

# Pecyn Dogfen Gyhoeddus

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



CS/NG

1 Chwefror 2024

Jan Kelly 01352 702301  
janet.kelly@flintshire.gov.uk

At: Cyng Richard Lloyd (Cadeirydd)

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

Annwyl Syr / Fadam

**RHYBUDD O GYFARFOD HYBRID**  
**PWYLLGOR CYNLLUNIO**  
**DYDD MERCHER, 7FED CHWFROR, 2024** am **2.00 PM**

Yn gywir

Steven Goodrum  
Rheolwr Gwasanaethau Democraidd

Sylwch: Gellir mynychu'r cyfarfod hwn naill ai wyneb yn wyneb yn Siambr Cyngor yr Arglwydd Barry Jones, Cyngor Sir y Fflint, Yr Wyddgrug, Sir y Fflint neu ar-lein.

Gofynnwyd i siaradwyr cyhoeddus a hoffent gyfarch y Pwyllgor yn Gymraeg neu Saesneg.

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd y ffrydio byw yn dod i ben pan fydd unrhyw eitemau cyfrinachol yn cael eu hystyried. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

Os oes gennych unrhyw ymholiadau, cysylltwch ag aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

## R H A G L E N

1 YMDDIHEURIADAU

2 DATGAN CYSYLLTIAD

3 SYLWADAU HWYR

4 COFNODION (Tudalennau 3 - 6)

**Pwrpas:** I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 10 Ionawr 2024.

5 EITEMAU I'W GOHIRIO

6 MAE ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI)

**Pwrpas:** Mae adroddiad y Prif Swyddog (Cynllunio, Amgylchedd ac Economi) yn amgaeedig.

### ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI) AR GYFER Y PYLLGOR CYNLLUNIO 7 CHWEFROR 2024

Rhif yr eitem	Cyfeirnod y Ffeil	DISGRIFIAD
<b>Ceisiadau sy'n cael eu hadrodd er penderfyniad (C = Cymeradwyaeth, G = Gwrthod)</b>		
6.1	059739 - C	Cais amlinellol - Codi cyfleuster gofal ychwanegol gyda 75 i 90 gwely i gynnwys cyfleusterau cymunedol a 12 byngalo a gwaith ategol yn Precinct Way, Bwcle (Tudalennau 7 - 22)
6.2	FUL/000004/23 - C	Cais llawn - Addasu adeilad presennol i ffurfio 7 rhandai/tai tref, pedwar rhandai wedi'u hadeiladu o'r newydd a 2 annedd ar wahân a byngalo wedi'i addasu, gyda ffyrdd ategol a gwaith draenio yn Sefydliad Gronant, Ffordd Llanasa, Gronant (Tudalennau 23 - 40)

**Sylwch y gall fod 10 munud o egwyl yn y cyfarfod hwn os yw'n para fwy na dwy awr**

# Eitem ar gyfer y Rhaglen 4

## **PLANNING COMMITTEE** **10 JANUARY 2024**

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 10 January 2024

### **PRESENT: Councillor Richard Lloyd (Chair)**

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

**APOLOGIES:** Councillors: Mike Allport and Gladys Healey

**ALSO PRESENT:** The following attended as Local Members:

Councillors Glyn Banks and Gina Maddison - agenda item 6.1 (FUL/000246/23)

**IN ATTENDANCE:** Chief Officer (Planning, Environment & Economy), Service Manager - Strategy, Service Manager - Development, Senior Engineer - Highways Development Control, Minerals & Waste Planning Manager, Senior Planning Officer (Minerals and Waste), Solicitor and Democratic Services Officers

#### **44. DECLARATIONS OF INTEREST**

None.

#### **45. LATE OBSERVATIONS**

None.

#### **46. MINUTES**

The minutes of the meeting held on 13 December 2023 were confirmed as a correct record, as moved and seconded by Councillors Dave Hughes and Mike Peers.

### **RESOLVED:**

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

#### **47. ITEMS TO BE DEFERRED**

There were no items recommended for deferral.

#### **48. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

### **RESOLVED:**

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

**49. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

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

(The meeting started at 2pm and ended at 3.55pm)

.....  
**Chair**

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

**PLANNING COMMITTEE ON 10 JANUARY 2024**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
<p>FUL/000246/23</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Tudalen 5</p>	<p>Llanasa Community Council</p>	<p>Full application - Retention and use of existing structures, plant and ancillary development (including access roadway and landscaping) forming the Point of Ayr gas terminal for the transport of carbon dioxide and the demolition/removal of redundant structures at the terminal; construction and use of new infrastructure required for carbon dioxide service at the Point of Ayr gas terminal; retention and use of the existing 20 inch diameter gas pipeline, condensate pipes and associated cables from the Point of Ayr gas terminal to the Mean Low Water Spring Mark for the transport of carbon dioxide and associated activities; removal of the shut down valve compound associated with the existing 20 inch diameter gas pipeline from the Point of Ayr gas terminal to the Mean Low Water Spring mark and appropriate restoration/</p>	<p>Andrew Gwenter (Applicant) spoke in support of the application.</p> <p>Councillor Glyn Banks (Local Member) raised some issues on the application.</p>	<p>That in accordance with the officer recommendation, planning permission be granted subject to the Section 106 Legal Agreement and conditions set out in the report.</p>

