

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25th SEPTEMBER 2025**

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

SUBJECT: **FULL APPLICATION- ERECTION OF 159
DWELLINGS, CONSTRUCTION OF A NEW
VEHICULAR ACCESS, LANDSCAPING AND
ASSOCIATED WORKS**

**APPLICATION
NUMBER:** **FUL/000826/23**

APPLICANT: **CASTLE GREEN**

SITE: **LAND NORTH OF WELL STREET, BUCKLEY**

**APPLICATION
VALID DATE:** **12TH SEPTEMBER 2023**

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

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

**REASON FOR
COMMITTEE:** **SIZE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the erection of 159 dwellings, construction of a new vehicular access, landscaping and associated works at land to the north of Well Street, Buckley, which is a site allocated for housing development in the adopted Flintshire Local Development Plan (LDP).

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

2.01 Section 106

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

- Primary School Contributions- Contributions required would be £134,827.00 towards improvements to Southdown CP school.
- Secondary School Contributions- Contributions required would be £443,256.00 towards improvements to Buckley Elfed High School
- The provision of 83 no. affordable homes to be of a housing mix and tenure to be agreed with the Local Planning Authority, and to remain affordable in perpetuity.
- A requirement to notify the Council whether LEAP or play area equipment will be maintained by the Council or a management company and, if it is to be the Council the arrangements for the transfer of the LEAP following its provision and the agreement of a LEAP commuted sum to cover the cost of further maintenance
- A sum of £ £18,200.00 to cover the cost of advertising and the required Traffic Regulation Order.

Conditions

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 forms
 - Location Plan
 - Design and Access Statement
 - Phase I & II Contaminated Land & Geotechnical Assessment, Land Fronting Well Street, Buckley. Smith Grant LLP. Report Ref: R2458-R01-v1, dated: September 2017.
 - Phase II Geoenvironmental Site Assessment, Well Street, Buckley. E3P. Report Ref: 14-278-R2, dated: October 2020.

- Remediation and Enabling Works Strategy, Well Street, Buckley. E3P. Report Ref:
 - 14-278-R3, dated: October 2020. Engineering Layout
 - Topographical Survey Sheets 1-4
 - Proposed Site Plan WLST-BUC-SP01 rev H
 - Landscape Layout Sheet 1-4 - Dwg P1828-23-03-Rev C
 - Planting Plan Sheet 1-5 Dwg P1828-23-04 Rev C
 - Landscape and Ecological Management Plan June 2024
 - Arboricultural Assessment rev A
 - Buckley Transport Assessment
 - Screen fencing
 - Gate within screen fence
 - Free Standing Brick Walls
 - Flood Consequence Assessment
 - CPAT Report No. 1974 Well Street, Buckley Archaeological Geophysical Survey Heritage Impact Statement Document Number: 3498.R01a July 2023 Nexus Heritage
 - High Level Drainage Strategy The Alan Johnston Partnership LLP Ref: WEL-AJP-ZZ-XX-RP-C-3000
 - Atkinson, E. (2023). Preliminary Ecological Appraisal: Well Street, Buckley, CH7 2PQ. Ascerta. (Unpublished report No P.1828.23).
 - Clwyd Alyn Housepack
 - Castle Green Housepack
3. No development shall take place until full details of the existing ground levels and proposed finished floor levels and ground levels have been submitted to the Local Planning Authority for written approval. The development shall thereafter be carried out in accordance with the approved details.
 4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling / completion of the development / commencement of the development / next planting and seeding season and any trees or plants which, within a period of five years of the time of planting, die, are removed or become seriously damaged or diseased, shall be

replaced in the next planting season with others of similar size and species.

6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
7. Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at manhole reference number SJ26639601 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.
8. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological excavation work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance provided by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Planning Authority and the Planning Archaeologist, (Heneb: Clwyd Powys Archaeology, The Offices, Coed y Dinas, Welshpool, SY21 8RP). After approval by the Planning Authority a report must be submitted and approved for inclusion in the Heneb: Clwyd Powys Archaeology HistoricEnvironment Record. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

9. 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.
10. No works associated with the proposed development of the site shall commence unless and until a detailed scheme for the

creation of a site access from Well Street has been submitted to and approved by the Local Planning Authority.

