

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **24th November 2021**

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

**SUBJECT:** **OUTLINE – PROPOSED RESIDENTIAL DEVELOPMENT**

**APPLICATION NUMBER:** **062344**

**APPLICANT:** **WREXHAM SIGNS LTD**

**SITE:** **PUGHS YARD, HAWARDEN ROAD, CAERGWRLE, LL12 9BB**

**APPLICATION VALID DATE:** **18<sup>th</sup> MARCH 2021**

**LOCAL MEMBERS:** **COUNCILLOR D HEALEY**

**TOWN/COMMUNITY COUNCIL:** **HOPE COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **CALL IN REQUEST BY CLLR HEALY DUE TO SCALE OF THE DEVELOPMENT AND ISSUES ASSOCIATED WITH ACCESS FROM AND EGRESS TO THE HIGHWAY.**

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

**1.00 SUMMARY**

1.01 The application consists of an outline planning application with all matters reserved for residential development on approximately 0.19ha of land. The application is sought for the approval of the principle of the development. Matters relating to appearance, access, landscaping, layout and scale are all reserved for future consideration.

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

2.01 That conditional planning permission be granted, subject to the following conditions:

Conditions:

1. Time limit
2. Drawings
3. Site access
4. Construction means of access
5. Access visibility splay
6. Parking and turning of vehicles
7. Garages
8. Details of layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads
9. Surface water prevention onto the highway
10. Construction Traffic Management Plan
11. No development to commence until a foul water drainage scheme for the site has been submitted to and approved
12. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network
13. Finished Floor levels
14. Land contamination assessment to be submitted and agreed. Remediation to be submitted, agreed and undertaken if required.

Advisory Notes:

15. Highways
16. Welsh Water

**3.00 CONSULTATIONS**

3.01 Local Member Cllr D Healey

Called the application to planning committee due to the scale of the development and issues associated with access from and egress to the highway.

3.02 Hope Community Council

Expresses support in principle with a preference for 6 houses rather than the proposed 7. However, concerns were raised on the following:

- i. Further major development within the LDP
- ii. Over development of site
- iii. Highways issues – this development is on the bend in the road. The present traffic in and out is low level. This proposal would mean significantly increased traffic throughout the day and weekends.

- iv. Overlooking neighbouring properties.
- v. Parking issues - only sufficient per household for residents (2-3 spaces per house). No other parking provided.
- vi. Loss of local businesses/employment.

3.03 Dwr Cymru/Welsh Water

The development proposes to discharge foul flows to the public sewerage system. DCWW have advised that Hope Waste Wastewater Treatment Works has a phosphate permit and the capacity to accommodate foul flows from the proposed development of 7 dwellings.

If planning permission is to be granted Welsh Water request two conditions (Conditions 11 & 12 ) and advisory notes to be attached to ensure no detriment to existing residents, the environment and to Welsh Water's assets.

3.04 Highways Development Control

Recommend conditions. The highways authority consider that the provision of an access road designed and built to adoptable standards is justified given the development could potentially serve up to 7 houses. They note that a minimum width service strip/verge will be required.

At the reserved matters phase, vehicular access plans onto internal roads should include appropriate visibility splays of 2.4 x 43m. They note that the visibility of plot 1 should be improved however, note that this site plan is indicative only at this stage.

3.05 Natural Resources Wales

NRW recommend FCC should only grant planning permission if the following requirement is met. Otherwise, they would object to this planning application.

Requirement – Foul drainage – site to be connected to the mains sewerage system

3.06 Community and Business Protection

No objections in principle to this application. Advises that as the site is a former industrial estate and there is potential for the presence of historical contamination and as such requests that a condition requiring assessment be imposed.

3.07 Conservation

Raises no objection to the principle of the development. The Conservation Officer notes that this application seeks only approval of the principle of development and notes that all details provided are purely indicative. Has expressed reservations in respect of the form and scale of development but appreciates that these matters will be addressed at Reserved Matters stage.

3.08 Sustainable Drainage Approval Body (SAB)  
No representations received at time of writing.

#### **4.00 PUBLICITY**

4.01 Site Notice and Neighbour Notification.

No representations received at time of writing.

#### **5.00 SITE HISTORY**

5.01 041453  
Erection of an industrial workshop.  
Approved 4<sup>th</sup> July 2006.