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
Tudalen 6 UL/000633/23		remediation; construction and use of two 33kV electricity and fibre optic connections from Point of Ayr gas terminal to the Mean Low Water Spring mark; and construction and use of two kiosks and associated fenced compounds located on the line of the proposed 33kv electricity and fibre optic connections		
	Halkyn Community Council  Brynford Community Council  Flint Town Council  Ysceifiog Community Council	Full application - Construction and operation of the three Block Valve Stations (BVS) at Cornist Lane near Flint, Pentre Halkyn and land off Racecourse lane, Babel, Flintshire in connection with the with Hynet carbon dioxide pipeline proposal	A statement was read out on behalf of Geoff Saynor (Resident) against the application.  Andrew Gwenter (Applicant) spoke in support of the application.	That in accordance with the officer recommendation, planning permission be granted subject to the conditions set out in the report.

# Eitem ar gyfer y Rhaglen 6.1

## 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:** **21<sup>ST</sup> 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. The submission of reserved matters shall include a Staff Travel Plan
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.

### **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 condition and Legal agreement

**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

**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 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 EN15: Water Resources
- Policy EN18: Pollution and Nuisance

#### Supplementary Planning Guidance

SPGN 11: Parking Standards

#### National Policy

Future Wales- The National Plan 2040

Planning Policy Wales 11

### **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.

#### Principle of Development

- 7.08 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.

7.17 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.

7.18 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.

7.19

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.”*

7.20

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.

7.21

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.

7.22

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.

7.23

#### 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

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.

7.26

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.

7.27

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.

7.28

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

7.29



## 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.

7.30

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.

7.31

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.

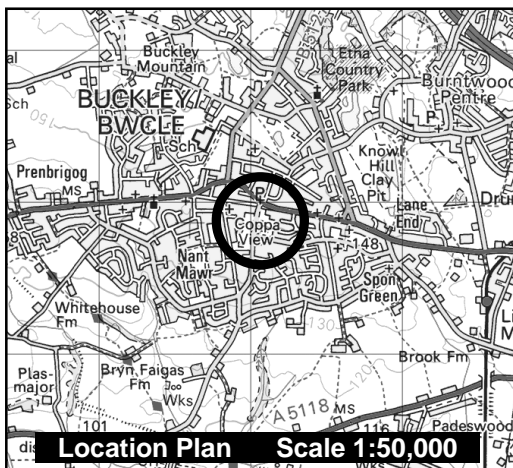
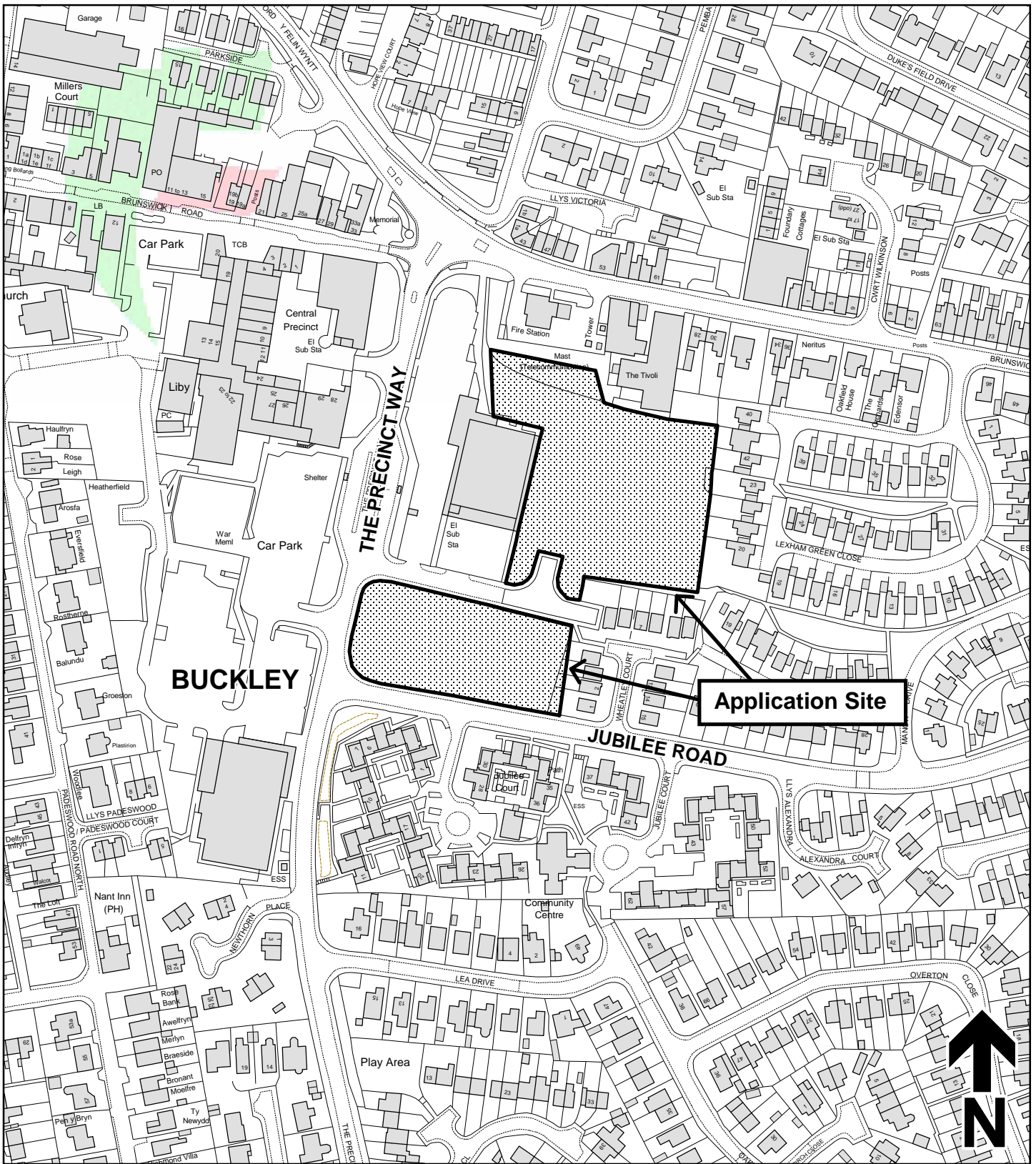
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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](mailto:james.beattie@flintshire.gov.uk)



Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

### Legend



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Flintshire County Council, 2019.

Map Scale 1:2500

OS Map ref SJ 2863

Planning Application **59739**

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6.2

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **7<sup>TH</sup> FEBRUARY 2024.**

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

**SUBJECT:** **FULL APPLICATION – CONVERSION OF FORMER GRONANT INSTITUTE INTO 7 NO TOWNHOUSES /APARTMENTS WITH EXTENSION TO FORM 4 ADDITIONAL APARTMENTS, AND ASSOCIATED NEW BUILD RESIDENTIAL DEVELOPMENT OF 2 NO DWELLINGS AND ADAPTED BUNGALOW WITHIN THE SITE CURTILAGE**

**APPLICATION NUMBER:** **FUL/00004/23**

**APPLICANT:** **EMW DEVELOPMENTS**

**SITE:** **GRONANT INSTITUTE, LLANASA ROAD, GRONANT**

**APPLICATION VALID DATE:** **6/1/23**

**LOCAL MEMBERS:** **COUNCILLOR G BANKS**  
**COUNCILLOR G MADDISON.**

**TOWN/COMMUNITY COUNCIL:** **LLANASA COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST GIVEN HIGHWAY CONCERNS**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

1.01 This full application proposes the conversion of the former (now vacant) Gronant Institute, Llanasa Road, Gronant into 7 No townhouses/ apartments with the associated extension of the building to provide an additional 4 No apartments and redevelopment of the site by way of new build for residential development including 2 No detached dwellings and an adapted bungalow. Amended plans have

been received in progression of the application on which further consultation has been undertaken.

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

2.01 That conditional planning permission be granted subject to the applicant entering into, a Section 106 Obligation / Unilateral Undertaking to secure the following: -

- a) The provision of 15% affordable housing within the development for intermediate rental
- b) the payment of a leisure commuted sum of £11,363, the monies being used to enhance teenager play provision at Gronant Play Area and
- c) the establishment of a management company to secure the management and maintenance of internal roads and footways.