11. The layout and design of the access from Daleside shall be in accordance with details to be submitted to and approved by the Local Planning Authority, prior to the commencement of any site works.
12. No works associated with the proposed development of the site shall commence unless and until a detailed scheme for the modal filter on Well Street has been submitted to and approved by the Local Planning Authority. These works being implemented in accordance with a timescale to be approved by the Local Planning Authority.
13. The forming and construction of the means of site accesses shall not commence unless and until the detailed design thereof has been submitted to and approved by the Local Planning Authority.
14. The works associated with forming the means of site access from Well Street 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.
15. The front of the garage shall be set back a minimum distance of 5.5m behind the back of footway line or 7.3m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
16. Facilities shall be provided and retained within the site for the parking / storage of bicycles in accordance with a scheme to be submitted to and approved by the 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. The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads shall be submitted to and approved by the Local Planning Authority prior to the commencement of any site works.
18. The gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
19. Positive means to prevent the run-off of surface water from any part of the site onto the adoptable and adopted highway shall

be provided in accordance with details to be submitted to and approved by the Local Planning Authority prior to the commencement of any site works.

20. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority (see attached note 1).

21. A Full Travel Plan and Transport Implementation Strategy (TIS) shall be submitted and approved in writing by the Local Planning Authority prior to the first use of the development.

22. Notwithstanding the details hereby approved, details of all recommendations and Enhancements as set out in approved document Preliminary Ecological Assessment Well Street Buckley- Ascerta Ref: P.1828.23, shall be submitted for written approval by the Local Planning Authority and thereafter implemented prior to the first occupation of the site.

23. Notwithstanding the details hereby approved, a Footpath 36 improvement scheme which shall include details of the surfacing of the footpath shall be submitted to the Local Planning Authority for approval prior to the commencement of development. Following written approval, the scheme shall be implemented prior to the first occupation of any dwelling.

3.00 CONSULTATIONS

3.01 **Local Member: Councillor C Preece:** No response at time of writing

Councillor D Rose: No response at time of writing

Buckley Community Council: A number of observations were made concerning this application:-

- Access – down farm road,
- number of buildings/design/elevation/position.
- Flood requirements.
- Land – lead – phosphorates.
- Availability of services in Buckley.

Education & Youth: Buckley Southdown CP School- It is the intention of Education & Youth to seek a developer contribution of £134,827.00 and be used towards school improvements.

Buckley Elfed High School- It is the intention of Education and Youth to seek a developer contribution of £443,256.00 to be used towards school improvements.

Highways Development Control: Advises that highway legislation may enable the installation of a “modal filter” to restrict the movement of vehicles on Well Street south of the proposed access. Any permission should include a S106 agreement to the value of £18,200.00 to progress the Traffic Regulation Order associated with this.

In addition to the S106 agreement, Conditions are recommended (included in paragraph 2.01 as conditions 10-21)

Public Rights of Way: Public Footpath No. 36 is within the northern boundary of the site and has been incorporated into the site design above the LEAP area, which is welcomed. Request that an appropriately surfaced footway is put in place.

It would appear necessary that Public Footpath No. 36 will need to be temporarily closed during the development. This on the grounds of Health and Safety to protect the public during construction.

The developer will need to contact the Access Team directly to arrange a temporary closure and also discuss the details to be approved on the proposed surfacing of Footpath No. 36 in the site.

Leisure Services (Aura): In accordance with Planning Guidance Note No. 13, POS provision, the development should provide play and informal recreation space .

The Authority would require a centrally located area of POS to be in the region of 8,400m² of designated play and informal recreation space. The provision is to include an equipped play area with a range of age specific play items which conform to the latest standards for play equipment and safer surfacing

Community and Business Protection: No objections received.

Housing Strategy: The application site sits within Mold and Buckley Housing Market Areas submarket area where 40% affordable housing is required on site.