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
Policy STR1 New Development  
Policy STR4 Housing  
Policy STR8 Built Environment  
Policy GEN1 General requirements for development  
Policy GEN2 Development inside settlement boundaries  
Policy HE1 Development Affecting Conservation Areas  
Policy AC13 Access and Traffic Impact  
Policy AC18 Parking Provision and New Development  
Policy HSG1 New Housing Development Proposals  
Policy HSG3 Housing on Unallocated Sites within Settlement  
Boundaries  
Policy HSG8 Density of Development  
Policy EM6 Protection of Employment Land

6.02 Supplementary Planning Guidance  
SPGN No. 2 Space around dwellings  
SPGN No. 7 Conservation Areas  
SPGN No. 11 Parking Standards

6.03 National Planning Policies  
Planning Policy Wales (PPW) Edition 11 (Feb 2021)  
Future Wales the National Plan 2020-2040

#### **7.00 PLANNING APPRAISAL**

7.01 Introduction  
This is an outline application with all matters reserved for subsequent approval, proposing the demolition and removal of existing industrial buildings on the site and the redevelopment of the site for residential purposes.

7.02 Site Description

The site is located within the settlement boundary of Hope, Caergwrle, Abermorduu and Cefn Y Bedd and abuts the open countryside and Caergwrle Conservation Area to the north. The surrounding area within the settlement boundary is predominantly comprised of residential properties that demonstrate a mixture of architectural styles. The topography of the area is largely flat.

The application site consists of 6 existing commercial units in Use Class E (Commercial, Business and Service use). Access to the site is taken to the east via Hawarden Road (A550).

7.03 Proposed Development

This outline application seeks approval of the principle of the demolition and removal of existing industrial buildings on the site and the redevelopment of the site for residential purposes.

7.04 As all matters of details are Reserved for future consideration, indicative details are provided which suggest the site could accommodate up to 7No. 3 bedroomed dwellings in a mix of detached and semi-detached dwellings.

7.05 Main Issues

- Principle of the development;
- Impact on heritage assets;
- Impact upon drainage; and
- Neighbouring living conditions.

7.06 Principle of Development

The proposed development is located within the settlement boundary of Hope, Caergwrle, Abermorduu and Cefn Y Bedd, a category B settlement as defined in the Flintshire Unitary Development Plan. In such locations, the principle of general market housing on unallocated sites is acceptable under Policy HSG3 where it would cumulatively result in more than 15% growth. However, monitoring growth levels are no longer applicable as the plan period of the Unitary Development Plan has now expired. The market dwellings proposed are considered a windfall site within the settlement boundary and comply with HSG3.

7.07 In addition to Policy HSG3, STR1 considers residential development in category B settlements to be acceptable where they do not result in tandem development or overdevelopment in relation to the character of the site and surrounding area. This is the main consideration in relation to this application.

7.08 Albeit indicative, the supporting plans demonstrate that the application site can provide space for up to 7no. dwellings with associated parking and amenity space. As such, there is little concern that the proposal would result in an overdevelopment of the site.

- 7.09 Given the location of the site in a Category B there is no objection to the principle of residential development on this site. The Conservation Officer has suggested that the scheme is reduced to 6 dwellings. However, it is considered that the principle of 7no. dwellings is acceptable in the settlement boundary.
- 7.10 The application site is considered to be in an accessible and sustainable location as public transport options are within reasonable walking distance. For example, approximately 130m south of the site access point there is a bus stop servicing connections to Wrexham and Mold (no.27/29). Caergwrle train station is located approximately 290m north of the site and offers services to Wrexham and Bidston.
- 7.11 Whilst the principle of residential development at this site is considered acceptable and in accordance with STR1 and HSG3 consideration must be given to the loss of employment floorspace.
- 7.12 The site is currently operated as a business use (Use Class B1) with approximately 501sq.m of employment floorspace.
- 7.13 It is noted that the Site is not located within an area allocated for General Employment nor is it within a Development Zone or Principle Employment Area. However, policy EM6 refers to the Protection of Employment Land such as this site. EM6 states that *the establishment of non-employment or retail uses on existing or allocated employment land and buildings will only be permitted where:*
- a. *No other suitable site is available for the development proposed;*
  - b. *The site or building is no longer considered to be suitable for employment purposes;*
  - c. *It would not result in an unacceptable reduction in the supply and range of employment sites in the area; or*
  - d. *The proposal would bring about the removal or satisfactory relocation of a non-conforming and potentially polluting use from the site or building.*
- 7.14 Additionally, this policy adds that *“It is important to maintain an adequate supply of B1, B2 and B8 employment land and buildings in the Plan area. Its loss can result in a cumulative reduction in local job opportunities, forcing people to travel further in search of work and harm existing business linkages and support networks. This policy aims to prevent the loss of employment land for uses such as housing and retail which can be located elsewhere.”*
- 7.15 *“However, the policy recognises that there will be circumstances where it would be unreasonable to prevent other uses or development. A number of criteria would need to be satisfied such as the availability of other suitable sites for the proposal and whether the existing site or building is still considered to be suitable for*