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

Conditions

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents:
  - AMENDED Application Forms
  - Block and Location Plan 22-OTH 029 -PL01
  - AMENDED Proposed Site Plan 22-OTH 029 – PL04A
  - AMENDED Proposed Ground / Lower Ground Plans (Former Institute) 22-OTH 029- PL05A
  - AMENDED Proposed First/ Second Floor Plan (Former Institute) 22-OTH 029 PL06A
  - AMENDED Proposed Elevations (Former Institute) 22-OTH 029 PL07A
  - AMENDED Proposed Elevations / Floor Plans (Dwellings Plots 1 & 2) 22-OTH 029 PL08 B
  - AMENDED Proposed Elevations (Former Institute) 22-OTH 029 PL09A
  - AMENDED Proposed Elevations / Floor Plans (Plot 3 – Adapted Bungalow) 22-OTH 029 - PL10A

- Protected Species Survey
  - Highway Statement
  - Phase II Ground Investigation Report GSL3000R02
  - Remediation Strategy GSL 3000RS.
- 3 No development on the construction of the external walls and roofs of the new build extension and dwellings hereby permitted shall take place, until samples of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
  - 4 Facilities shall be provided and retained within the site for the loading, unloading, parking, and turning of vehicles. Such facilities being completed prior to the proposed development being brought into use.
  - 5 Positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority prior to the commencement of any site works.
  - 6 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. The approved Construction Management Plan shall provide details of:
    - i. Contact names and numbers of personnel responsible for adherence and monitoring the plan.
    - ii. Contact name(s)/number(s) for any site related enquiries, including out of hours times.
    - iii. Anticipated duration of the works
    - iv. Typical working days and hours of the week
    - v. Proposed signage types and locations.
    - vi. Position of any temporary gates – preferably set-back 12m to allow a delivery vehicle to park/wait.
    - vii. The access and egress route with appropriate traffic monitoring to control traffic movements.
    - viii. Measures to avoid depositing mud, dust, or other debris onto the highway by traffic movements
    - ix. The timing of deliveries and main construction traffic arrivals and departures to avoid periods such as school arrival/leaving times.
    - x. Site notices informing construction workers and other site operatives of agreed working hours
    - xi. The parking of vehicles of site operatives and visitors
    - xii. Loading and unloading of plant and materials.
    - xiii. Storage of plant and materials used in constructing the development.

- xiv. Measures to control the emissions of dust and dirt during construction.
  - xv A scheme for re-cycling/disposing of waste resulting from construction works.
- 7 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul and surface water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.
- 8 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.
- 9 No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
- a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection during the course of development
  - b) proposed new trees, hedgerows, shrubs, or vegetation, including confirmation of species, numbers and location and the proposed timing of the planting
  - c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas
  - d) proposed earthworks, grading and the mounding of land and changes in levels, final contours, and the relationship of proposed mounding to existing vegetation and surrounding landform
  - e) proposed positions, design, materials, and type of boundary treatment.
- 10 All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five years of the time of planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 11 Notwithstanding the provisions of Class A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General



Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by the said classes shall be carried out without a further grant of a planning permission of the Local Planning Authority.

12 No development shall commence until a scheme of biodiversity net benefit to incorporate replacement nesting /feeding places for bats and birds has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with a timetable to be approved in accordance with the approved details or any agreed variation therefrom.

13 No dwelling shall be occupied until a contaminated land verification report demonstrating completion and the effectiveness of the remediation works on that part of the site to which it relates, has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

### **3.00 CONSULTATIONS**

#### **3.01 Local Members**

**Councillor G Banks:** Request site visit and Planning Committee determination to assess the adequacy of the access to serve the proposed development.

**Councillor G Maddison:** Request site visit and Planning Committee determination to assess the adequacy of the access to serve the proposed development.

**Llanasa Community Council:** Submitted objections on behalf of residents. The Community Council has received many objections from residents based on the limited access to and from the site, and vehicle parking for and around the site.

- The access road to this site is only as wide as a single vehicle with no footpaths on either side. Residents believe emergency vehicles and re-cycling lorries would be unable to gain access to and from the site.

- construction vehicles would encounter difficulties gaining access to and from the site. It is believed Maes- y-Dre is not equipped to cope effectively with the increase in traffic relating to fourteen new dwellings.
- The junction of Maes-y-Dre and Nant-y-Crai Lane is considered dangerous as visibility is poor and there is only one small footpath.
- Parking throughout the village of Gronant is a constant problem, mainly due to the lack of footpaths, especially at the lower end of the village near the junction of Llanasa Road and Nant-y-Crai Lane.
- Councillors would like details of how amenities will get to and away from the site. Councillors referred to the front wall fronting Llanasa Road which collapsed recently, and pointed out that other areas of this wall are now showing signs of movement.
- Residents have disputed claims on how busy the Institute building was, pointing out that it would not have closed if these claims were accurate.
- Council has been advised that the lane at the rear of Maes-y-Dre is an unadopted road, and Flintshire County Council has advised in the response to the pre-application submission that the area is privately owned. Council also understands that the Highways department has raised the access issues.