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

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

As per Tai Teg Progress report dated May 2024 for the period October 2023 – March 2024 (data as at 4.4.24) there were a total of 705 households with ready to apply status that would like to be

considered for intermediate rental properties, 239 for intermediate rental and purchase and 428 for home ownership properties.

As at 1 August 2024 there were 2,012 live applications for Social housing. Demand on SARTH and the affordable register (Tai Teg) fluctuates as applicants are added and deleted because of changes in circumstances, data updates and data cleanse exercises etc.

In summary there continues to be high demand for Social housing across Flintshire. The Local Authority Housing Prospectus which was approved at the Flintshire County Council Cabinet meeting held 17th October 2023 at 10.00 am indicates that generic demand for 1 bedroom (56%) and 2 bedroom (26%) properties comprises 82% of households on the Social housing register. This compares with the Affordable register where 2 & 3 bedroom properties, particularly houses are most in demand.

In summary there is demand in Buckley for all of the property types proposed in this Application

Welsh Water/Dwr Cymru: In principle DCWW can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development of 155 dwellings in isolation. DCWW advise that Buckley Ty Gwyn WwTW has a phosphate permit.

Conditions are requested (included in recommendation as conditions 6 and 7)

Natural Resources Wales: NRW satisfied with the groundwater assessment conclusions that the site is unlikely to pose a significant risk to controlled waters.

No objection on flood risk grounds to the application as submitted.

NRW are satisfied that phosphate concerns can be overcome if the LPA follow NRW Advice specifically the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works?'

NRW consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. Furthermore, they advise that the proposed development is not likely to harm or disturb bats or Great Crested Newts, or their breeding sites and resting places at this site, provided the avoidance measures described in the Preliminary Ecological Appraisal are implemented.

Airbus: No aerodrome safeguarding objection

Heneb: The plot of land was subject to an archaeological evaluation in 2024 due to the site having high archaeological potential following geophysical survey in 2023. During the evaluation, burnt mound features were identified, which contain fire-affected stones, often fractured due to being exposed repeatedly to fire.

Burnt mounds are commonly dated between the Neolithic and the Iron Age and charcoal retained within the stones can be used to accurately date the features using radiocarbon dating methods. They may also obscure further archaeological features below and adjacent to them which pre-date the mounds themselves.

With this in mind, the full extent of the burnt mound areas in trenches 1 and 3, and any associated features in close proximity to them will need to be fully excavated to preserve them by record. This should be completed in accordance with the Planning Policy Wales (Feb 2024) and TAN 24 (May 2017) guidance.

A condition (8) has been included in paragraph 2.01

CADW: No objection to the proposed development in regards to the scheduled monuments or registered historic parks and gardens

Ramblers Cymru: Note some minor amendments have been made eg to provide a LEAP -but in North West corner, not centrally as required by Aura comment; and some extra paths - but not on all the key desire lines eg from near plot 31 to Langford Crescent link path and LEAP.

The status of that link still seems to be a footpath, so there is no provision for cycles at all. The road access change from a roundabout to T- junction will not dissuade traffic from using lane south west of access - a traffic choke may be required to reduce speeds to protect walkers.

Overall would still prefer more provision for Active Travel. The CEMP should include a requirement to maintain public access on foot (via a concession path) during construction work on public path line

Betsi Cadwaladr University Health Board Public Health Team: Consideration could be given to the inclusion of green spaces within the site. These green spaces will provide informal play opportunities for children, spaces for older adults to be physically active but also to rest and socialise. People with disabilities or impairments must be able to access the spaces equally.

4.00 PUBLICITY

- 4.01 140 Neighbour Notifications were sent to adjoining/nearby properties. A Site Notice was also displayed and the application was advertised by way of a Press Notice in a local newspaper.

