

Pecyn Dogfen Gyhoeddus

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



CS/NG

Dydd Iau, 19 Medi 2024

Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

At: Cyng Richard Lloyd (Cadeirydd)

Aelodau y Pwyllgor Cynllunio

Annwyl Syr / Fadam

RHYBUDD O GYFARFOD HYBRID
PWYLLGOR CYNLLUNIO
DYDD MERCHER, 25AIN MEDI, 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)

I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 4 Medi 2024

5 EITEMAU I'W GOHIRIO

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

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

ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI) AR GYFER Y PYLLGOR CYNLLUNIO 25 MEDI 2024.

Rhif yr eitem	Cyfeirnod y Ffeil	DISGRIFIAD
<u>Ceisiadau sy'n cael eu hadrodd er penderfyniad (C = Cymeradwyaeth, G = Gwrthod)</u>		
6.1	FUL/000826/23	FUL/000826/23 - C - Cais llawn - codi 159 o anheddau, adeiladu mynedfa newydd i gerbydau, tirlunio a gwaith cysylltiedig ar dir i'r gogledd o Stryd y Ffynnon, Bwcle (Tudalennau 7 - 32)
6.2	FUL/000209/24	FUL/000209/24 - C - Cais llawn - ailddatblygu safle'r hen westy i greu pedwar o unedau bwyd a manwerthu yn nosbarthiadau A1 a A3 ynghyd â thirlunio, lleoedd parcio ac arwyddion yn hen westy Gateway to Wales, Welsh Road, Garden City, Glannau Dyfrdwy (Tudalennau 33 - 58)
6.3	FUL/000497/24	FUL/000497/24 - C - Cais llawn - estyniad ar y llawr gwaelod yng nghefn y t? i greu cegin newydd, ehangu ystafell fyw, gosod ystafell gawod ar y llawr gwaelod a thoiled ar wahân i gynorthwyo ag anabledd yn Burton House, Church Hill, Cei Connah, Glannau Dyfrdwy (Tudalennau 59 - 66)

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 **4 SEPTEMBER 2024**

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 4 September 2024.

PRESENT: Councillor Richard Lloyd (Chair)

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

APOLOGIES: Councillors: Paul Cunningham, Rob Davies, Gladys Healey

IN ATTENDANCE:

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

14. DECLARATIONS OF INTEREST

Councillor Chris Bithell declared a personal interest in agenda item no. 6.3. as a member of Mold Town Council

15. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated prior to the meeting and were appended to the agenda item on the Council's website:

<https://committeemeetings.flintshire.gov.uk/documents/s83359/Late%20Obs%20-%204th%20Sept%202024.pdf?LLL=0>

16. MINUTES

The minutes of the meeting held on 17 July 2024 were confirmed as a correct record, as moved and seconded by Councillors Chris Bithell and Paul Johnson.

RESOLVED:

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

17. ITEMS TO BE DEFERRED

There were no items recommended for deferral.

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

RESOLVED:

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

19. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

(The meeting started at 1pm and ended at 2.41 pm)

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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 4 SEPTEMBER 2024

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
OUT/000470/23 – RMH	Flint Town Council	Outline application - erection of up to 17 No. dwellings with associated works at Tan Y Bryn, Bryn Road, Flint	Pete Lloyd (Agent) spoke in support of the application. Vic Davies (Resident) spoke against the application. A Statement was read out on behalf of Cllr Michelle Perfect against the application.	Approved in accordance with the Officer's Recommendation subject to the conditions set out in the report and in the Late Observations.
UL/000337/24 RMH	Shotton Town Council	Full application - Change of use to 5-bedroom, 6-person HMO at 13, Rowden Street, Shotton, Deeside	A Statement was read out on behalf of Cllr Sean Bibby against the application.	Refused contrary to Officer Recommendation on the following ground(s): Overdevelopment Proliferation of HMO's in Rowden Street and surrounding areas resulting in detrimental impact on the living conditions of nearby residential properties

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ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
FUL/000451/24 – SC	Mold Town Council	Vary/Remove Condition - Application for variation of condition no.10 attached to Planning Permission ref : FUL/000498/22 at KFC, Chester Road, Mold	Cllr Sarah Taylor read out a statement from Mold Town Council against the application.	Refused contrary to Officer Recommendation on the following ground(s): Detrimental impact on the living conditions of nearby residential properties

Eitem ar gyfer y Rhaglen 6.1

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

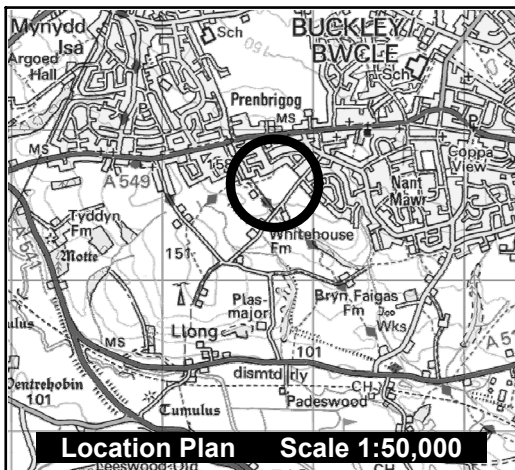
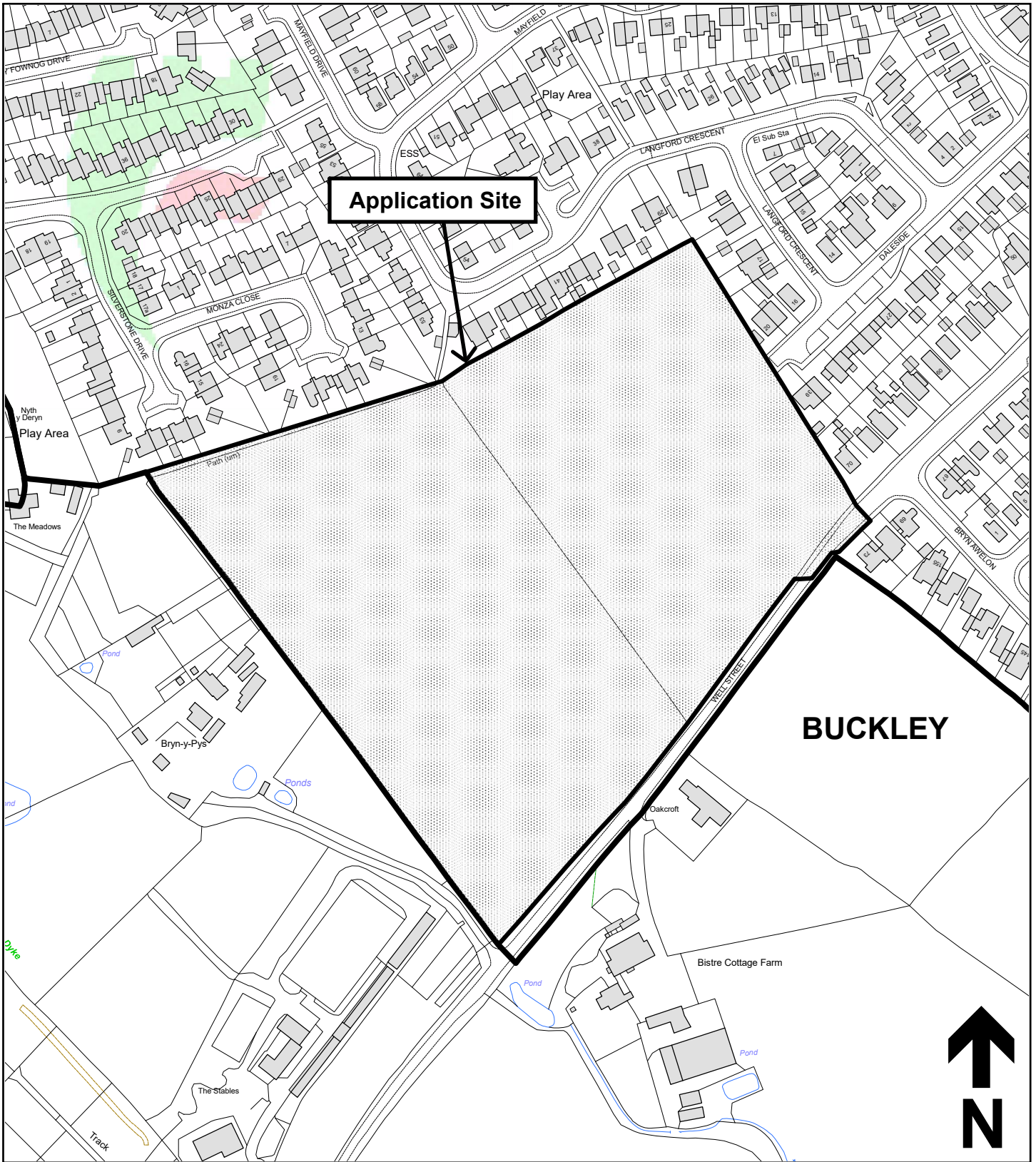
National & Local Planning Policy