**Highway Development Control :** No objection subject to i) the applicant /developer entering into a legal obligation to secure the formation of a management company to ensure the future maintenance of internal roads and footways and ii) the imposition of conditions to secure the provision of adequate facilities for the parking, unloading, and turning of vehicles, the control of surface water run-off and the requirement for the submission and approval of a Construction Traffic Management Plan (CMTP)

**Community and Business Protection:** No adverse comments

**Welsh Water/Dwr Cymru:** Confirm that adequate capacity exists within the existing public sewerage system to receive domestic foul flows only from the proposed development site. Recommend that a drainage strategy for the site be conditioned and implemented in full.

**Capital Projects & Planning:** Do not intend to seek a developer contribution for Primary / Secondary School places, as adequate capacity exists to serve the scale of development proposed.

**Housing Strategy:** Policy HN3 of the Flintshire Local Development Plan requires the provision of 15% affordable dwellings to be provided as part of the development. The applicant proposes that 2 No of the 2 -bedroom townhouses be secured for private

intermediate rent. This is considered acceptable having regard to the identified affordable housing need for such properties within Gronant, subject to the developer entering into a legal obligation to i) set the rental values in line with those being charged by a regulated organisation in the locality, and ii) ensuring that the developer works with existing housing providers to identify / prioritise occupation, by those persons registered for affordable rent.

**Leisure Services (AURA):** Request an off-site leisure commuted sum payment of £1100 per dwelling and £733 per apartment, in lieu of on-site recreational provision. The monies would be used to improve teenage provision at Gronant Play Area.

**Natural Resources Wales:** No objection

**Council Ecologist:** No objection. Support the conclusions of the ecological report submitted, subject to the imposition of a condition securing biodiversity enhancement to include appropriate bat /bird mitigation.

**Contaminated Land Officer:** Following the submission of a Phase II Ground Investigation Report and Remediation Strategy, raise no objection subject to the imposition of a condition requiring verification that the approved remediation has been undertaken during the development.

**The Coal Authority:** No observations

**Built Heritage Officer:** Confirm following the receipt of amended plans that the scheme is acceptable and sympathetic to the existing building and wider surroundings.

**Clwydian Range Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee:** No objection in principle subject to the imposition of conditions in respect of landscaping, boundary treatment and removal of permitted development rights.

#### **4.00 PUBLICITY**

4.01 Neighbour Notifications were sent to 68 neighbouring and nearby properties. The application was also publicised by way of a Site Notice displayed at the site and a Press Notice.

89 No letters of objection with petition signed by 91 signatories have received, and the objections are summarised as follows:

- 1 Inadequacy of access /parking to serve the proposed development.

- 2 Do not consider that the former Institute was heavily used to justify acceptability for the proposed development from a highway perspective.
- 3 Detrimental impact on the living conditions of occupiers of existing residents by way of overlooking.

## **5.00 SITE HISTORY**

5.01 No relevant site history.

## **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan (LDP)  
STR1 – Provision of Sustainable Housing Sites  
STR2 – The Location of Development  
STR4 – Principles of Sustainable Development, Design and Placemaking  
STR5 – Transport and Accessibility  
STR6 – Services, Facilities, and Infrastructure  
STR13 – Natural and Built Environment, Green Networks, and Infrastructure  
PC1 – The Relationship of Development to Settlement Boundaries  
PC2 – General Requirements for Development  
PC3 – Design  
PC4 – Sustainability and Resilience of New Development  
PC5 – Transport and Accessibility  
PC12 – Community Facilities  
HN2 – Density and Mix of Development  
HN3 – Affordable Housing  
EN5 – Area of Outstanding Natural Beauty  
EN6 – Sites of Biodiversity Importance  
EN8 – Built Historic Environment and Listed Buildings.  
EN15 – Water Resources  
EN16 – Development on or near Landfill Sites or Derelict and Contaminated Land.  
EN18 – Pollution and Nuisance

### Supplementary Planning Guidance Notes (SPGN)

SPGN2 – Space Around Dwellings  
SPGN3 – Landscaping  
SPGN8 – Nature Conservation and Development  
SPGN9 – Affordable Housing  
SPGN11 – Parking Standards.  
SPGN13 – Outdoor Play Space (Under Review)

National Planning Policy / Guidance  
Planning Policy Wales (PPW)

The National Plan Wales 2020-2040  
Technical Advice Note 2 – Planning & Affordable Housing  
Technical Advice Note 5 – Nature Conservation and Planning  
Technical Advice Note 6 – Planning for Sustainable Rural  
Communities  
Technical Advice Note 12 – Design  
Technical Advice Note 18 – Transport  
Technical Advice Note 24 – The Historic Environment.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

The site the subject of this application comprises that of the former (now vacant), Gronant Institute and its associated curtilage which is located on the south -western fringe of Gronant. The site which amounts to approximately 0.4 hectares in area is located in an elevated position to the south of Llanasa Road near to its junction with Gronant Hill. The existing site is framed along this frontage by castellated stone walls which provide pedestrian access to the existing parking area.