74 objections have been received which raise objections on issues that can be summarised as follows:

1. Traffic safety/Impact upon traffic numbers
2. Pollution
3. Land Contamination
4. Ecological impacts
5. Lack of local infrastructure
6. Out of keeping with area
7. Encroachment into the countryside
8. Impacts upon local amenity
9. Impact upon neighbouring properties- loss of privacy/overshadowing
10. Land stability

5.00 SITE HISTORY

- 5.01 062458- Outline- Residential development of up to 140 dwellings, means of access, open space, sustainable drainage infrastructure and all other associated works (outline application including access, with all other matters reserved) at Well Street, Buckley- Approved subject to Legal Agreement (Pending)

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

- Policy STR1: Strategic Growth
- Policy STR2: The Location of Development
- Policy STR4: Principles of Sustainable Development, Design and Placemaking
- Policy STR5: Transport and Accessibility
- Policy STR6: Services Facilities & Infrastructure
- Policy STR11: Provision of Sustainable Housing Sites
- Policy STR13: Natural and Built Environment, Green Networks and Infrastructure
- Policy PC2: General Requirements for Development
- Policy PC3: Design
- Policy PC4: Sustainability and Resilience of New Development
- Policy PC5: Transport and Accessibility
- Policy PC6: Active Travel
- Policy HN1: New Housing Development Proposals
- Policy HN2: Density and Mix of Development

- Policy HN3: Affordable Housing
- Policy EN1: Sports, Recreation and Cultural Facilities
- Policy EN2: Green Infrastructure
- Policy EN4 Landscape Character
- Policy EN6: Sites of Biodiversity and Geodiversity Importance
- Policy EN7: Development Affecting Trees, Woodlands and Hedgerows
- Policy EN15: Water Resources
- Policy EN16: Development on or near Landfill Sites or Derelict and Contaminated Land

Supplementary Local Planning Guidance Notes

SPGN2- Space Around Dwellings

SPGN9- Affordable Dwellings

LPGN13- Open Space Requirements

SPGN23- Developer Contributions to Education

National Policy

Planning Policy Wales 12 February 2024

Future Wales 2040: The National Plan

7.00 PLANNING APPRAISAL

7.01 Proposal

This is a full application, for the erection of 159 dwellings, which includes the provision of 86 affordable homes, construction of a new vehicular access, landscaping and associated works, on land off Well Street, Buckley.

7.02 Site

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

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

7.04 Principle of Development

The site is within the settlement boundary of Buckley which is a Tier 1 Main Service Centre in the adopted LDP. Policy STR2 states 'Main

Service Centres will be the main locations for new housing development which reinforces and contributes to sustainable settlements'. The policy specifies that provision in such settlements will include allocations and in this respect the site is allocated for housing (policy HN1-1) in the adopted LDP.

7.05 The LDP housing allocation indicates a potential housing yield of 140 units for the site, which was specifically taken from the indicative layout of an outline application for the site which had been submitted at the time of the LDP Examination. Following the normal convention of assessing sites at a minimum of 30 dwellings per hectare, on this basis the site could yield approximately 155 units. Key supplementary requirements for the allocation are set out in the LDP written statement and state that that access onto Well Street should be designed so as to prevent right turn movements out of the site and the use of rural roads to the south; and retention and enhancement of strong hedgerow and landscaped boundaries. It is noted that the proposal provides these requirements with this detailed application. Whilst the total number of units provided exceeds the 140 specified in the LDP written statement, this is explained above, and reflects the ability of the site to maximise provision sustainably, including a significant proportion of affordable housing, whilst remaining compliant with specific layout parameters, and the general principle of good placemaking. These matters are discussed further later in the report.

7.06 An outline planning permission for residential development of the site was previously considered by the Planning Committee in March 2024 and the committee resolved to approve that application. The Section 106 legal agreement required by this Outline planning permission has not yet been finalised and the issuing of that decision is still pending. Given the LDP allocation, and the previous resolution of the Planning Committee it is considered that the principle of residential development in this location is established.

Highways and Access

7.07 The proposed access will take the form of a simple priority junction on Well Street. This is an amendment to the application as originally submitted, which proposed a roundabout, which was removed after discussions with the case officer, and is now replaced with a priority arrangement.