Responses to Consultation

Responses to Publicity



Contact Officer: James Beattie
Telephone: 01352 703262
Email: james.beattie@flintshire.gov.uk

Mae'r dudalen hon yn wag yn bwrpasol




Sir y Fflint Flintshire COUNTY COUNCIL
 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

Tudalen 31

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Map Scale:	1:2500
OS Map:	SJ 2663
Application:	FUL/000826/23

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.2

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25th SEPTEMBER 2024**

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

SUBJECT: **FULL APPLICATION FOR THE PROPOSED REDEVELOPMENT OF THE FORMER HOTEL SITE TO PROVIDE 4 NO. FOOD AND RETAIL UNITS FALLING WITHIN USE CLASS A1 AND A3, TOGETHER WITH LANDSCAPING, CAR PARKING AND SITE SIGNAGE**

APPLICATION NUMBER: **FUL/000209/24**

APPLICANT: **VALEDOWN DEVELOPMENTS LTD**

SITE: **LAND AT THE FORMER GATEWAY TO WALES HOTEL, WELSH ROAD, GARDEN CITY**

APPLICATION VALID DATE: **2ND APRIL 2024**

LOCAL MEMBERS: **COUNCILLOR C.M. JONES**
COUNCILLOR D. SELVESTER

TOWN/COMMUNITY COUNCIL: **SEALAND**

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER DUE TO CONCERNS REGARDING HIGHWAY SAFETY AND FLOODING**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This a full planning application for the proposed redevelopment of the former Gateway to Wales Hotel site, Garden City, to provide 4 no. food and retail units with associated parking.

1.02 The schedule of development is listed below:

- Convenience Store (372sqm);
- Drive-Thru Coffee Shop (168sqm);
- Two Food Retail Units (Combined 260sqm).

1.03 Access to the site will be retained from the existing access arrangement from Welsh Road which will be improved. A total of 63 on-site car parking spaces will be provided, including six disabled spaces.

1.04 Members may recall that there was a previous submission on this site which was refused planning permission at planning committee on the 30th March 2022, contrary to officer recommendation due to concerns regarding HGV parking and the loss of parking spaces during deliveries. At the subsequent appeal the Inspector, in dismissing this reason for refusal and awarding costs, concluded that there was no likely conflict arising from delivery vehicles and access to car parking on the site as they would operate separately from one and another.

1.05 However, in relation to the Appeal and the issue of flood risk, despite the lack of objection from NRW, the Inspector concluded that the proposed development did not demonstrate compliance with TAN15 and the tests for less vulnerable development. Officers remain concerned at the interpretation of the policy context by the Inspector but it is a matter of judgement for the Council to apply what it considers to be relevant factors to justify this development in line with the tests in TAN15.

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

2.01 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:
 - Location Plan
 - Letter to NRW
 - Existing Site Plan - 19028-C4P-AV-ZZ-DR-A-0101_Rev._P1
 - Proposed Site Plan - 19028-C4P-AV-ZZ-DR-A-0501_Rev._P13
 - Ground Floor Plan - B1 Costa Coffee - 19028-C4P-B1-00-DR-A-2001_Rev._P1
 - Proposed Elevations - B1 Costa Coffee

- Proposed Ground Floor Plan - Retail Unit B3 & B4 - 19028-C4P-B3.4-00-DR-A-2001_Rev._P4
 - Proposed Ground Floor Plan - Unit B2 - 19028-C4P-B2-00-DR-A-2001_Rev._P4
 - Proposed North West Elevation - B1 Costa Coffee - 19028-C4P-B1-ZZ-DR-A-2102_Rev._P2
 - Proposed Elevations - Retail Units B3 & B4 - 19028-C4P-B3.4-ZZ-DR-A-2101_Rev._P4.
 - Proposed Elevations - Unit B2 - 19028-C4P-B2-ZZ-DR-A-2101_Rev._P5.
 - Proposed Site Signage - 19028-C4P-AV-ZZ-DR-A-7801_Rev._P3_Sheet_1.
 - Proposed Site Signage - 19028-C4P-AV-ZZ-DR-A-7802_Rev._P5
 - Proposed Side Totem Sign Details - 19028-C4P-AV-ZZ-DR-A-7800_Rev._P3
 - Costa Coffee Drive Thru
 - Vehicle Tracking - 19028-C4P-AV-ZZ-DR-A-0903_Rev._P4
 - AADT
 - Survey Data Comparison
 - Classified Junction Count - All Sites
 - Drainage Intent - 20-5154-500
 - Drainage Strategy
 - Flood Consequence Assessment
 - Ground Investigation Report
 - Ecological Survey & Assessment
 - Design & Access Statement
 - Transport Statement
3. Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
- Details of the siting and type of external lighting to be used
 - Drawings setting out light spillage in key sensitive areas
 - External lighting/internal light spillage assessment and plans that are compliant with the provisions of the Lighting Professionals and Bat Conservation Trust: Guidance Note 08/23: Bats and Artificial Lighting at Night.
 - Light modelling images to present the night time effects of lighting on building elevations and ground surfaces from key viewpoints
 - Details of lighting to be use both during construction and operation phase

The lighting shall be installed and retained as approved during construction and operation.

4. Prior to the occupation or operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.
5. Prior to the occupation or operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:
 - Details of the methods and triggers for action to be taken
 - Timescale for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
 - Timescales for submission of monitoring reports to the LPA e.g. annually
 - Details of any necessary contingency and remedial actions and timescales for actions
 - Details confirming that the contingency and remedial actions have been carried out.
 - The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.
6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.
7. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of

the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

8. The siting, layout and design of the means of site access 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.
9. The forming and construction of the means of site access shall not commence unless and until the detailed design thereof has been submitted to and approved by the Local Planning Authority.
10. The proposed access shall be provided with minimum visibility splays of 2.4m x 35.7m to the right on exit and 2.4x 40.2m to the left on exit measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and/or Highway Authority and within which there shall be no significant obstruction to visibility.
11. The stated visibility splays at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
12. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with the submitted scheme, such facilities being completed prior to the proposed development being brought into use.
13. 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.
14. 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
15. Prior to the occupation of the first unit, a Service/Delivery Management Plan shall be submitted to the Local Planning Authority for approval.
16. Prior to construction activities beginning on site the applicant must submit details for the Costa pole sign adjacent the A494 Trunk Road, including post, foundation and wind loading

calculations, to be agreed with the Planning Authority in consultation with the Welsh Government.

17. Within 12 months of the development being brought into use the applicant, if requested by the Welsh Government, must undertake an updated capacity assessment of Drome Corner roundabout. Any re-validation of the traffic signals or offsite mitigation is to be carried at the Developer's expense.

3.00 CONSULTATIONS

3.01 Local Member – Councillor CM Jones

Raises concerns with the impact on highway safety due to the access arrangements and increase in traffic. In addition, also raises concerns with potential flood risk. Requests that the application be determined at planning committee.