*employment uses given factors such as its location, accessibility, size, configuration and condition. A further criterion is whether the loss of the site or building would harm the ability of the locality or settlement to attract employment development due to a lack of a range of sites or premises. A final scenario is where the existing use of the site or building is 'nonconforming' or 'potentially polluting' i.e. it has the potential to, or already is, harming the amenity of local residents or land uses or the environment through noise pollution, traffic level or other impact. In such cases, the removal or relocation of the nonconforming use to a suitable site, enabled by an alternative use, may bring about overall benefit."*

- 7.16 This development would result in a loss of approximately 501sq.m of Use Class B1 employment floorspace. No justification for the loss of the employment floorspace has been submitted within this application nor has any information been provided as to why the site is no longer considered suitable for this use, or that there are other suitable sites elsewhere.
- 7.17 It is however, considered that the loss of this employment floorspace would not result in an unacceptable reduction in the supply and range of employment sites in the area (criterion C of policy EM6). The loss of 500sq.m is considered negligible and not a detrimental impact on the existing range and supply of employment sites.
- 7.18 Furthermore, as the applicant is also the owner of the existing business, Wrexham Signs, it is assumed that either an alternative premises has been found or the business is no longer viable.
- 7.19 Therefore, the principle of losing the employment floorspace provided on this site is not unacceptable under policy EM6 of the Flintshire Unitary Development Plan.
- 7.20 In conclusion, the principle of the loss of employment floorspace and introduction of residential development at this site is considered acceptable and in accordance with EM6, STR1 and HSG3.

#### Heritage Assets

- 7.21 The Conservation Officer advises that the proposed development site is adjacent to the boundary of the Caergwrle Conservation Area and on the lower slopes of the land, which is surmounted by Caergwrle Castle, a Grade I Listed building and Scheduled Ancient Monument. The Officer has reviewed the proposal and consider that the indicative layout does not reflect the traditional building plot pattern in the area but instead is designed to maximise the number of units the site can support.
- 7.22 The Conservation Officer states that the number of units should be reduced to create a lower building density. It is suggested that 6 dwellings rather than 7 would be preferable and would have less of

an impact on the setting of the conservation area and would better correspond with the neighbouring area.

- 7.23 This application is submitted in outline and therefore scale of the development at this stage is indicative only..
- 7.24 The officer also states that it would be preferable if elevations with windows, doors and elevational treatments were included within this submission. Whilst indicative, the supporting plans demonstrate how the site could potentially be developed. The layout, scale and design are reserved for future consideration; therefore, elevations are not requirement at this stage.
- 7.25 Subject to the implementation of the conservation officers' comments and concerns, i.e. reducing the number of dwellings to 6, it is considered that the principle of the residential development would not adversely impact the heritage assets and would comply with HE1 and HE2.
- 7.26 Drainage  
It is not indicated how surface water would be discharged from the site. However, this issue is addressed via the SUDs process. The applicant advises that foul drainage would however connect to the mains sewer. An indicative drainage layout (ref: W164/005 Rev A) has been submitted and consultation has been carried out Natural Resources Wales (NRW) and Dwr Cymru/Welsh Water.
- 7.27 Dwr Cymru/Welsh Water (DCWW) state that there is no public sewer to the front of the site on Hawarden Road. The applicant is proposing to connect to an unchartered sewer and DCWW require additional information. DCWW have advised that that Hope Wastewater Treatment Works (WwTW) has a phosphate permit and has capacity to accommodate foul flows from the proposed development.
- 7.28 Welsh Water recommend that if consent is due to be granted two conditions to prevent hydraulic overloading of the sewerage system should be attached. The first condition requires the submission of a foul water drainage scheme and the second states that no surface water shall be allowed to connect directly or indirectly to the public sewerage network.
- 7.29 NRW require further information regarding foul drainage and protected species. The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC).
- 7.30 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority

must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. 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.

