements for monitoring housing provision, notwithstanding that the LDP is not yet adopted, evidence of actual housing provision in the first four years of the plan period demonstrates that the plan is in line with its draft trajectory, which is a material consideration in determining this application for a site in green barrier and not allocated in the UDP or emerging LDP. It is also important to mention that Welsh Government, in their formal representations on the Deposit Plan have no fundamental concerns about the soundness of the Plan. In their covering letter Welsh Government states 'The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect'. In the supporting document the Welsh Government 'support in principle' the scale and location of homes and jobs. This formal response does not suggest that there are concerns about the Plan 'not delivering' or being unsound.
- 7.22 Relevant Appeal decisions  
The agent has appended several appeal decisions where housing development has been approved on appeal, despite being within existing green barriers. It is noted that several of these are in Wrexham CBC. On the one hand WCBC are further progressed with their LDP having reached examination although progress may be impacted due to the Inspector's findings regarding Gypsy / Traveller sites. However, on the other hand, WCBC is simply not delivering housing to the same extent that Flintshire is, or more significantly in line with the requirement set out in its LDP. The amount of housing to be delivered in the remaining years of the Wrexham Plan period is approaching the point where delivery is likely to be challenging. In contrast, housing delivery is being achieved in Flintshire in line with what the Plan sets out as a requirement.
- 7.23 The Applicant has failed to note a further significant difference in relation to the context for the appeal decisions in Wrexham that does not exist in Flintshire. This is where an Inspector considered that none of the allocations in the Wrexham LDP had an early prospect of delivering housing, whereas in Flintshire a significant number of its

allocated sites either have permission or are delivering housing on site (including over 400 units on the Strategic site allocated at Northern Gateway) and are therefore capable of early delivery. Whilst there may have been 'very exceptional circumstances' presented by the lack of supply in a Wrexham context, this is simply not the case in Flintshire. Given that housing is being delivered in Flintshire in line with the LDP trajectory, both at a County level and within 500m of the application site, it is unclear what the 'very exceptional circumstances' are that would justify the significant erosion of a green barrier to permit this development.

7.24 An appeal decision within Flintshire provides a useful counter view to those appended by the Applicant. An appeal for residential development at Bryn y Baal Rd Mynydd Isa (ref APP/A6835/A/17/3175048) was dismissed on 31/08/17. In respect of the need to establish 'very exceptional circumstances', the Inspector commented 'This is a stringent and demanding test, and the planning balance is different to that applicable for land outside the green barrier'. The Inspector concludes *'My conclusions are that the development would be harmful to the openness of the green barrier and to the character and appearance of the area and would erode the gap between Mynydd Isa and New Brighton. These harmful effects warrant considerable weight. I also conclude that there is a lack of a 5 year supply of housing land, and that the need to increase the supply of housing land warrants considerable weight, provided the development would comply with development plan and national policies. If the site was not located in a green barrier, these arguments would be finely balanced. However, the proposal is for inappropriate development in the green barrier, and PPW advises that such development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm the development would do to the green barrier. That demanding balance would not be achieved in this case, and I conclude that the development would be contrary to development plan and national policy'*.

7.25 Quality of Agricultural Land

PPW10 seeks to conserve the BMV agricultural land as a finite resource for the future. Considerable weight should be given to protecting such land from development and land in grades 1, 2 and 3a 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. TAN6: Planning for Rural Sustainable Communities states that once agricultural land is developed, even for "soft" uses such as golf courses, its return to agriculture as BMV agricultural land is seldom practicable.

7.26 The Agricultural Land Classification Map (1983) published by MAFF, indicates the site as comprising Grade 2 agricultural land (i.e. very

good agricultural land with minor limitations which affect crop yield, cultivation or harvesting). The Applicant carried out more detailed assessments in May 2019. The application is supported by a 'Soils and Agricultural Quality of Land' report prepared by Land Research Associates dated June 2019. The report evidences that from the total application site of 4.31ha, 0.58ha is Grade 2, 2.81ha is Subgrade 3a, 0.45ha is Subgrade 3b and 0.14ha is considered to be of non-agricultural value. The Land at the site has been found to be of best and most versatile quality in subgrade 3a.