Sealand Community Council

The Community Council repeat their objections to the previous submission on this site (062863) namely:

- The proposal may increase traffic flows leading to a potential safety problem with the nearness of the roundabout and bus stop

Community and Business Protection

No objections received

Highways Development Control

No objection subject to the imposition of conditions:

- Siting, Layout and Design of Access
- Detailed design of Access
- Visibility Splays – 2.4m x 35.7m right of exit and 2.4m x 40.2m left of exit
- No obstruction to visibility and to be retained
- Facilities for the loading, unloading, parking and turning of Vehicles
- Prevent surface water run-off onto highway
- Construction Traffic Management Plan
- Prior to occupation, submit Service/Delivery Management Plan

Welsh Government – Highways Authority

No objection subject to the imposition of conditions:

- Details of Costa Coffee pole sign adjacent A494 to be submitted

- Undertake Capacity Assessment of Drone Corner Roundabout within 12 months of permission

Welsh Water/Dwr Cymru

No objection but the applicant is advised with regards to the location of DC/WW assets and the requirement for SAB approval for surface water drainage

Natural Resources Wales

No objection subject to the imposition of conditions:

- Contamination Verification Report
- Long term monitoring plan during construction of contaminated land
- Unsuspected contamination
- Surface water drainage
- Lighting scheme for the protection of bats

Airbus

Confirms no aerodrome safeguarding objection.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, and 35 Neighbour Notification letters posted

Two letters of objection received raising the following concerns:

- Non compliance with retail hierarchy and the potential impact of the proposed development on the deliverability of the district centre on the nearby Airfields site
- Drainage concerns
- Adequacy of proposed management condition with regards to deliveries
- Unsustainable location
- Flood risk
- Increase in traffic
- Noise and air pollution issues

5.00 SITE HISTORY

5.01 062863

Proposed Development consisting of 4 No. Class E(a) and E(b) food and retail units and associated car parking and signage.
Refused 21/04/2022. Dismissed on Appeal 31/08/2023

062202

Proposed development consisting of 4 No. food and retail units and associated car parking and signage.
Refused 05/03/2021

051951

Application for removal or variation of conditions 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 17 & 19 following grant of planning permission ref: 046298.
Refused 07/03/2015

043688

Construction of new entrance and internal alterations.
Approved 07/02/2008

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 STR7: Economic Development, Enterprise and Employment

Policy STR9: Retail Centres and Development

Policy STR13: Natural and Built Environment, Green Networks and Infrastructure

Policy STR14: Climate Change and Environmental Protection

Policy PC2: General Requirements for Development

Policy PC3: Design

Policy PC4: Sustainability and Resilience of New Development

Policy PC5: Transport and Accessibility

Policy PE7: Retail Hierarchy

Policy PE10: District and Local Centres

Policy EN14: Flood Risk

Policy EN16: Development on or near Landfill Sites or Derelict and Contaminated Land

Policy EN18: Pollution and Nuisance

Adopted Supplementary Planning Guidance Notes

SPGN No 11. Parking Standards

National Planning Policy

Planning Policy Wales Edition 12

Future Wales: The National Plan 2040

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the proposed redevelopment of the former Gateway to Wales Hotel site, Garden City, to provide 4 food and retail units with associated parking and signage.

7.02 Site Description

The application site extends for 0.51ha and is located within Garden

City. The site enjoys a prominent roadside location positioned between the A494 Trunk Road and the B4551, Welsh Road. The site is cleared and vacant following the demolition of the former Gateway to Wales Hotel, which was subject to fire damage in 2017. The site has an existing access off Welsh Road, and is neighboured by predominantly residential development.

7.03 Proposed Development

The proposed development comprises the redevelopment of the former hotel site to provide 4 food and retail units falling within use class A1 and A3, together with landscaping, car parking and site signage.

7.04 The unit use and associated floor areas are as follows:

- Unit 1 (Costa Coffee Drive Thru) 168.04sqm
- Unit 2 (Retail Store) 371.71sqm
- Unit 3 (Food Retail) 130sqm
- Unit 4 (Food Retail) 130sqm
- Total floor area of buildings approx. 800sqm.

7.05 In terms of building appearance, each unit resembles a similar theme this being of steel portal frame construction, single storey with sloping monopitch roof. With the exception of units 3&4 (food retail units) which will have a traditional masonry wall finish, the elevations of the units will comprise cladded render wall panels, using British Western Cedar Timber clad feature panels, composite cladding panels (flat profile) and glazed shopfront elements.

7.06 The preference for glazing is to use aluminium framed curtain wall systems allowing for up to 50mm polyester powder coated glazing panels. All external fire doors and personnel doors are to match the surrounding cladding colour of the building. An insulated, built-up cladding panel system or similar approved product will be used on the roof. Contrasting eaves and verges are preferred in Anthracite.

7.07 The existing red brick boundary wall as seen from the A494 will remain, with a 2.1m high feather edge boarded fence proposed to divide the site and neighbouring properties on Maes Helyg. Timber fencing consisting of British Western Red Cedar profiles is to be used to fence the food retail units service areas. It is to be no less than 2.4m high for security purposes. The service area gates will match this style of fence and be in the same colour. In less visible areas paladin fencing is proposed instead of the continuation of timber fencing. Whilst the site will predominately be hard surfaced, there is peripheral soft landscaping proposed to the North, North East and South East boundary limits.

- 7.08 The site will retain the existing site access off the B4551 Welsh Road, and provide a total of 63 no. car parking spaces including 6no. as disabled bays as per the previous submission.
- 7.09 Principle of Development
The application site is located within the settlement boundary of Garden City which is a Tier 2 Local Service Centre in the adopted Local Development Plan.
- 7.10 Policy STR2 defines such settlements as 'settlements with a local role in delivery of services and facilities'. Policy STR9 advises that retail development will be guided by the County Retail Hierarchy and that retail centres will be the preferred location for new retail, leisure, office, social and other town centre uses. The LDP has a retail hierarchy contained within policy PE7 comprising town centres, district centres and local centres. Garden City is defined as a local centre. Policy PE7 states 'Proposals will be supported where they are appropriate in scale and type for a particular centre'. More policy guidance is contained in policy PE10 on local centres and the policy explains that small scale retail and other commercial intended to meet the day to day needs of the local neighbourhood will be directed towards suitable sites or premises within the Local Centres. Garden City is not a typical settlement as it lies on the edge of the Northern Gateway strategic site, adjacent to the Deeside Industrial Park, adjacent to the A494 and at the heart of an urban area. In this broader context the proposed development will be able to meet the needs of existing residents, employees and passing traffic. It is considered appropriate in scale and type to its surroundings and in a sustainable location.
- 7.11 Members may be aware that planning permission has been granted for the development of a district centre on land at the adjacent Northern Gateway strategic site and concerns have been raised by third party objectors that this application will negatively impact on deliverability of those facilities. Once built out Northern Gateway will see over 1400 new homes and significant employment opportunities. Taking into consideration the size of the existing settlement of Garden City and the wider area there is no substantive evidence that both developments would not be viable.
- 7.12 Given the sites location in the Future Wales National Growth Area it is considered that the proposed development would contribute to the wider principles behind the National Growth area, and the retail or employment location principles set out in policies in the LDP. The principle of the development is therefore considered acceptable.
- 7.13 Highway Safety
The proposed development will utilise the existing access off Welsh Road, which previously served the 40 bed Hotel. A total of 63 car parking spaces are indicated to be provided with deliveries taking

place outside of the opening hours of the proposed retail units. The current submission makes no changes to the proposed point of access or parking arrangements from the previous application.

- 7.14 As Members will be aware, the previous submission for this site was refused in 2022 due to concerns that the proposal failed to make adequate provision for HGV parking, loading and unloading without conflict to the parking network. The decision was appealed with the Inspector noting the following:
- 7.15 *'Swept path analysis plans have been submitted to demonstrate that a 16.5 m articulated vehicle and a 10 m rigid vehicle can safely enter and exit the site and manoeuvre within it. There are no objections from Welsh Government Transport and the Council's Highway Authority to the proposed development in relation to the TS, accident records and junction visibility. I have no reason to disagree with these findings. Deliveries would take place outside the opening hours of the proposed development and can be secured by planning condition. In my view, there is no likely conflict arising from delivery vehicles and access to car parking on the site as they would operate separately from one and another'.*
- 7.16 The appeal on that ground was accepted and the Inspector awarded costs against the Council. This application proposes an identical layout, parking provision and access to those previously assessed by the Inspector.
- 7.17 An objection suggests that the proposed condition relating to the submission of a management plan to control deliveries is unworkable. However, no supporting evidence is supplied with the objection and this matter was not raised by the Inspector. The proposed condition will safeguard that the retail uses and deliveries do operate separately.
- 7.18 Whilst the concerns raised with regards to the proposed increase in traffic is noted, the Transport Statement (TS), which is a resubmission of that assessed during the appeal, concludes that the proposed development would not give rise to any highway safety concerns. Members should note that this application makes no change to the layout of the access and parking and turning facilities from that previously considered by the Inspector. A number of conditions as set out at paragraph 2.01 of this report will secure matters including visibility, parking and a construction management plan.
- 7.19 Flood Risk
The planning application proposes less vulnerable development. NRW Flood Risk Maps confirm the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zones 2 (Rivers) and 3 (Sea) associated

with Manor Drain and the tidal River Dee respectively. The Manor Drain is a culverted main river which flows beneath the site from east to west.

