

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7 FEBRUARY 2024**

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

SUBJECT: **OUTLINE APPLICATION- ERECTION OF 75 TO 90 BED EXTRA CARE FACILITY TO INCLUDE SUPPORTING COMMUNAL FACILITIES AND 12 BUNGALOWS AND ALL ANCILLARY WORKS AT PRECINCT WAY, BUCKLEY, FLINTSHIRE**

APPLICATION NUMBER: **059739**

APPLICANT: **HAIGH DEVELOPMENTS LTD**

SITE: **LAND AT PRECINCT WAY, BUCKLEY**

APPLICATION VALID DATE: **21ST MARCH 2019**

LOCAL MEMBERS: **COUNCILLOR R JONES**
COUNCILLOR A WOOLLEY

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

REASON FOR COMMITTEE: **SIZE OF PROPOSAL**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is an outline application, with all matters reserved, for the erection of 75 to 90 bed extra care facility to include supporting communal facilities and 12 bungalows and all ancillary works at Precinct Way , Buckley , Flintshire

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

2.01 **Conditions**

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development commences and the development shall be carried out as approved.
2. (i) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission

(ii) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.
3. The development shall not be commenced until a scheme of disposal of foul sewage and from the site has been submitted to and approved in writing by the local planning authority. Drainage from the site shall thereafter be in accordance with the approved scheme.
4. The submission of reserved matters shall include details of existing and proposed site levels and, where appropriate, proposed finished floor levels, ridge and eaves heights of the building(s) hereby approved. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. of the building(s).
5. The submission of reserved matters shall include a full Noise Impact Assessment
6. A Full Staff Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development.
7. The submission of reserved matters shall include swept path analysis details to demonstrate that an Emergency vehicle can access the site
8. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, a report specifying the measures to be taken to

remediate the site to render it suitable for the development hereby permitted, including measures to verify the approved works, shall be submitted to and approved in writing by the Local Planning Authority. 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.

9. A Green Infrastructure Assessment will be submitted with the application for reserved matters
10. Prior to the commencement of development a scheme for biodiversity enhancement, in order to provide a net benefit for biodiversity of the site, shall be submitted for approval, and thereafter shall be implemented in accordance with the approved details.
11. The existing private access road shall be significantly improved with full design details being submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application.
12. The improved access road shall become the subject of a management agreement to ensure it is regularly inspected and maintained in perpetuity to the relevant standards. The details of which shall be submitted to and approved in writing by the Local Planning Authority as part of any reserved matter application.
13. The siting, layout and design of the means of site access to the development parcels shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site works.
14. The forming and construction of the means of access to the development parcels shall not commence unless and until the detailed design thereof has been submitted to and approved in writing by the Local Planning Authority.
15. The works associated with forming the means of site access shall be kerbed and completed to carriageway base course

layer up to the internal tangent point of the entrance radii prior to the commencement of any other site building operations.

16. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to the commencement of any site works. Such facilities being completed prior to the proposed development being brought into use.

17. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority

3.00 CONSULTATIONS

3.01 **Local Member Councillor R Jones-** No response at time of writing

Local Member Councillor A Woolley- No response at time of writing

Buckley Town Council- No response at time of writing

North Wales Fire & Rescue Service- Requires Swept path analysis to show that emergency vehicles have access to site. Development requires hydrant

Highways- Requests conditions to ensure that appropriate access to the site is provided

Dwr Cymru/Welsh Water: No objections, and have confirmed that they are content that the layout avoids the easement of the pipeline that over

Have confirmed that the Wastewater treatment works has capacity and a phosphate license is in place

Conservation: Conservation consider that whilst the site is adjacent to the Tivoli (a Grade II Listed Building) the proposed development should not adversely affect the architectural and historical setting of the Listed Building. The building's distinctive character is primarily on the front elevation that faces Brunswick Road, with the remainder being subservient in both design and construction.

Community and Business Protection: Request for conditions to be imposed to require an acoustic report to be submitted with the reserved matters

The Coal Authority: Standing advice applies

Housing Strategy: Clwyd Alyn are proposing to deliver an Extra Care scheme for older people with support needs and approx. 12 bungalows for people with learning disabilities or physical disability.

The outline application is for a 75-90 unit extra care facility however Clwyd Alyn have been advised by Flintshire Housing Strategy and Social Services that the need is for a smaller provision of around 60-65 unit facility. Detailed design would be progressed in partnership with the Local Authority.

Flintshire County Council has an outstanding aspiration of delivering an extra care scheme in each of the main towns of Flintshire. There is extra care provision in Flint, Mold, Shotton and Holywell. Buckley is the remaining town for a scheme to be delivered. There would be limited opportunities for a development of this size to be delivered in another part of Buckley, this site is centrally located and therefore suitable for older people/ those with learning and physical disabilities due to it being accessible for those with mobility problems and its proximity to local facilities.