- 7.27 In responding to the application the Welsh Government's Land Quality Advisory Service (LQAS) confirms that the survey carried out and provided is a true reflection of the land quality at the proposed site, and therefore has no reason to contend with the findings. As such the LQAS objects to the proposed development as it considered that the development of this site would result in the loss of BMV land much to the expense to the agricultural industry and would conflict with paragraphs 3.54 and 3.55 of PPW10 which clearly states that considerable weight should be given to protecting such land from development, because of its special importance.
- 7.28 In comparison to the exhaustive arguments made by the Applicant in respect of the Green Barrier designation and the LDP, the planning statement is almost entirely silent on the matter of BMV land. Instead the Applicant's claim focuses on the lack of a 5 year housing land supply, out of date policies and that the Green Barrier designation is no longer fit for purpose and does not amount to the same protections bestowed on land designated as Green Belt. The Applicant's attention is therefore drawn to paragraph 3.64 of PPW10 which confirms Green wedges (Green Barriers) are local designations which essentially have the same purpose as Green Belts. Notwithstanding this disappointment, the importance and value of BMV land is completely overlooked as part of the Applicant's assessment of the site and I therefore consider it essential to reaffirm this importance by giving considerable weight to its protection within the balance of this determination.
- 7.29 UDP policy RE1 states that the loss of land in grades 1, 2 and 3a 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. As I have concluded that the site comprises BMV land, PPW10 requires such land to only be developed where, amongst other things, land in lower agricultural grades is unavailable. The Applicant however contends that the most important factor is the delivery of housing and this should outweigh the harm caused to the loss of both Green Barrier and BMV land. As explained above, it is considered that sufficient allocations for Mold have already been made both within the UDP and emerging LDP. The Plan is therefore already providing for the needs of Mold over the Plan period in a

balanced, sustainable and plan-led manner. Such sites have identified clear evidence of deliverability and do not cause significant planning harm, in contrast to this application site. I consider there to be little need to carry out any form of sequential test in relation to lesser grade land and therefore reflect the matter of BMV land in my reason for refusal.

7.30 Affordable Housing

In relation to this application the applicant is proposing that the scheme can deliver 40% affordable housing which is in excess of the existing UDP policy, but complies with the emerging LDP policy. However, in the Applicant's objections to the deposit LDP in relation to this site they state that 40% is not achievable or viable. I am confused by these conflicting statements made by the same Applicant for this site in relation to affordable housing. In submissions on the Deposit LDP the same Applicant 'As it stands the increase over the Adopted UDP rate of 30% is considered to be far too challenging and unviable'. The fact that a site is now being proposed which meets the 40% affordable housing suggests either the LDP comments were unfounded and incorrect or, it questions the viability of the development now proposed. No new evidence has been provided that either retracts the position stated for the deposit LDP, or now illustrates how 40% is achievable and viable. Given these are duly made public statements both cannot be correct, and the Council is concerned that this confusion simply illustrates a lack of conviction in relation to the viability and deliverability of this site, notwithstanding the significant national and local policy conflicts.

7.31 Notwithstanding the above, the scheme does propose a 40% affordable housing contribution which is apparently reflective of the current demand and needs within the settlement of Mold and wider parts of the County. However, in response to the consultation of this planning application, Housing strategy though supportive are concerned if 40% is achievable in the first instance and if so would suggest that the provision arrangements are improved by including some units for intermediate rent. This would provide a broader variety and mixed community for the intended provision.

7.32 In the interim of the deferral, the Applicant has liaised with Housing Strategy and confirmed that with regards to the shared equity units, due to levels of demand and to provide a broader mix of tenures, suggests reducing the number of shared equity units to 8 units and the remaining 7 could be intermediate rent. This has been accepted by the Applicant.

7.33 In addition to the Housing Strategy response, the application has received a moderate return in support for the development more specifically in relation to the need for more affordable homes. However, members should be mindful that affordable homes should be viewed in terms of both the availability of affordable open market

property for those who do not meet the criteria of the register and the accessibility of affordable social homes managed by RSLs and the Council alike.

7.34 Highway Matters

Access to the site would be directly off Ruthin Road, with internal estate roads servicing the proposed dwellings. The highway authority have previously received notification of this application direct from the Applicant and have provided early comment; a number of issues have been amended to address initial concerns. As a result, the detail of the application largely corresponds to highway requirement with some exceptions.

7.35 Previously, the Highways Authority commented, due to the length of the cul-de-sac and lack of turning facility, the proposed road layout serving plots 11-13 would not meet highway adoptable standard and should be amended. Following the deferral, the Applicant has liaised with the Highway Authority and has provided an amended site plan which now addresses the concerns raised.

7.36 Furthermore, the provision of a turning head or reduced status to that of shared private drive would be acceptable. The site access and proposed visibility splays have been designed in accordance with existing speed limits however construction of the development would justify a review of existing restrictions. The Applicant has agreed to fund the review and any required changes; a Section 106 agreement to the value of £4500 will be required to cover anticipated costs.

7.37

Public footpath no. 7 runs to the east of the site, this path has been identified as route M16 on the Active Travel Integrated Network Map. The path is surfaced and although the width is limited, any improvements are beyond the control of the Applicant; the Applicant has however agreed to fund a street lighting scheme which would be of benefit to all users.

7.38 Woodland Rise is the closest bus stop to the site however this is not provided with a shelter or raised boarding kerbs; in order to encourage the use of public transport, the Applicant has agreed to fund improvements.