7.02 The site is located within the settlement boundary of Gronant as defined in the Flintshire Local Development Plan (LDP). It is also adjacent to the Clwydian Range Area of Outstanding Natural Beauty (AONB). Although not statutorily listed the former Gronant Institute is a community building of significant heritage value.

### **Proposed Development**

7.03 The amended plans submitted in progression of this application propose:

- a) the conversion of the former Institute building into a total of 7 No apartments/ townhouses. It is proposed that 5 No townhouses be created over 3 floors each having an independent access and staircase. The 2 No apartments would be formed over 2 floors.
- b) erection of a stepped link extension measuring approximately 13m x 10m x 10m (high) to the west of the existing building to form an additional 4 No apartments. Given the site levels at this location the ridge height of the proposed extension would be approximately 2.8m lower than that of the existing building.
- c) the erection of 2 No detached two-storey dwellings and an adapted bungalow in the north-west of the site, these being at 90 degrees to the existing building and parallel to the site's western boundary.

7.04 It is proposed that both the extension and new build dwellings would be constructed having rendered external walls and clay roof tiles to match the roof of the existing building. Direct vehicular access into the site to serve the proposed development is as currently exists from Nant y Crai Lane.

7.05 Main Planning Considerations

The main considerations to be addressed in determination of this application include: -

- i) Principle of Development
- ii) Loss of Community Facility
- iii) Scale / Form /Design
- iv) Adequacy of Access
- v) Impact on Living Conditions
- vi) Affordable Housing Provision
- vii) Leisure Contributions
- viii) Land Contamination
- ix) Ecology

These issues are addressed in further detail below.

7.06 Principle of Development

The site is located within the settlement boundary of Gronant, which is classified as a Tier 3 Sustainable Settlement as defined in the Flintshire Local Development Plan (LDP). Policy STR2 permits windfall housing development within Tier 3 settlements and such windfall development will contribute to the plan's overall provision. The principle of residential development for both general and affordable housing needs at this location, is considered acceptable subject to the safeguarding of relevant development management considerations.

7.07 Loss of Community Facility

A settlement audit was carried out in 2014, as part of the evidence base for the LDP, which identified at that time the Gronant Institute as being closed with the building being in a poor state of repair, although between 2014 - 2021, it appears that the building had been used on limited occasions. The building since this period remains vacant, and in these circumstances and recognising the buildings historic value, the principle of securing a suitable alternative re-use of the building is supported having regard to Policies PC2, PC12 and EN8 of the LDP.

7.08 Scale /Form/Design

Following consultation with the Council's Built Heritage Officer, amended plans were received during the assessment which seek to i) improve in design terms the proposed scheme of conversion of the former Institute and ii) improve the visual inter-relationship between the existing building and new residential development and iii) change the construction materials of the proposed new build units. As a result, it is my view that these changes can be supported, having regard to Policies PC3 and EN8 of the LDP.

- 7.09 The proposed density of development would be approximately 35 dwellings per hectare (dph), this being above the minimum density of 30 dph which Policy HN2 of the LDP seeks to secure on sites of 10 or more units.
- 7.10 Whilst it is acknowledged that individual circumstances may vary on whether 30dph is acceptable according to the site location and character of the area it is considered that the 35dph as proposed is acceptable in the context of i) the need to ensure a suitable alternative re-use of the former Institute and ii) the density of existing development in proximity to the site which is set at approximately 30dph. In addition, the scheme would involve the formation of apartments which by their nature result in a higher density.
- 7.11 As the rear elevation of the former Gronant Institute is within 6m of the site's southern boundary, the opportunity to increase the depth of proposed garden areas to the rear does not exist. This boundary however lies adjacent to open countryside there being no development impacted by the proposal. Whilst it is proposed to provide approximately 140m<sup>2</sup> of private amenity space to the rear for use in connection with the proposed conversion principally for use by the occupiers of the proposed townhouses, to supplement this it is also intended to provide within the site a further 410m<sup>2</sup> of communal amenity space. This is considered acceptable from both a functional and visual perspective helping to frame and assimilate the development into the site and wider surroundings having regard to SPGN2 – Space Around Dwellings.
- 7.12 Adequacy of Access  
The concerns /objection received in connection with the adequacy of the access to serve the development are noted. Consultation on the application has been undertaken with Highways Development Control, who in recognising the sites historic usage raise no objection to the principle of development. It is also important to note that the building could be used for other uses falling within a D1 class without requiring planning permission which could lead to a further increase in traffic generation.
- 7.13 It is however recommended that in the event of planning permission being granted that firstly, the applicant /developer enters into a legal obligation to secure the future management and maintenance of internal roads and footways and secondly conditions be imposed in respect of parking /turning, run off of surface water onto the highway and the submission and approval of a Construction Traffic Management Plan (CTMP)
- 7.14 Impact on Living Conditions  
It is important in considering this application to seek to ensure that the living conditions of the occupiers of the proposed dwellings and those located in proximity to the site are safeguarded.