7.20 Notwithstanding the fact that NRW have not objected to either application on flood risk grounds, or that there was no flood risk reason for refusal with the previous application, the Inspector chose to apply a precautionary approach to refusing that appeal, on the basis that he did not consider the relevant tests to justify development in a flood zone had been evidenced. This was not the view of officers, NRW or the committee last time and there is clear evidence to support compliant with the tests in section six and seven of TAN15 to support this application. To set this justification in context:

- The settlement of Garden City is defined as a local centre as part of the retail hierarchy in the LDP. This sets out a clear framework for where retail and commercial development should be focussed and as the proposed use is retail, it is reasonable to conclude that the proposals is compliant with the retail hierarchy of the LDP;
- The Inspector also rejected the contribution the proposals will make to employment provision, as it is not part of the Northern Gateway strategic site which he considered, defines the extent of the national growth area in the LDP. This is not correct. The national growth area covers a large area comprising Wrexham and Deeside and there is no defined boundary for it in either Future Wales or the Flintshire LDP. It is therefore not correct to say that the application site wouldn't contribute to the wider principles behind the National Growth area, or the retail or employment location principles set out in policies in the LDP, as these are clearly evidenced;
- This proposal represents a sustainable brownfield windfall site in a Tier 2 sustainable settlement that will facilitate regeneration, economic growth, and job creation where the proposed uses are for less vulnerable development and where the key risk management body (NRW) does not object.

7.21 It is a matter of judgement for the Council as the decision maker to consider development proposals against the policy tests in TAN15 and these are clearly met given the above context.

7.22 There is no change in policy context to that as outlined above. It is therefore considered that the location of the brownfield site within a defended flood zone, subject to the proposed use being for less vulnerable development, would meet the justification tests in TAN15 and is therefore acceptable in terms of flood risk.

7.23 Character and Appearance

The site is situated within a defined settlement boundary, and is urban in character. The site is tightly bound by development and highway infrastructure upon its limits, does allow the proposed development to

be visually and physically contained within the immediate surroundings, and any visual impacts would be localised. The immediate neighbour to the site is the 3 storey residential apartment building, Maes Helyg which has a longitudinal contemporary design incorporating cladding panels and red brick.

- 7.24 The proposed units, whilst single storey, have mono-pitched sloping roofs, and incorporate cladding and materials that are similar to that of Maes Helyg and of those found within the immediate area.
- 7.25 As such, the development would be seen within this context and would have an affinity with the existing built form. The proposed redevelopment of this site is therefore welcomed and considered a betterment to the current state of the site, which if left vacant will have a more harmful and long lasting impact upon the character and appearance of the area.
- 7.26 Impact on Living Conditions
As noted above, the site is bound by existing development this being predominately highway infrastructure and residential development. The nearest residential properties to the site are 118 Welsh Road and those residing in the 3 storey apartment building, Maes Helyg.
- 7.27 No. 118 Welsh Road is a bungalow which is located 10.8m away from the proposed retail/food unit at its closest point measured from the side elevation. The side elevation of the bungalow consists of an attached wooden carport structure and therefore no habitable rooms are in direct conflict with the proposed unit. Notwithstanding this, the view of the retail unit and interaction with no.118 are further restricted by the existing boundary treatments to the limits of no. 118's curtilage, comprising a 1.8m closed board timber fence. This fence height drops to 1m as it approaches the junction point of Maes Helyg to maintain clear visibility. As such, the existing fencing together with the single storey nature of the proposed development and the proposed 2.1m boundary treatments to the application site, are considered to be more than sufficient to limit any adverse impact to the living conditions of no. 118 Welsh Road.
- 7.28 Maes Helyg is 21.7m at its closest point from the nearest proposed retail/food unit. Given that the retail units will be single storey any potential impact on these apartments would be limited to the ground floor units which without any form of screening would have a direct interface. However, similar to no.118, there is an existing close board boundary fence which limits intervisibility between the habitable rooms of the ground floor apartments to the proposed units on the application site. The single storey nature of the development together with the proposed boundary treatments are therefore considered sufficient to limit any adverse impact to the living conditions of these residents. As a further safeguard to living conditions the separation distance is such that the existing outlook from the windows of

habitable rooms upon the ground floor of the apartments to the retail unit frontages meets the required separation standard (from residential to residential).

7.29 To further protect the living conditions of the neighbouring development, it is considered reasonable to impose a condition in relation to the submission of an external lighting scheme which will aim to limit the amount of light spill from the site.

7.30 Biodiversity

The application is supported by an Ecological Appraisal which assessed the proposed development with regards to existing vegetation, protected species including bats and trees. The report concludes that the commercial development will not give rise to any adverse impact on biodiversity and that the proposed landscaping, albeit it relatively limited will provide a net benefit given the lack of existing vegetation.

7.31 Taking a precautionary approach with regards to bats it is recommended that the submission of the external lighting scheme will ensure that flight paths are not interrupted.

7.32 Other Matters

Concerns have also been raised with respect to the increase in traffic levels and the resultant air and noise pollution, and the potential health problems as a consequence. It should be noted that the site is located directly adjacent to the A494, and this is the same for a number of properties travelling west along Welsh Road. The A494 is a busy road which is restricted to 50mph, monitored by average speed cameras along the section adjacent to the site. This serves as a measure to reduce emissions and pollution. It is not therefore reasonable to suggest that the redevelopment of this site alone will lead to or increase such levels of noise or pollution significantly to cause a health concern. It should also be noted that Business and Community Protection did not raise any objection to the development on these grounds.

7.33 Additionally, whilst the noise concern does not differentiate between operational noise and construction generated noise, the proposed conditions include controls in relation to opening hours and require the submission of a Construction Traffic Management Plan. The imposition of such conditions will therefore seek to control and minimise disruption where possible.

8.00 CONCLUSION

The proposal would see the redevelopment of an existing brownfield regeneration site within the settlement boundary and defined local centre of Garden City; a sustainable location which is supported by both national and local policies. The proposed redevelopment should be recognised as a valuable new investment within the local area,

securing the provision of a greater range of local services and the creation of further employment opportunities; as well as bringing an underused site back into beneficial use; continuing to meet the everyday needs of the community and supporting local economic growth.

- 8.01 It is considered that the proposal complies with planning policy. Accordingly, it is recommended that planning permission is granted subject to conditions as set out within paragraph 2.01 of this report.
- 8.02 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.
- 8.03 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.
- 8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Claire Morter

Telephone: 01352 703299

Email: claire.e.morter@flintshire.gov.uk

Mae'r dudalen hon yn wag yn bwrpasol



Appeal Decision

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 31/08/2023

Appeal reference: CAS-02239-T2T0X0

Site address: Former Gateway to Wales Hotel, Welsh Road, Garden City, Queensferry CH5 2HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Valedown Developments Ltd against the decision of Flintshire County Council.
 - The application Ref 062863, dated 16 April 2021, was refused by notice dated 21 April 2022.
 - The development proposed is 4 No. Class E(a) and E(b) food and retail units and associated car parking and signage.
 - A site visit was made on 10 May 2023.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Valedown Developments Ltd against Flintshire County Council. This application is the subject of a separate decision.