- 7.31 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 20th January 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:
- 7.32 Any development connecting to a public wastewater treatment works must show that the permit has phosphate conditions in place and the sewerage undertaker has confirmed that there is capacity to treat the additional wastewater and the additional phosphate from the proposed development.
- 7.33 As stated above, DCWW have confirmed that Hope WwTC has capacity to accommodate foul flows from the development and also has a phosphate licence.
- 7.34 After receiving further advice from the applicant, and with due regard to NRW's published advice, I am able to conclude that the development is not likely to have a significant effect on the SAC. NRW therefore has no objection to the proposal.
- 7.35 Neighbouring Living Conditions  
It is of fundamental importance that the living conditions of the surrounding can be safeguarded.
- 7.36 It is considered that the orientation of the site relative to the existing properties on Hawarden Road (A550) would not result in there being a direct interface relationship between the majority of properties.
- 7.37 Plot 2 would be positioned to the rear of Alvordor, Hawarden Road. The side elevation of plot 2 would be approximately 15m from the rear elevation of Alvordor. SPGN 2 Space Around Dwellings outlines the minimum separation distances that are applied to residential properties. Where a habitable room is facing a flank wall, a minimum distance of 12 metres is applied.
- 7.38 Subject to the east elevation of plot 2 being a flank wall, the 15m separation distance between the rear elevation of Alvordor is unlikely

to cause undue impact on the living conditions of the existing and future occupiers in the form of overlooking and loss of privacy.

- 7.39 Additionally, the rear elevation of plot 3 would directly face the rear elevation of Hazelmere on Pughs Yard. The distance between the two rear elevations would be approximately 30m. In line with SPGN 2, a minimum of 22 metres is applied between two facing habitable rooms. Given the indicative distance between the two rear elevations it is unlikely that the development would result in overlooking and loss of privacy.
- 7.40 It is considered that the indicative design and layout can demonstrate appropriate separation distances. However, these matters will require further assessment at the reserved matters stage.

## **8.00 CONCLUSION**

- 8.01 The application proposes the erection of up to 7no. dwellings at Pugh's Yard, Hawarden Road.
- 8.02 Given that the surrounding neighbourhood is made up of semi-detached and detached dwellings, the provision of 7no. 3-bedroom dwellings on what is presently an industrial site would better accord with the character of the area. Additionally, the proposed residential development located within a Category B settlement boundary is considered acceptable.
- 8.03 Furthermore, consideration has been given to the loss of employment floorspace, and demolition of the existing commercial units. It is concluded that given the location of the site and subject to the reasons why the current occupiers no longer require the site are submitted within the reserved matters phase, the principle of this loss is acceptable under policy EM6 of the Flintshire Unitary Development Plan.
- 8.04 Given the proximity to the conservation area the design of these dwellings should be carefully considered to protect the setting of the Conservation Area and comply with policy and planning guidance.
- 8.05 In conclusion this application relates to outline consent for up to 7 homes. The design of these homes can be discussed at reserved matters phase. At this time, the principle of residential development is acceptable at this location.
- 8.06 The application is therefore recommended for approval.
- 8.07 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.

- 8.08 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.
- 8.09 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.10 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**

- Application form
- Design and Access Statement (written by blueprint architectural services. Dated: 17<sup>th</sup> December 2020)
- Existing Section & Site Plan – dwg.no: - W164/001
- Site & Location Plan – dwg.no:- W163/003
- Highways Plan – dwg.no: - W164/004
- Indicative Drainage Layout – dwg.no: - W164/005 (Sept 2021)
- Typical Elevations – dwg.no: - W164/005 (Dec 2020)
- Ecological Impact Assessment at Land at Hawarden Road, Caergwyle. – ref: HAW260221

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