7.08 Well Street will be upgraded to a typical 5.5m wide carriageway and a 2m wide footway on the site side of the road. The site access has been designed to typical residential standard and provides a 5.5m wide carriageway, 2m wide footways and 6m junction radii. In addition, 2.4m x 45m visibility splays are provided which complies with guidance in TAN18: Wales for a 20mph speed limit.

- 7.09 The application is supported by a detailed transport study that comprises empirical evidence including traffic counts, junction capacity assessments, and trip generation data which has taken into account changes in traffic generation patterns and changes to background flows since the 2007 assessments undertaken at the time of the UDP Examination. The junctions were resurveyed in 2023 to provide up to date information in support of the earlier traffic surveys. The current assessment concludes that the impact of the proposal from a highways perspective is acceptable.
- 7.10 A secondary vehicular access will be provided via an extension of Daleside. The access will have a carriageway width of 5.5m and 2.0m wide footways provided on both sides of the carriageway. Pedestrian and cycle access into the site will be provided at the same locations as the vehicular accesses with an additional pedestrian/cycle access will be provided onto Langford Crescent, via the passageway to the north-west of the site, onto the public right of way (PROW 410/54/10) located to the north-west corner of the site and onto Well Street at the south-eastern site boundary. It is considered that the development will provide improved sustainable accessibility by foot and cycle and contribute positively to the Active Travel network, in accordance with policy PC6 of the Flintshire Local Development Plan.
- 7.11 Existing Public Footpath No. 36 is within the northern boundary of the site and has been incorporated into the site design above the LEAP area, which is supported by the Public Rights of Way team. Any closure of this public footpath during construction is a matter for discussion between the developer and Public Rights of Way. The reinstatement and appropriate resurfacing of the public right of way is covered by condition 21 in paragraph 2.01.
- 7.12 At the time of the LDP Examination in Public consideration was given to the installation of a “modal filter” to restrict the movement of vehicles on Well Street, south of the access, as a way of directing the majority of traffic away from the part of Well Street that becomes a rural road, instead turning left from the site onto the main highway network. This recommendation to grant permission therefore includes the requirement for a S106 agreement to agree the design of this feature as well as its implementation, in consultation with FCC Streetscene and Transportation. The legal agreement will also cover the cost of any Traffic Regulation Orders required for this work.
- 7.13 It is considered that the principle of the proposed access arrangement is acceptable and complies with policies STR5 and PC5 of the Flintshire Local Development Plan. Internal highways arrangements are acceptable. Conditions have been requested by the Highways Authority and form part of the recommendation.

7.14 Design and Layout

The development is accessed from a central point of the eastern site boundary that fronts onto Well Street, and the layout is arranged in two phases across the two existing fields, necessitated by the retention of the established central dividing hedge-line. Immediately set back from the boundary with Well Street, the site frontage is taken up with a pair of swales/attenuation basins, which form part of the Sustainable Urban Drainage (SUDS) solution for the site. The internal road then leads to and interconnects both phases of the site, with central spur roads leading to the rear of the site on both sides, and cul-de-sacs and avenues emanating from these central roads. An area of public open space with an equipped play area is located in the western corner of the site, ensuring equal accessibility and surveillance from existing development to the west, and the proposed new properties on the site itself.

7.15 The site will be developed with the market housing located on the western portion of the site with the affordable housing located on the eastern portion. It is important for Members to note that the housetypes on both phases of the site have complimentary designs so to all intents and purposes the development is 'tenure blind' albeit with a different mix of housetypes on the eastern portion. The materials palette is consistent across the development and appropriate for the area with brick exteriors, with render details across the site, and tiled roofs. The phasing of the site and the concentration of the more affordable units in one phase of the development has been requested by the site owners Clwyd Alyn Housing Association, as this will enable them to secure full Welsh Government funding to accelerate the build out of the affordable units on the site, making maximum early provision of the full affordable element, rather than waiting for them to be drip fed if they were pepper-potted. The consistency of the design and use of materials on each phase of the site is an acceptable means to ensure that the tenure of properties cannot be distinguished and in this way, the overall design achieves positive placemaking as advocated by Planning Policy Wales.