Procedural Matters

3. The description of the development refers to the change in the England Use Classes Order of The Town and Country Planning (Use Classes) Order 1987 (as amended), but the Welsh Use Classes Order has not changed in relation to shops and food and drink retail. The development comprises one retail store (371.71 m²), two food retail stores contained in one building (130 m² each) and a drive through hot drink retail store (168 m²). These are shown on the submitted plans and are also described in the application at section 17. The site address is Garden City although this settlement adjoins Queensferry. These settlements are divided by the River Dee.
4. The Council refused planning permission on one reason in relation to highway safety. Since this decision The Flintshire Local Development Plan 2015-2030 (LDP) was adopted on 24 January 2023, replacing the Unitary Development Plan (UDP). The appeal is determined in accordance with the adopted LDP having regard to Section 38(6) of the

Planning and Compulsory Purchase Act 2004. Future Wales, The National Plan 2040 (FW) forms part of the development plan for the purposes of Section 38(6).

5. The parties were requested to provide an updated planning policy statement to identify the relevant policies of the LDP and to those policies of the UDP which were replaced by their equivalent LDP policy and to assess the difference and the implications of these policies with relation to the proposed development. The parties were given an opportunity to comment on each other's submissions. These submissions have been considered in this appeal. The Council has provided a list of relevant LDP Policies in its statement and in response to the request made above.
6. The previous refusal planning reference (062202) referred to the issue of flooding, but this has now been omitted in this appeal. However, Technical Advice Note 15 Development and Flood Risk (TAN 15) and the justification tests are matters that require consideration in this appeal and I have a duty to have regard to it together with the development plan and this therefore becomes the second main issue in the determination of this appeal.

Main Issues

7. The main issues are:

- the effect of the proposal on highway safety, and
- whether the proposed development would be at significant risk of flooding and would satisfy the tests for less vulnerable development in flood zone C1 (areas which are developed and served by significant infrastructure/flood defences) as set out in Technical Advice Note 15 Development and Flood Risk (TAN 15).

Reasons

Highway safety

8. The appeal site is a corner site off the A494/B5441 roundabout known as Drome Corner. It lies adjacent to the A494 slip road and the main access is served off Welsh Road the B5441. Welsh Road is a wide carriageway with a pavement either side with a traffic speed restriction of 40 mph. A short distance towards Garden City the traffic speed restriction reduces to 30 mph. The pavement on the northern side of the carriageway is also a cycle route. The road adjacent to the site access is restricted for parking being so near to the roundabout. The site is in a sustainable location within the settlement of Garden City and served by public transport with bus stops situated either side of Welsh Road near to the site.
9. The Council has refused planning permission on the basis that the proposal fails to make adequate provision for heavy goods vehicles (HGV) parking, loading, and unloading to facilitate deliveries and servicing. It is asserted that the provision for HGV deliveries would conflict with parking spaces and would impact on the safety of the access and highway network.
10. The appellant has submitted a Transport Statement (TS) March 2021 assessing the existing site conditions, the development proposal, its accessibility, the trip generation, car parking demand, personal injury collisions, future traffic growth and junction assessments.
11. The total trip rate generation for the proposed combined uses of the site has been calculated as 78 two-way trips during the AM peak hour and 139 two-way trips during the PM peak. The residual new trips in the TS are marginally less when considering the previous hotel use trip generation on the site. The TS takes into consideration the baseline traffic flows surveyed in 2011. The 2021 baseline year flows included the surveyed data of 2011 and committed development on the outline permission and

reserved matters at the RAF Sealand site and trips data has been assessed in relation to distribution and journey to work census data. Future year traffic growth has been considered in the AM and PM peaks to 2026. The TS has also provided junction flow rates relative to junction capacity. The statement has calculated that the proposed access junction onto Welsh Road operates well within capacity using 2023 and 2026 future year scenarios. The TS also assesses the junction arms of the roundabout using the additional trips calculated on peak times. The TS calculated that that the south arm of Welsh Road with 43 additional trips is equivalent to less than 1 vehicle a minute.

12. The proposal would include 63 car parking spaces including 6 disabled spaces, and 12 secure cycle parking spaces. The TS using the Council's parking standard Supplementary Planning Guidance No. 11 Parking Standards 2017, calculates a maximum parking requirement of 88 spaces if the drive-through coffee shop is regarded as a cafe. However, the standard is reduced to 68 spaces using the use-class classification of fast-food drive through premises. The TS has assessed the parking demand in relation to peak car parking space accumulation which does not exceed 28 vehicles over the day. This is below the proposed provision of 63 parking spaces provided and is considered a sufficient margin to accommodate operational and peak parking demand.
13. Swept path analysis plans have been submitted to demonstrate that a 16.5 m articulated vehicle and a 10 m rigid vehicle can safely enter and exit the site and manoeuvre within it. There are no objections from Welsh Government Transport and the Council's Highway Authority to the proposed development in relation to the TS, accident records and junction visibility. I have no reason to disagree with these findings. Deliveries would take place outside the opening hours of the proposed development and can be secured by planning condition. In my view, there is no likely conflict arising from delivery vehicles and access to car parking on the site as they would operate separately from one and another.
14. The TS has comprehensively assessed the effect of the proposed development on highway safety. There is no technical evidence presented from the Council and interested parties to indicate that the proposed development would cause harm to highway safety. I consider that the proposal does not conflict with LDP Policies PC5 (criteria b and c), PC2 (criterion e) and STR5 (criterion iv).
15. I conclude that the proposal would not harm highway safety.

Flood risk

16. The appeal site is a vacant site with all buildings removed from it apart from the small substation adjacent to the existing access. The site was previously occupied by the Gateway to Wales Hotel, which was demolished, and the site cleared. The former hotel had suffered from fire damage. The site is in the settlement of Garden City a local centre in the LDP. It is recognised as a sustainable site and previously developed land, but has no allocation for it in the LDP. A short distance to the north-east there is a strategic site allocated in the LDP the Northern Gateway which is promoted as a mixed-use strategic site for housing, employment, and community facilities.
17. FW identifies a large swathe of the north-east coast around Deeside and Wrexham as a National Growth Area (NGA). The LDP was adopted after FW and is considered in conformity with the FW development plan. The LDP has been through examination and has identified the strategic sites promoted for major growth development, regeneration of the area and flood defence infrastructure. The appeal site, whilst adjacent to the Northern Gateway Strategic Site in the LDP, is nevertheless, outside this area, and the NGA of FW for this region has been clearly defined in the LDP.

18. Natural Resources Wales (NRW) indicates that the appeal site lies within Zone C1 of the Development Advice Map (DAM). The site is within both the tidal and fluvial zone extents of the tidal River Dee and the Manor Drain, which is a culverted main river flowing beneath the site. NRW refers the decision maker to the justification tests set out in Section 6 of TAN 15. The justification tests criteria (i) to (iii) are planning policy-based criteria and test (iv) considers the potential consequences of a flooding event. The appellant has updated the Flood Consequence Assessment (FCA) and NRW has commented on it.
19. Commercial and retail development is considered as less vulnerable development as set out in TAN 15 Figure 2. The FCA indicates that the site is within Flood Zone 3 of the Flood Map for Planning with a 0.5% chance of flooding from the sea in any given year including the effects of climate change. The FCA has referred to the NRW's Tidal Dee Flood Mapping Study (2020). The appeal is considered on this presented evidence.
20. The appeal site is situated in flood zone C1 as defined in TAN 15 Figure 1 – Areas of the floodplain which are developed and served by significant infrastructure including flood defences.
21. TAN 15 indicates that new development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 of TAN 15 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. The section 6 tests are that development will only be justified if it can be demonstrated that:
 - i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or**,
 - ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

 - iii. It concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land (PPW fig 2.1); and,
 - iv. The potential consequences of a flooding event for the particular type of development have been considered, and, in terms of the criteria contained in sections 5 and 7 and appendix 1 of TAN 15, found to be acceptable (paragraph 6.2 of TAN 15).
22. The appellant has chosen not to consider criterion (i) indicating that it complies with (ii). However, in criterion (i), TAN 15 defines regeneration initiatives as comprehensive, multi-approach and forming part of an integrated suite of initiatives which have been subject to public consultation. In my view, the proposal is not of a scale to fall within this definition.
23. A local authority strategy is clarified as the development plan for the area (deposit version as minimum). The proposal site is outside the Northern Gateway Strategic Site in the LDP which focusses the NGA to a particular site area for the purposes of FW. This is a 'windfall' site where there is no allocation in the LDP and has come about through re-development following the removal of the fire damaged hotel which previously occupied the site.