7.39 The Applicant has offered to fund off-site improvements by means of a Section 106 agreement however it has not been possible to ascertain values and it is suggested that these requirements be covered by a condition requiring the submission and approval of proposed details. In respect of the above, the Highways Authority has no objection subject to the imposition of conditions.

7.40 Ecology & Trees

The application is supported by an Ecological Survey prepared by Kingdom Ecology dated August 2019. The report notes that the

majority of the site comprises of intensively farmed, improved grassland. This habitat is considered to be of negligible conservation value. Habitats of greater value mainly comprise of the hedgerows/tree lines around the site boundaries and the stream along the site's southern boundary.

- 7.41 Evidence of badgers has been found within habitats adjacent to the site. No badger setts were identified within the study site itself however a badger outlier sett was identified approximately 25m from the western boundary of the site at Target Note 8 on Figure 2. The proposed development will result in the loss of potential badger foraging habitat within the affected grassland however such habitat is ubiquitous around the Mold area. Therefore, the effects of habitat loss on badgers are considered to be negligible.
- 7.42 Whilst no field signs indicative of roosting bats were found, field survey identified two trees which support suitable bat roosting features. These trees will be retained as part of the overall development, employing the necessary Tree Root Protection methods as recommended.
- 7.43 The 2019 bat activity surveys have identified the site as a whole to be of relatively low importance for bats with the site supporting common bat species in low numbers. Nevertheless, features of greatest value for bat are considered to be the field boundaries along the northern, eastern and western boundaries of the site. An increase in light spill onto these areas could decrease the value of these habitats for bats. It is therefore recommended that the negative impacts of artificial lighting on these habitats is avoided.
- 7.44 The concluding parts of the survey recommends that a bat box scheme is produced for the site. Bat boxes should be built into the south facing gable ends of new houses ideally adjoining the northern and western site boundaries. The County Ecologist confirms that the recommendations made within the supporting ecological report are sufficient, however notes that there are further opportunities for safeguarding in addition to further ecological enhancements. The suggestion of additional conditions to be imposed are requested in the event of any grant of permission; relating to a detailed scheme for tree and hedgerow protection and future management, reasonable avoidance measures (RAMS) for protected species, biodiversity enhancements (e.g. bat and bird boxes) and a lighting plan to minimise light spill.
- 7.45 NRW concur with the conclusions of the Ecological Report and support the views of the County Ecology. NRW therefore confirm that there is no objection to the scheme provided the mitigation measures recommended are employed should the scheme be granted planning permission.

7.46 CIL Compliance

Members will be aware that where it is recommended that planning permission be granted, I would set out the consideration of this issue in relation to the CIL Regulations and its impact upon any suggested S.106 Agreement. However, in view of the recommendation that permission be refused, I have in this case refrained from so doing at this stage.

**8.0 CONCLUSION**

The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise.

**8.01** For the reasons explained, the proposal clearly represents inappropriate development that will harm the openness of an existing green barrier. Despite the Applicant's arguments that the proposal is justified in terms of lack of housing land supply and delivery, it is a fact that the Plan is delivering as demonstrated i) by completions over the first 4 years of the Plan period and ii) by the trajectory which forms part of the Housing Land Supply Background Paper which accompanies the Deposit LDP and is now the method of monitoring provision following deletion of TAN1. When this is taken alongside the existence of a site for 160 units, which is under construction and within 500m of the application site, it is not considered that the proposed development demonstrates 'very exceptional circumstances' such as to warrant harm to the green barrier.

**8.02** In this instance, it is considered that the proposal amounts to unjustified residential development within an area of open countryside and designated Green Barrier, whereby the proposed development would be detrimental to its setting and openness. The proposed scheme would result in the irreplaceable loss of BMV land a finite resource, and its replacement with built development and associated human activity. This is considered to have a significant adverse impact on the rural quality of the landscape, increasing the built form of development outside the settlement boundary, at the expense of the surrounding open countryside and undermines the principles of the Green Barrier designation within the context of PPW10. In these terms, the proposed development would conflict with National Planning Policy and UDP policy STR1, STR7, STR10, GEN1, GEN3, GEN4 and RE1 of the Flintshire Unitary Development Plan.

**8.03** From the above, it has been demonstrated that little weight should be afforded to the lack of a housing land supply in the overall planning balance, as the constraints of the site and as evidence in supporting information is not sufficient to outweigh the harm to the Green Barrier, loss of BMV land or the overall impact this development would have on the immediate and wider character and appearance of the rural landscape that envelopes the settlement of Mold. The proposal

simply does not accord with the development plan and national planning policies. I therefore recommend 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:**        **Katie H Jones**  
**Telephone:**            **(01352) 703257**  
**Email:**                    [katie.h.jones@flintshire.gov.uk](mailto:katie.h.jones@flintshire.gov.uk)