7.16 In the north eastern corner of the site the scheme has been amended by the developer to provide four pairs of bungalows. This is an area of the site where the existing housing to the north of the site on Langford Crescent is single storey and have relatively shallow gardens. As a consequence of this there was an original concern that the new two-storey dwellings would have a significant impact on the living conditions of the existing neighbouring development on this portion on the site. In fact, this was one of the main material points of objection raised by third party objectors and speakers when the previous outline application was considered by the Planning Committee, and have been repeated with this application. The developer has responded to this concern, and the site layout has been amended to reflect and address these concerns by providing single storey development, and to also ensure that the rear garden

depths for the plots adjacent to this boundary are in excess of the minimum size given as guidelines within SPGN2- Space Around Dwellings. This indicates that interface distances are acceptable.

- 7.17 Interface distances between the proposed dwellings and neighbouring development are in accordance with the guidelines contained within SPGN2- Space Around Dwellings and in general there are no issues with direct overlooking or overbearing from the development onto existing development.
- 7.18 In terms of density, it is considered that the total number of units, 159, being only 4 more than the indicative density for the site (155 units) using 30 per density as set out in LDP policy. This is an appropriate density for this location within the settlement boundary of a Main Service Centre and when compared to the prevailing pattern of development in the vicinity.
- 7.19 The layout is considered to be appropriate and the development provides sufficient private amenity space and separation distances between the proposed dwellings themselves as well as between the development and existing neighbouring development. It is considered that the layout of the proposal and the design of the houses proposed positively contribute to local placemaking and accords with policy PC3 in the Flintshire Local Development Plan.
- 7.20 Affordable housing
The scheme will be delivered in collaboration with a Registered Social Landlord. The site sits within the Mold and Buckley housing market area. Policy HN3 of the LDP requires 40% on site affordable housing within this market area. The application proposes to exceed this requirement with the provision of 86 affordable homes, which equates to 55% of the total units on the site.
- 7.21 The SARTH and Tai Teg registers demonstrate that there is considerable demand in Buckley for social and affordable housing that can support a development of this size. The Council's Housing Strategy team will work with Clwyd Alyn to achieve a sustainable property and tenure mix based on the housing need for the area. In addition, this development also provides 8 bungalows on the site, which is a form of development where there is a demand that is frequently not met.
- 7.22 As the proposal commits affordable units in excess of the 40% requirement of the policy, but which will meet an identified need it is considered that the proposal is compliant with policy HN3 of the Flintshire Local Development Plan and indeed the over provision of affordable units as part of the development represents planning gain for the community.

7.23 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.

7.24 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.

7.25 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.

7.26 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:

- 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.

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

7.28 Land Contamination

The site is currently a vacant parcel of open land occupied by two fields and a hedgerow. Historical mapping indicates that there have been no land uses which would have resulted in significant contamination of the soil or the groundwater. As such there is limited potential for a contaminant source and pollutant linkage to be present.

7.29 The application is supported by Phase 1 and Phase 2 Ground Investigation and a Remediation and Enabling Strategy and these reports have identified the presence of lead in two minor localised hotspots within shallow topsoil deposits. It is considered that this can be mitigated by the installation of a suitable cover system in proposed private gardens, landscaping and public open space in the area of the isolated impact to remove any potential for direct exposure to impacted soils. Alternatively, given that the exceedance is localised it could be treated as an isolated hotspot and removed during a phase of remedial works with validation sampling to ensure future placement within a low risk area. Either of these approaches or both in combination are considered acceptable and proportionate to the levels found, and they are acceptable to deal with the identified contaminants on the site.

7.30 The Remediation Strategy will be secured by condition and will be required to be implemented and verified prior to development taking place. This condition has been listed as condition 9 in paragraph 2.01.

7.31 The proposal has provided sufficient evidence that possible land contamination has been identified and any potential issues will be remediated as part of the development process. It is considered that the proposal is compliant with policy EN18 of the Flintshire Local Development Plan.

7.32 Ecology

An Preliminary Ecological Assessment (PEA) comprising of an Extended Phase 1 Habitat survey, a desk study, and an assessment of the likely impacts was submitted in support of the application as well as an Arboricultural assessment and a Landscape and Ecological Management Plan.