Housing strategy would support this outline application. Clwyd Alyn, propose to progress this scheme in collaboration with Flintshire County Council and a project team would be established to take the project forwards.

4.00 PUBLICITY

4.01 60 Neighbour notifications were sent to neighbouring and nearby properties. The application was also publicised by way of a Site Notice displayed at the site and a Press Notice.

Nine letters of objection have been received and are summarised as follows:

1. Surface water issues
2. General drainage concerns
3. Light pollution from car park if permanently lit
4. Impact upon Tivoli- cultural importance of the venue
5. Buckley is overcrowded/overdeveloped, insufficient facilities in the area especially the pressure on doctors/dentists.
6. Traffic issues

7. Impact upon neighbouring residential properties/privacy issues with potential for overlooking
8. Noise impact from Home Bargains and Tivoli

Two letters of support have been received and are summarised as follows:

1. Good location- near to town centre and good bus routes
2. Local community benefit
3. Will improve appearance of area
4. Job creation

5.00 SITE HISTORY

- 5.01 049304- Extension to existing retail unit together with additional car parking provision, landscaping and ancillary facilities - Approved after completion of legal agreement 18-2-2014

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 STR6: Services, Facilities and Infrastructure
- Policy STR11: Provision of Sustainable Housing Sites
- Policy STR13: Natural and Built Environment, Green Networks and Infrastructure
- Policy PC1: The Relationship of Development to Settlement Boundaries
- Policy PC2: General Requirements for Development
- Policy PC3: Design
- Policy PC4: Sustainability and Resilience of New Development
- Policy PC5: Transport and Accessibility
- Policy PC12: Community Facilities
- Policy EN1: Sports, Recreation and Cultural Facilities
- Policy EN8: Built Historic Environment and Listed Buildings
- Policy EN15: Water Resources
- Policy EN18: Pollution and Nuisance

Supplementary Planning Guidance

SPGN 11: Parking Standards

7.00 PLANNING APPRAISAL

7.01 Site

The site is currently undeveloped land located within the settlement boundary of Buckley and within an area of mixed uses comprising both retail and residential, given its edge of town centre location. The site wraps around the eastern and southern edge of the Home Bargains Store. Surrounding the site to the north is retail and leisure development and the fire station fronting onto the A549 providing the main access through Buckley, to the South is Jubilee Road and to the west is Precinct Way. Areas to the North and West provide the main services to the town of Buckley. Located to the East is existing 2 storey residential development, whilst to the south is a newly constructed 2 storey residential area. Across Jubilee Road is an existing single storey development.

7.02 Proposal

This is an outline application, with all matters reserved, for the erection of an Extra Care development for between 75 to 90 residents as well as the erection of 12 bungalows. The determination of this application has been delayed principally due to the situation regarding Phosphates, as well as ongoing discussions between the developer and the adjoining landowner with regard to the access road. It is considered that these matters have now been satisfactorily dealt with, as explained later in the report.

7.03 Indicative plans have been provided with an illustrative layout demonstrating where the extra care facility and bungalows would be located on the site and that the level of development proposed is achievable on the site. Full detailed submissions relating to access, appearance, landscaping, layout and scale will be made following the granting of outline planning permission. At this stage the exact numbers to be catered for are not shown, with the range of 75-90 residents being indicated. Housing Strategy and Social Services have opined that the need is for a smaller facility. Detailed design would be progressed in partnership with the Local Authority whereupon the exact numbers will be finalised.

7.04 Across Wales, all local authorities are projected to see an increase in people aged 65 or over, with large increases projected for people aged 75 or over. In Flintshire, it is projected that the number of people aged 65+ will increase from 32,652 in 2018 to 42,297 by 2043 (Office

for National Statistics 2018-based national population projections/ Stats Wales). Current demand for extra care in Buckley is unknown as a waiting list would be opened when a scheme is developed.

7.05 However, each of the existing schemes hold a list of people who have expressed an interest for accommodation and provides an indication of demand levels. Demand is also demonstrated via the need for over 55's and sheltered housing on the SARTH register. Taken together it is shown that there is existing unmet demand.

7.06 Flintshire County Council has an outstanding aspiration of delivering an extra care scheme in each of the main towns of Flintshire. There is extra care provision in Flint, Mold, Shotton and Holywell. Buckley is the remaining town for a scheme to be delivered. There would be limited opportunities for a development of this size to be delivered in another part of Buckley, this site is centrally located and therefore suitable for older people as well as those with learning and physical disabilities due to it being accessible for those with mobility problems and its proximity to local facilities.