24. Whilst the local planning authority (LPA) through its strategies would support employment generation facilitated by the development in broad terms it is also evident that the appeal site is not identified in the LDP for such purposes and that the major strategic growth area planned in the LDP is to the north of this site. Although there are broad policies in support of the proposal there are also restrictive policies on flooding that are not. Taken as a whole, the spatial and strategic response of the LPA is to focus development, employment and housing and major flood defence infrastructure on this strategic site and not on the appeal site. There is no compelling evidence presented to indicate that the proposed appeal site is identified as a local authority strategy required to sustain an existing settlement. Criterion (i) is therefore not met.
25. In relation to criterion (ii) the FCA indicates that the site has been designated as suitable in size and location and that major employment benefits would ensue from the development and would assist in regenerating the area and provide a stronger service function and mix of employment uses.
26. The LDP recognises that the overall aim and objectives of the area is to create employment and appropriate housing. This has been determined in relation to the strategic growth site which does not include the appeal site. The appeal site has not been specifically earmarked or identified in the LDP, or insofar as, the evidence provided, in other employment strategy initiative.
27. The site has therefore not been identified as necessary to contribute to key employment objectives supported by the local authority, and other key partners, or that the site has been identified to sustain an existing settlement or region. Criterion (ii) has therefore not been met.
28. The site is in a sustainable location and meets the definition of previously developed land. TAN 15 notes, however, that relevant sustainable development considerations from a flooding perspective include guiding development to locations at little or no risk from flooding. The proposed development would not be consistent with the aims of Planning Policy Wales (PPW) (Edition 11) (paragraphs 6.6.22 - 6.6.26) and would not fully meet the third justification test.
29. In my view, as the proposed development is classed as less vulnerable development and fails the justification tests of Section 6 of TAN 15 for a development located in C1 flood zone, consideration of the scheme should stop there. Nevertheless, the Council and NRW have gone-on to consider the FCA and the potential consequences of flooding. NRW and the Council has also relied on a fallback scenario.
30. The FCA notes that the site is subject to flood depths of up to 0.34 m during the design flood event 0.5% annual exceedance probability (AEP) in the 2095 flood event due to a breach of defences at Garden City. The FCA notes that breach modelling shows that the site would be inundated with floodwater during the 0.1% AEP. The probability of flooding to a depth of 600 mm or more is less than the 0.1% AEP in the 2117 flood event. Maximum water velocities of 0.16m/s is predicted across the site for the 2095 flood event. The FCA notes that paragraphs A1.14 and A1.15 of TAN 15 are therefore met, and that this guidance can be regarded as indicative only, and not prescriptive.
31. NRW notes that finished floor levels would not be raised, but mitigation through flood resilience and resistance are proposed. However, NRW notes that these measures are unlikely to be sufficient and state that the requirements of paragraphs A1.14 and A1.15 of TAN 15 are not met. TAN 15 notes that there is a frequency threshold of flooding below which flooding of development should not be allowed. TAN 15 also explains that even with adequate mitigation measures in place it may still not be sensible to allow

development to take place. Where there are technical objections from the statutory consultee on the matter, notwithstanding its stance on the fallback issue, this concern is a material consideration of significant weight in accepting that the FCA has met criterion (iv). In my view, criterion (iv) has not been met.

Fallback

32. NRW and the Council accept that the existing use on site from a planning use as a hotel is classified as highly vulnerable and that the proposed development is defined as less vulnerable development from a flooding risk perspective. There are no details of the finished floor levels of the demolished hotel, but it is accepted that the proposed building's footprint is also reduced from the previous hotel development, and that floor levels would be similar or above the former building.
33. However, for this point to be accepted there must be a realistic prospect of the fallback that is the hotel development of taking place which is considered more certain than a theoretical possibility of occurring. The hotel building has been demolished and the site is clear of all material associated with it. It is established that a use cannot survive the destruction of buildings. There is no evidence presented that there is agreement or permission in place to re-build the hotel on this site.
34. In assessing whether the likelihood of this alternative hotel development could take place, there must be no impediment for it be instigated and no further approval required to be agreed that might prevent this hotel development. Only where these matters are met, which they are not in this case, can the alternative development of the hotel be assessed against the appeal proposal to establish whether the alternative would cause more harm than the appeal development.
35. I consider that the prospect of the hotel development taking place is not a realistic one. The hotel development is not a fallback position in which to assess the appeal development against from a flooding point of view.

Conclusion on flood risk

36. The fallback issue is of very limited weight and does not outweigh the flooding concern, the application of the justification tests in TAN 15, and the precautionary approach to positive avoidance of development in areas of flooding from the sea or from rivers as set out in PPW.
37. The proposal does not therefore demonstrate compliance with TAN 15 and the development plan, FW Policy 8 and LDP Policy EN14: Flood Risk. I conclude that the proposed development would be at significant risk of flooding and would not satisfy the tests for less vulnerable development in flood zone C1 as set out in TAN 15.

Other matters

38. I note numerous other concerns raised by interested parties and in relation to the impact of the development on the vitality and viability of the local centre and the Northern Gateway Strategic Site including the Airfields site. There is concern that the proposed development would undermine the strategic allocation in the LDP affecting delivery of this commitment and is regarded as an unsustainable site with customers having to cross Welsh Road. I note these concerns and that retail impact has not been a determining issue in the Council refusing planning permission. I cannot come to a conclusive determination on the matter, but the flooding concern is a determining issue in this appeal. This issue alone outweighs all other concerns in relation to this appeal.

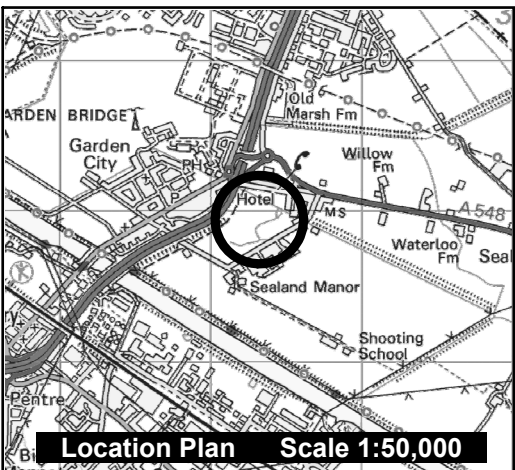
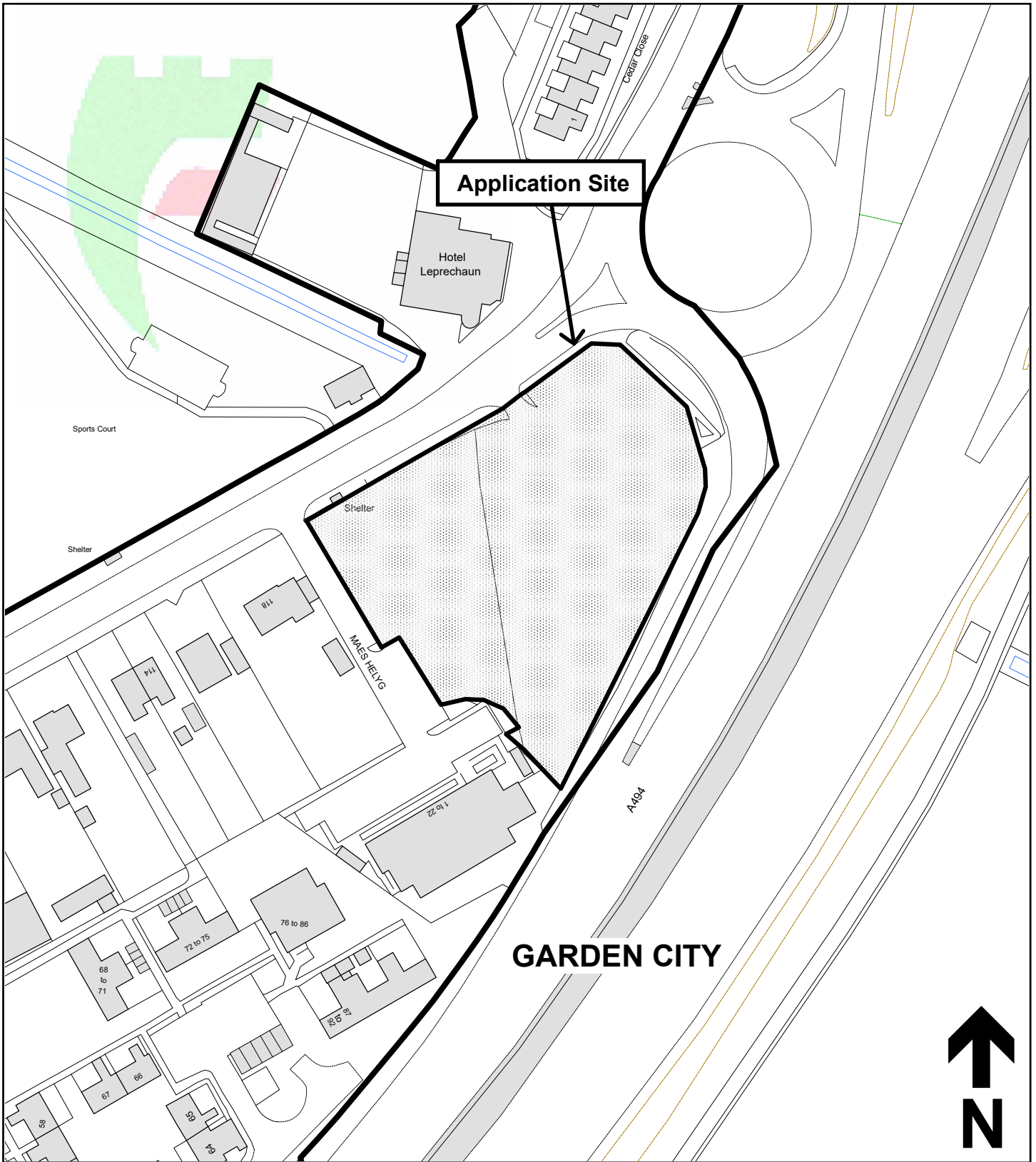
Planning Balance and Conclusions