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

7.34 Further Site surveys have been undertaken in September 2024 and submitted in accordance with a recommendation of the PEA and in order to ensure that up to date information has been provided with

the information. The further surveys show no change on site that the ecological conditions identified within the PEA.

- 7.35 A schedule of recommendations have been included with the latest survey report and it is considered that subject to these recommendations being carried out, the development will have a negligible impact upon protected species. The PEA is listed in the approved documents list and the recommendations referred to are conditioned in paragraph 2.01 (condition 20). It is considered that subject to the above condition, the submitted details are acceptable and comply with LDP policy STR13.
- 7.36 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. These are also matters referenced in LDP policies, and in particular policies STR13 and EN2.
- 7.37 The site has been assessed as having low ecological value but the development will result in the loss of some sections of hedgerow and other habitats that currently exist on the site and submissions have been made that mitigate this loss as well as provide ecological enhancements across the site as part of the development.
- 7.38 A tree planting plan is proposed which consists of the planting of various native species across the site, namely proposed native specimen trees include Alder, Silver Birch, Hornbeam, Rowan, and English Oak. These native species provide a food or shelter resource to wildlife.
- 7.39 The native hedgerow planting included with the proposal includes Hazel, Hawthorn, Holly, Blackthorn, Field Rose, and Dog Rose providing a food or shelter resource to wildlife. The proposed native hedgerow will also allow biodiversity connectivity throughout the site and to the wider environment.
- 7.40 The proposed native scrub mix planting will include Hazel, Hawthorn, Holly, Crab Apple, Blackthorn, Dog Rose, European Elder, Rowan, and Guelder rose. These species again provide a food or shelter resource to wildlife.
- 7.41 A schedule of ecological enhancements are also proposed, which consists of:
- Provision of 20 bird boxes (25mm and 32mm entrance hole box, house sparrow terrace, swift box), attached to or integrated within new buildings on site;

- Provision of 20 bat features (e.g. Bat box or similar) attached to a retained tree on site or provision of a bat box (e.g. bat bricks or 'bird brick houses' bat boxes) integrated within new buildings;
- Retention and enhancement of hedgerows within the site with native planting to maintain and provide foraging and commuting habitat as well as areas of refuge for wildlife; and
- Proposed areas of Public Open Space to include suitable landscaping incorporating species that provide a food or shelter resource to wildlife to include hawthorn, hazel, holly, blackthorn, field maple, dog rose and honeysuckle as hedgerow species and oak, alder, field maple, silver birch, crab apple, rowan and bird cherry as tree species together with implementing a relaxed mowing regime and establishing wildflowers in these areas.

7.42 The implementation of these enhancement will be secured by condition. It is considered that the enhancements proposed are appropriate and accord with policies STR13 and EN2 of the Flintshire Local Development Plan as well as chapter 6 of PPW.

7.43 Archaeology

The plot of land was subject to an archaeological evaluation in 2024 following the site being assessed as having high archaeological potential after geophysical surveys undertaken in 2023. During the evaluation, burnt mound features were identified, which contain fire-affected stones, often fractured due to being exposed repeatedly to fire. Burnt mounds are commonly dated between the Neolithic and the Iron Age and charcoal retained within the stones can be used to accurately date the features using radiocarbon dating methods. They may also obscure further archaeological features below and adjacent to them which pre-date the mounds themselves. With this in mind, Heneb have advised that the full extent of the burnt mound areas identified in survey trenches 1 and 3, and any associated features in close proximity to them will need to be fully excavated in order record what the feature is to then add to the Historic Environment Record (HER) prior to development commencing.

7.44 Heneb have suggested an appropriate condition to require these further investigations prior to the commencement of development and have confirmed that they have no objection to the scheme subject to this condition being imposed. The condition has been included within the recommendation in paragraph 2.01.

7.45 Planning Obligations

The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. It is unlawful for a planning obligation to be taken into account when determining a

planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development;
- and 3. be fairly and reasonably related in scale and kind to the development.