7.07 The 12 no. bungalows are being proposed for people with learning disabilities or physical disabilities. Social Services will work closely with Clwyd Alyn and Housing Strategy to identify individuals who need accommodation and the related support as the scheme progresses. It is considered that bungalows at this location would help to meet existing housing need and will be desirable as it is a popular area for people who require specialist housing due to its proximity to other facilities and services that they may require.

7.08 Principle of Development

This application is being made in outline with all matters reserved. As such the principle of development is the main issue for consideration.

7.09 Buckley is a tier 1 Main Service Centre and within the context of policy STR2 is considered to be a sustainable location for a windfall development such as this. Policy PC12 states that the development of new education, health and community facilities will be permitted on suitable sites within settlement boundaries.

7.10 It is considered that this proposal offers the opportunity to provide a form of development that has a considerable amount of social and community value and benefits from its highly sustainable and accessible location. The type of facility being proposed also sits comfortably with the urban form given its edge of town centre location and mix of residential and commercial development.

7.11 The specialist need bungalow development alongside the Extra Care facility will compliment the existing Council run bungalow development located across Jubilee Way from the application site.

Given the location of the site within the settlement boundary for Buckley it is considered that the principle of this specialist housing development complies with the relevant policies within the Flintshire Local Development Plan and is acceptable in policy terms.

7.12 Access

The site would derive its access through a private access that also serves the Home Bargains store. This is not recorded as part of the public highway. Without improvement the road was considered by Highways Development Control to be unsuitable to serve the proposed development. The developer has confirmed that improvements would be possible on this land and it is considered that this gives sufficient comfort that an acceptable access solution can be secured for this development.

7.13 It should be noted that both access and layout are matters reserved for future consideration and full details of the alterations and improvements on the roadway will be fully considered at the time of the submission of the detailed design. This includes swept path analysis details as requested by the North Wales Fire & Rescue Service.

7.14 SPGN 11 Parking Standards does not recognize Extra Care Facilities as a specific category but it is considered that they fall into the Residential Institution category and as such the parking requirement is 1 per 3 bed space + 1 per staff. The bungalows could be treated as Elderly Person/Retirement dwelling/flat with a parking requirement of 1 car park space per unit plus 1 visitor space per 3 units. Additional information in relation to potential staff numbers along with a detailed assessment of parking needs and justification of parking provision will be provided at reserved matters stage.

7.15 Whilst the site is located within a sustainable location it is suggested that a Staff Travel Plan is conditioned as a requirement of the reserved matters submission, to support the parking layout details.

7.16 Impact upon Residential Amenity

The illustrative plans of the proposed development demonstrate that the proposals can offer sufficient separation distances between existing and proposed buildings, having regard to the guidance in SPG2. Detailed plans will be submitted as part of a later reserved matters application at which point these matters can be fully considered. The amenity of existing residential dwellings, especially those on Chester Road and Lexham Green Close, which lie closest to the site, will be a material factor of significant weight when considering the acceptability of the detailed design.

The indicative building block as shown on the submitted details demonstrates an upper limit for the scale of the building and does not indicate the likely design of any building coming forward with a reserved matters scheme. At this stage no assumptions should be drawn about the final design of the proposal.

7.17 Noise

The site for the proposed extra care facility lies close to a number of potentially noise generating uses, including the loading area of a retail store, and a nightclub/music venue. As this will be a noise sensitive use it is the responsibility of the developer, under the agent of change principle as referred to in Planning Policy Wales 11, to ensure that solutions to address and mitigate noise are put forward with development proposals.

7.18 It states in para 6.7.4 of Planning Policy Wales 11 that:

“The potential impacts of noise pollution arising from existing development, be this commercial, industrial, transport-related or cultural venues (such as music venues, theatres or arts centres), must be fully considered to ensure the effects on new development can be adequately controlled to safeguard amenity and any necessary measures and controls should be incorporated as part of the proposed new development. This will help to prevent the risk of restrictions or possible closure of existing premises or adverse impacts on transport infrastructure due to noise and other complaints from occupiers of new developments. It will be important that the most appropriate level of information is provided and assessment undertaken.”

7.19 Given the above it is therefore necessary to both consider the impact of noise upon the development, but also the impact upon existing development that may produce noise into the soundscape and ensure that the new development would not impact negatively upon the established businesses and their ability to operate in the same way as they currently do.

7.20 In consultation with Environmental Health officers from Community and Business Protection it is considered, as this is an outline application with all matters reserved, that an appropriate level of information has been received at this stage, but that it would be necessary to impose a condition requiring full Noise Impact Assessments at the detailed design stage. It would also be expected, following the assessment of any possible noise disturbance, for mitigation measures to be incorporated into the design of the site and building. This would include, but not be limited to, suitable screening landscaping as well as measures incorporated into the build itself such as enhanced glazing. This will ensure that the development

itself, as well as existing noise creating uses adjacent to the site, are protected against future restrictions.