- 7.15 The eastern gable of the former Institute building is sited approximately 37m to the west of existing properties at 16-20 Nant y Crai, with the sites northern boundary being within approximately 20m of existing properties, The Gables and Byways located on the north side of the junction of Gronant Hill with Gronant Road. It is also important to note that the new build elements proposed, are sited to the west and north-west of the former institute building. As a result, the adapted bungalow would be sited approximately 22m to the south of the Gables and Byways, the closest detached 2 storey dwelling approximately 65m to the north-east of the existing dwellings at Nant y Crai, there being no direct interface relationship between the existing and proposed dwellings. The development is therefore considered acceptable having regard to SPGN2 – Space Around Dwellings, there being no detriment to the living conditions of the occupiers of the existing /proposed dwellings by way of overlooking.
- 7.16 Affordable Housing  
As referenced in Policy HN3 of the LDP there is a requirement for the new development to provide an element of affordable housing on all schemes of 10 units or more, this being 15%, given the sites location within the Flint and Coast submarket area.
- 7.17 The applicant proposes that this be provided through the private intermediate rent of 2 No of the proposed 2 bed townhouses. Whilst this is supported in consultation with Housing Strategy, recognising the affordable housing need identified within Gronant, for such properties, it will be necessary for the developer having regard to SPGN9 – Local Needs and Affordable Housing to enter into a legal obligation to:
- i) set the rental value in line with that charged by a regulated organisation on a similar size property in the locality
  - ii) ensure that the developer works with Affordable Housing providers to identify/ prioritise initial and subsequent occupation of the units by those registered within Gronant for housing need.
- 7.18 Leisure Contributions  
Consultation on the application has been undertaken with Leisure Services (AURA) who have requested a leisure commuted sum payment of £1100 per dwelling and £733 per apartment (Total £11,363), the monies being used to enhance teenager leisure provision at Gronant Play Area.
- 7.19 The commuted sum payment as requested can be secured through the completion of a legal obligation requiring payment on 25% occupation of the proposed dwellings.
- 7.20 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement must be



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

- 7.21 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.
- 7.22 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure.
- 7.23 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.
- 7.24 Members are advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into in respect of the leisure contribution requested, and that on application of the tests set out above the contributions would satisfy these requirements.
- 7.25 Land Contamination  
A Phase 2 Land Contamination Report and accompanying Remediation Strategy has been submitted in progression of the application recognising the site is within an area where lead has been mined extensively in the past and where elevated levels of lead and heavy metals may be found in superficial soils.
- 7.26 Consultation on the reports has been undertaken with the Council's Contaminated Land Officer who raises n objection subject to verification during the course of development, that the approved remediation has been undertaken. This it is considered can be secured by condition.
- 7.27 Ecology  
Consultation on the application has been undertaken with Natural Resources Wales (NRW) and Council Ecologist who both raise no objection to the development having regard to the conclusions of the Ecological Appraisal submitted as part of the application.

- 7.28 The Ecological Appraisal has assessed the potential impact of development on protected species, including bats and birds which confirms that no evidence of the presence of bats has been found within the existing building, although nesting birds have been utilising the front gable elevation.
- 7.29 As most buildings offer potential for over-wintering and seasonal occupancy by bats, it is considered that a precautionary approach is adopted for the provision of replacement of nesting habitat for bats and birds during construction works.
- 7.30 In addition, and 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. The Welsh Ministers have made this guidance operational with immediate effect.
- 7.31 The application is well supported with regard to the approach to sensitively control the impact on protected species, but there is a requirement for this to be supplemented for biodiversity net benefit in compliance with the advice within PPW11 as well as policy EN6 of the LDP. This together with recommended replacement nesting habitat can be secured through imposition of the condition.

## **8.00 CONCLUSION**

The proposed residential development represents an appropriate re-use of an existing building and development of the site, that is located within the settlement boundary of Gronant.

The proposal is in accord with the relevant development plan policies within the Flintshire Local Development Plan, there being no objection from a housing strategy, highway, ecological or land contamination perspective subject to the completion of a legal obligation and imposition of planning conditions, as referenced in Paragraph 2.01 of this report. It is therefore recommended accordingly.