7.46 While the Council does not yet have a charging schedule in place, CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

7.47 a) Education

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

Buckley, Southdown CP School;

It is the intention of Education & Youth to seek a developer contribution. The contribution sought will be for a total of **£134,827.00**

Buckley, Elfed High School;

It is the intention of Education & Youth to seek a developer contribution. The contribution sought will be for a total of **£443,256.00**

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

7.49 b) Public Open Space

In accordance with policy EN1 as well as the guidance within Local Planning Guidance Note 13 Open Space Requirements, development of over 100 units will usually be required to provide public open space as well as more formalised play space on site. In discussions held at Planning committee on a previous application on this site it was expressed that any development of the site should include on-site provision.

7.50 The proposal provides 2.22 acres (0.9 hectares) of public open space, which meets the requirement of Leisure services to provide

8,400 square metres (0.84 hectare) of play and recreation open space including an equipped play area.

- 7.51 The proposal features a LEAP located in the area of public open space in the north west of the site. The details of the equipment to be provided as well as the ongoing management and maintenance agreement for the LEAP will be secured on the Section 106 legal agreement. Whilst the area of public open space and LEAP are not centrally located, it is considered, given the location of existing footpaths and due to locating these areas to the centre of the site requiring the removal of hedgerows, that its proposed location is acceptable. The proximity of the play area with areas of both new and existing housing allows for natural surveillance and connectivity with these areas, which is a material benefit.
- 7.52 c) Affordable Dwellings
As referenced earlier in the report, the development will provide numbers in excess of the required 40% of affordable dwellings as set out in the Local Development Plan, with 55% of the proposal being affordable dwellings.
- 7.53 The tenure mix will be agreed as part of the Section 106 legal agreement and follow advice from Housing Strategy to ensure that the development provides the types of accommodation required by the community. This agreement will also ensure that the affordable units will be retained as being affordable dwellings in perpetuity. As such it can be concluded that the proposal is in accordance with policy HN3 of the Flintshire Local Development Plan.
- 7.54 Flooding
Natural Resources Wales Flood Risk Map confirms the site to be within Zone A of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). This is the lowest risk Zone in Wales and is described in the TAN as an area where there is considered to be little or no risk of fluvial or tidal flooding.
- 7.55 The Flood Map for Planning (FMfP) identifies the application site to be in Flood Zone 1, meaning there is less than a 0.1% chance of flooding in a given year. NRW consider that there is no risk of tidal flooding and have raised no objection not the scheme on this basis.
- 7.56 The development will also require approval of its surface water drainage infrastructure by the Sustainable Urban Drainage (SUDS) Approving Body (SAB) which is a separate legislative requirement, which deals with the legal requirements for provision, management and long term maintenance of the Sustainable Urban Drainage Solution.

7.57 There is no evidence that the site is prone to fluvial or tidal flooding, and as such any potential for flooding would come as a result of surface water drainage issues that are currently experienced by surrounding development is unlikely to be influenced by the proposed site as it lies at a lower level than the existing built up area. The greenfield run off rate will be significantly higher than any engineered solution that will be installed as part of the implementation of this proposal. As such the development of this site could be considered to be a betterment with regards to management of surface water generated by the development. The proposal accords with policy EN14 in the Flintshire Local Development Plan.

7.58 Other Matters

CADW have confirmed that they have no objection to the proposed development with regard to the scheduled monuments or registered historic parks and gardens within 3 kilometres of the application site.

8.00 CONCLUSION

8.01 The site is an allocated housing site in the LDP. The development is acceptable in principle and meets the requirements of the housing allocation in accordance with the LDP. The development also provides a great deal of material planning gain as it will provide affordable housing in excess of the required percentage to accord with the relevant policy requirement which will assist in meeting the identified affordable housing need for the settlement. The layout, public open space provision, biodiversity enhancements and other detailed technical considerations are considered to be acceptable and in accordance with policy.

8.02 As such it is recommended that the application is approved subject to the commuted sums and conditions outlined in paragraph 2.01

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.

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

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

8.06 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the

achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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