7.21 In principle it is not considered that the proposal is incompatible with its proposed location, and that any particular soundscape issues can be adequately overcome with measures to be identified at an appropriate time.

7.22 Impact upon Setting of a Listed Building

In accordance with policy STR13 in the Flintshire Local Development plan all development should conserve, protect and enhance the local distinctiveness and quality of Flintshire's built and historic environment including listed buildings, and other locally important historic assets.

7.23 The application site lies adjacent, at its northern boundary, to the Tivoli nightclub. The club is housed in a building built in 1920's, possibly as a Miner's Institute for use as a cinema/theatre and hall, and converted into a club in the late 20th century. The building is Grade II listed for its "special interest as a rare surviving example of an inter-war cinema or miner's institute of distinctive design".

7.24 The façade of the building is a Classical style cinema or miner's institute-type frontage of painted stone articulated by channel rusticated pilasters below a frieze with paterae. The broader central bay is distinctive for its giant order Ionic fluted pilasters flanking the central three windows over the main entrance. All windows are horned sashes with latticed, margin glazing and broad architraves. Lower similar windows to the narrower outer bays, probably to staircases. The surround to the central entrance has similar paterae to that of the frieze; now with modern shutter. At the top is a high parapet with three small windows to centre; sheet steel roof over asbestos cladding supported by light trusses. Brick side elevations with a dentil eaves cornice. The fly-tower to rear indicating this building's former theatre use.

7.25 Historic assets, including listed buildings, are irreplaceable resources and their conservation provides social, cultural, economic and environmental benefits. It is important to consider the setting of these assets and the likely impact a development may have on the asset both directly and indirectly.

7.26 As discussed earlier in the report, the main impact upon the Tivoli is considered to be from potential noise issues which are to be addressed through conditions, although a full assessment of the impact of the design of the proposed facility subject to this application will be made at reserved matters stage. In principle, however, when the nature of existing development that surrounds the listed building is considered there is no particular reason why the development of

the application site should unacceptably impact upon the setting of the listed building. The building has always stood within an urban, built up context and its important historical and architectural features, which are mainly located as part of the front façade of the building, are facing onto Brunswick Road to the north and away from the application site. It is considered that the proposal is in accordance with policies STR13 and EN8 of the Flintshire Local Development Plan

7.27 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.

7.28 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.

7.29 Whilst the application is in outline, and the exact increase in flows are not yet known, it is possible to consider the impact of this development with regards to phosphates. A full drainage scheme will be required at reserved matters stage.

7.30 Welsh Water have confirmed that there are no capacity hydraulic issues and that the waste water treatment works has a valid phosphate permit. The foulwater flows deriving from this development would be capable of being treated within the phosphate permit conditions. As such there is no objection in principle to the proposal.

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

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or

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

7.32 Points 1 and 3 apply with regard to this development. As such, it is considered that the proposal is in accordance with policy EN15 in the Flintshire Local Development Plan

7.33 Green Infrastructure

In advance of an updated Planning Policy Wales (PPW) Chapter 6 of PPW11 has been amended with regards to green infrastructure, net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. These are also matters referenced in LDP policies, and in particular policies STR13 and EN2.

7.34 It will be essential to ensure that the development appropriately engages with these matters and meets the policy requirements of the amended Chapter 6 of PPW11. As this is an outline submission with all matters reserved much of the detail that will inform a full green infrastructure assessment is not contained in the submission.

7.35 It is considered that a Green Infrastructure Assessment should be conditioned as required information to be submitted in support of the consideration of the reserved matters for this proposal. A condition requiring a scheme of biodiversity enhancement, to ensure biodiversity net gain is achieved, is to be agreed before the commencement of development and subsequently implemented, is suggested.

8.00 CONCLUSION

This is an outline application for the erection of a 75 to 90 bed extra care facility to include supporting communal facilities and 12 bungalows and all ancillary works with all matters reserved for future consideration. As such the proposal is seeking permission for the principle of this for of development in this location. It is considered that this proposal offers an excellent opportunity for a much needed facility in the centre of one of Flintshire's main settlements and that moreover this proposal is compliant with the relevant development plan policies. Issues of the design and formation of the access, the

design, appearance and scale of the building and other technical matters will be dealt with at reserved matters stage.

The proposal is considered to be acceptable and, subject to the conditions outlined in paragraph 2.01, it is recommended 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: James Beattie
Telephone: (01352) 703262
Email: james.beattie@flintshire.gov.uk