39. I am required to determine this proposal in accordance with the development plan unless material considerations indicate otherwise. The starting point is therefore the development plan (FW and LDP).
40. I have found that the development conflicts with the development plan policies relating to flood risk and the application of the justification tests in TAN 15, and the need to take a precautionary approach to positive avoidance of development in areas of flooding from the sea or from rivers as set out in PPW.
41. I have found that the development complies with the development plan in relation to highway safety. However, this matter is neutral in the final balance as this is expected of all developments.
42. Therefore, the appeal scheme should be regarded as conflicting with the development plan when taken as a whole, despite the matters where I have identified policy compliance. There are no other material considerations before me that may be regarded of sufficient weight to indicate a decision other than in accordance with the development plan.
43. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.
44. The planning balance is against allowing this appeal.

Iwan Lloyd

INSPECTOR

Mae'r dudalen hon yn wag yn bwrpasol



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 3369
Application:	FUL/000209/24

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.3

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **25th SEPTEMBER 2024**

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

SUBJECT: **GROUND FLOOR EXTENSION TO THE REAR OF THE HOUSE TO PROVIDE A NEW KITCHEN SPACE AND ENHANCE FAMILY LIVING AREA AND A DOWNSTAIRS SHOWER ROOM AND SEPARATE TOILET TO AID DISABILITY.**

APPLICATION NUMBER: **FUL/000497/24**

APPLICANT: **BILL CREASE, QUAYCRAFTS**

SITE: **BURTON HOUSE, CHURCH HILL, CONNAHS QUAY, DEESIDE, CH5 4AD**

APPLICATION VALID DATE: **25/06/2024**

LOCAL MEMBERS: **COUNCILLOR D OWEN**

TOWN/COMMUNITY COUNCIL: **CONNAHS QUAY TOWN COUNCIL**

REASON FOR COMMITTEE: **APPLICANT IS AN ELECTED MEMBER**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This householder application proposes the ground floor extension to the rear of the dwelling to provide a new kitchen space and family living area as well as providing a downstairs shower room and separate toilet to aid a person with a disability at Burton House, Church Hill, Connahs Quay. The proposal has been assessed having regard to the principle of development, detailed matters of scale, form and impact upon surroundings, all of which are deemed to be acceptable and a recommendation of approval is made.

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

- 2.01
- 1) The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
 - 2) The development shall be carried out in accordance with the following approved plans and documents:
 - Application form Received 25/06/2024
 - Location Plan Received 25/06/2024
 - Existing Ground Floor Plan - Dwg 2 Received 25/06/2024
 - Existing First Floor Plan - Dwg 3 Received 25/06/2024
 - Existing Elevations - Dwg 4 Received 25/06/2024
 - Proposed Roof Plan 2 - Dwg 5 Rev 01 Received 25/06/2024
 - Proposed Ground Floor Plan - Dwg 6 Rev 01 Received 25/06/2024
 - Proposed First Floor Plan - Dwg 7 Rev 01 Received 25/06/2024
 - Proposed Roof Plan - Dwg 8 Rev 01 Received 25/06/2024
 - Proposed Elevations - Dwg 9 Rev 01 Received 25/06/2024
 - Green Infrastructure Statement - Received 24/07/2024

3.00 CONSULTATIONS

3.01 Local Member

Councillor D Owen

No response at time of writing.

Connahs Quay Town Council

No response at time of writing.

Highways DC

No objections

Community & Business Protection

No objections.

Built Heritage

No objections.

4.00 PUBLICITY

4.01 Neighbour Notification

No responses received.

5.00 SITE HISTORY

5.01 019607 Proposed lean-to carport. Approved 11/08/92.

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan
STR4 Principles of Sustainable Development
STR5 Transport and Accessibility
STR13 Natural and Built Environment, Green Networks and Infrastructure
PC1 The Relationship of Development to Settlement Boundaries
PC2 General requirements for development
PC3 Design
HN5 House Extensions and Alteration
PC5 Transport and Accessibility

Supplementary Planning Guidance
SPGN1 Extensions and Alterations to Dwellings
SPGN2 Space around dwellings

National Planning Policies:
Planning Policy Wales – Edition 12 (Feb.2024)
Future Wales: The National Plan 2040 (FWP 2040)

7.00 PLANNING APPRAISAL

7.01 Site Description
The site is a detached two-storey dwelling, located in a residential area within the Settlement Boundary of Connah's Quay as defined in the Flintshire Local Development Plan. The site has parking area to the front and large garden to the rear.

7.02 Proposed Development
This householder application proposes the erection of a ground floor extension to the rear of the dwelling which involves an infill extension together with demolition of existing breakfast room, garage and workshop and replacement with dining room, kitchen, snug and ground floor shower room and toilet to aid disability. An existing workshop building will remain. The proposed extension will be single storey with flat roof containing nine roof lights. A new window is proposed to the front elevation replacing the garage room. The side elevation will remain blank with two sets of bifold doors to the rear.

7.03 The Main Issues
The main issues to be considered within the determination of this planning application are:

- 1) The principle of the development in planning policy terms,

- 2) The effects upon the visual appearance and character of the area
- 3) The effects upon the amenities of adjoining residents
- 4) The effects upon highways

7.04 Principle of Development

Policy HN5 of the Local Development Plan states that extensions or alterations to existing dwellings will be permitted provided that the proposal:

- a) is subsidiary in siting, scale and form to the existing dwelling, and does not represent an overdevelopment of the site;
- b) respects the existing dwelling and surroundings in terms of design and materials;
- c) will not have an unacceptable impact on the living conditions of occupiers of adjoining developments.

7.05 It is considered that the proposal complies with the above criteria for Policy HN5 along with Policies PC1, PC2, PC3 and PC5 of the Local Development Plan for the reasons set out below in this report.

7.06 In addition to the above policies consideration has been given to the guidance with regards to extensions and space around dwellings contained in Supplementary Planning Guidance Notes 1 and 2 with which the application accords.

7.07 Furthermore, PPW12 references the concept of placemaking whose positive implementation through good design is to ensure the well being of people and communities. PPW states that good design is fundamental to achieving sustainable places and is not simply about the architecture of a building or development, but the relationship between all elements of the natural and built environment and between people and places.