## **8.01 Other Considerations**

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

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

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

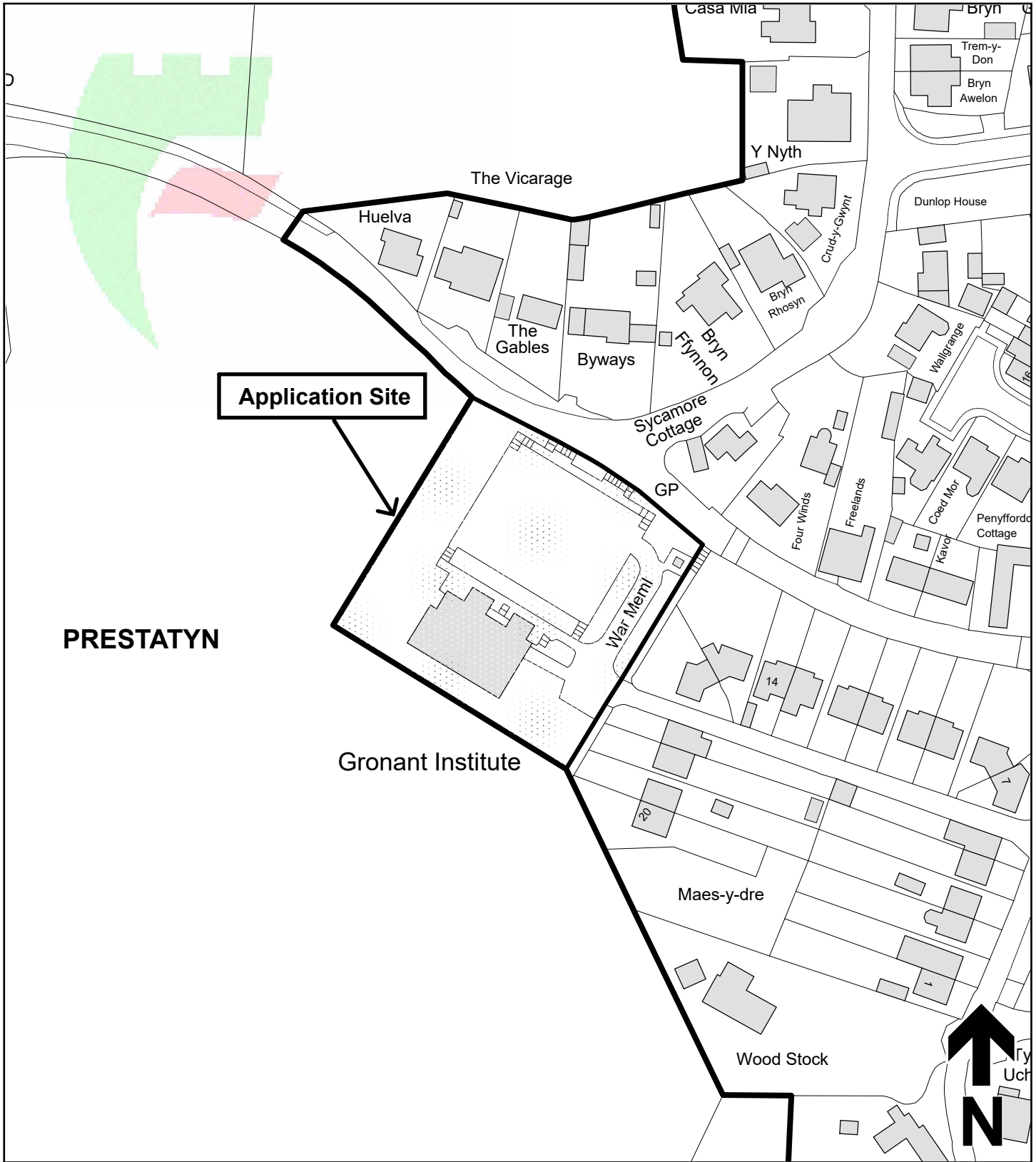
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Robert Mark Harris  
**Telephone:** 01352 703269  
**Email:** [Robert.M.Harris@flintshire.gov.uk](mailto:Robert.M.Harris@flintshire.gov.uk)

Mae'r dudalen hon yn wag yn bwrpasol



**PRESTATYN**

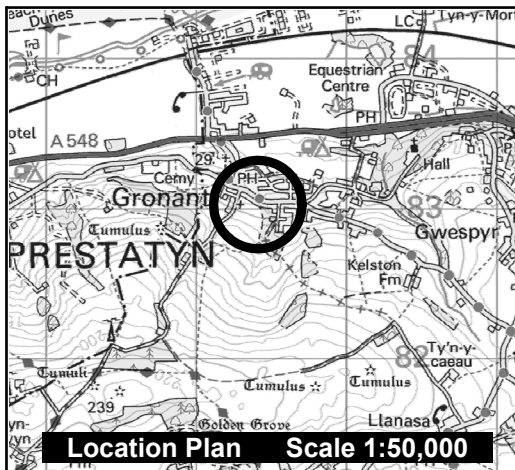
**Gronant Institute**

**Maes-y-dre**

**Wood Stock**



**Application Site**



Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale: 1:1250

OS Map: SJ 0983

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