7.08 The principle of the proposed development accords with both local and national planning policy.

7.09 Scale of Development

The proposed rear extension is small in scale and largely within the footprint of buildings to be demolished. Therefore, it is considered that the existing rear garden area can more than accommodate the new development whilst ensuring that the dwelling will retain adequate amenity space once built. Therefore, the proposals are not an overdevelopment of the site.

7.10 Character and Appearance

The proposed materials are considered to match and complement the existing dwelling, whilst the replacement of the existing garage and workshop will enhance the appearance of the dwelling. It is therefore

considered that there would be no adverse impact upon the character and appearance of the property or surrounding area. The proposals harmonise with and are subsidiary to the existing dwelling. The proposals are therefore compliant with the provision of policies PC2, PC3 and HN5 of the Flintshire Local Development Plan.

7.11 Living Conditions

The property sits within an area of residential dwellings. The impact of the living conditions of the occupiers of these properties is of fundamental importance in consideration of this application having regard to planning policy and Supplementary Planning Guidance 2 – Space Around Dwellings.

7.12 There have been no representations received from the neighbouring properties.

7.13 With regards to the neighbouring properties, the proposed extension will largely replace existing structures. The extension is single storey and will be screened by the existing boundaries between the properties. There are no new windows on either side elevation and the proposed rooflights are within flat roofs. Therefore, it is not considered to be overbearing nor cause a loss of privacy or light. Overall, the proposal will not impact the living conditions of neighbouring properties.

7.14 Impact on nearby Listed Buildings

The application site is located approximately 75m away from St Marks Church and Lychgate which are both Grade II Listed Buildings. St Mark's Church dated is 1836 and is listed as a good early 19th century church, the simple gothic detail of the exterior contrasting with the late Georgian character of the interior. The Lychgate is listed as a well-detailed early 20th century memorial lychgate in Arts & Crafts tradition, and for group value with the church of St Mark.

7.15 The Council's consideration of the application has established that the site is located at an oblique angle to the heritage assets and across a busy main distributor road. Furthermore, the proposed scheme comprises works to be located to the rear of the existing dwelling and therefore, it is considered that the proposals would not adversely impact any of the nearby Listed Buildings.

7.16 Scheme for Biodiversity Enhancement

The applicant confirms that a wildlife pond is to be added to the garden area together with an area of grass to become a mini wildflower meadow. In addition, five fruit trees have been planted to supplement the ageing apple and cherry trees in the garden, and additional trees are to be planted to create a woodland area. Furthermore, a "hedgehog hotel" and "logpile" are to be created using some of the dead timber from the ageing fruit trees and a composting bin is to be used to process garden waste. These provisions are

included within the Green Infrastructure Statement and are considered to be in accordance with Policy STR13 of the Flintshire Local Development Plan and Planning Policy Wales Edition 12.

8.00 CONCLUSION

8.01 To conclude, the proposal is designed to harmonise with the existing dwelling and surrounding area. The proposal would not have a detrimental impact on the character of the surrounding area. The proposal has been designed carefully to limit the impacts of the neighbouring living conditions. Therefore, the proposal complies with policies PC1, PC2, PC3, HN5, and PC5 of the Local Development Plan and Supplementary Planning Guidance 1 and 2.

8.02 It is recommended that planning permission be granted subject to the imposition of conditions as set out in section 2 above.

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.

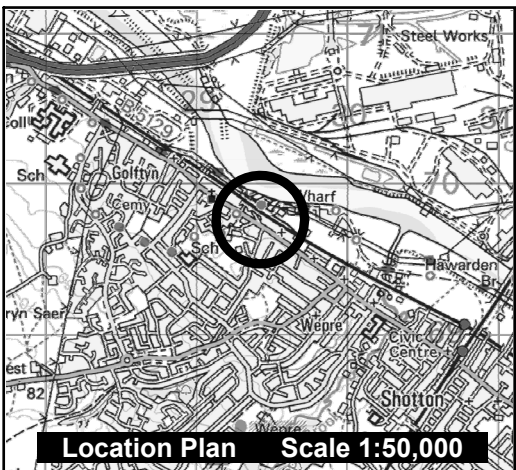
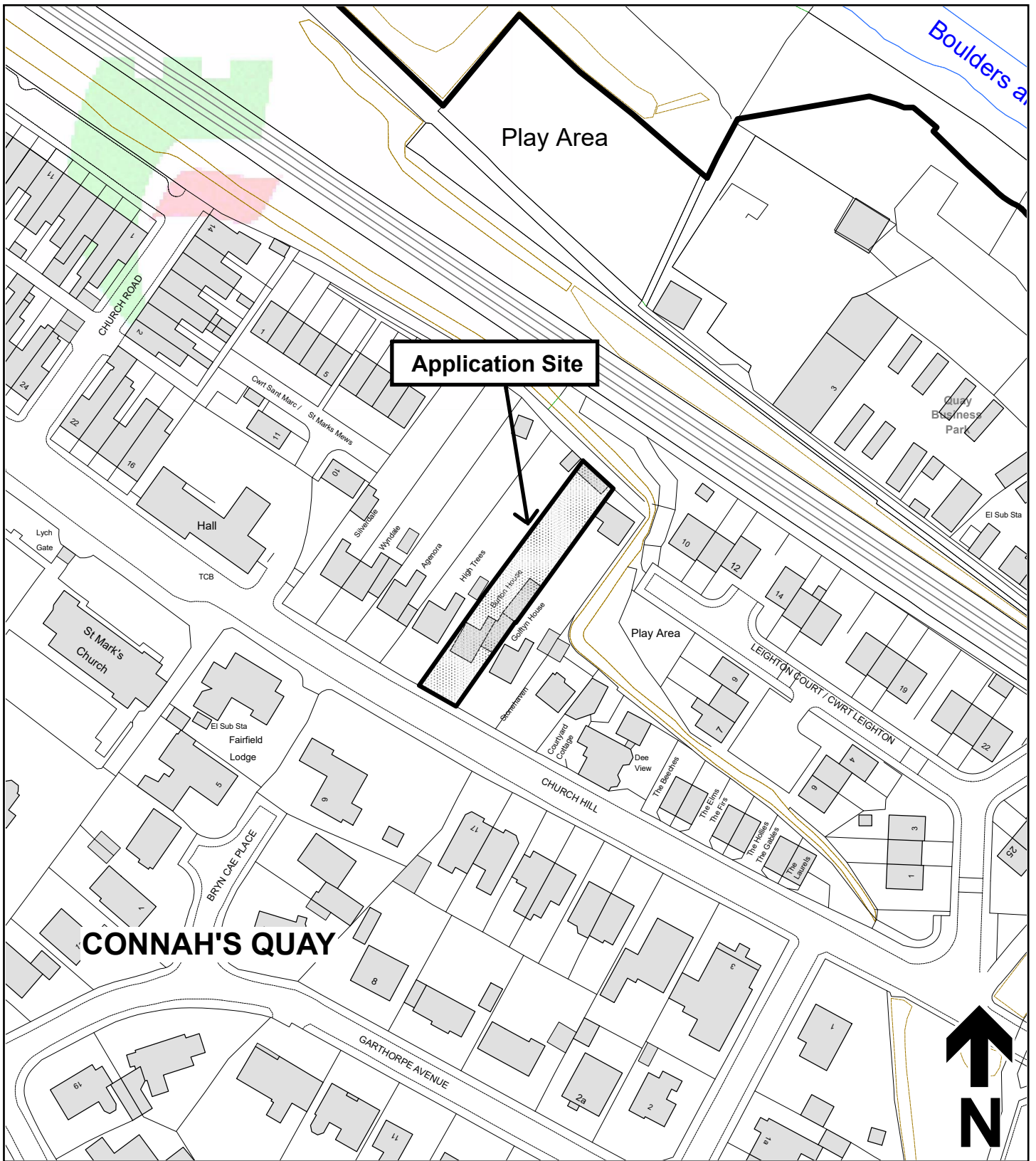
8.05 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

Contact Officer: Nicola Drury
Telephone: 01352 703259
Email: nicola.drury@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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