

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **22 NOVEMBER 2023**

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

SUBJECT: **FULL APPLICATION - RESIDENTIAL
DEVELOPMENT COMPRISING 90 DWELLINGS
INCLUDING THE PROVISION OF AFFORDABLE
UNITS, AREAS OF PUBLIC OPEN SPACE,
LANDSCAPING AND ASSOCIATED WORKS AT
LAND TO THE SOUTH OF NEW BRIGHTON
ROAD, NEW BRIGHTON, MOLD**

**APPLICATION
NUMBER:** **063507**

APPLICANT: **STEWART MILNE HOMES (NORTH WEST
ENGLAND) LTD**

SITE: **LAND TO THE SOUTH OF NEW BRIGHTON
ROAD, NEW BRIGHTON, MOLD**

**APPLICATION
VALID DATE:** **8th SEPTEMBER 2021**

LOCAL MEMBERS: **COUNCILLOR M EASTWOOD
COUNCILOR H MCGUILL**

**TOWN/COMMUNITY
COUNCIL:** **ARGOED COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **SIZE OF PROPOSAL RELATIVE TO SCHEME OF
DELEGATION**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for 90 dwellings including the provision of affordable units, areas of public open space, landscaping and associated works at land south of New Brighton Road, New Brighton

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- Contribution required would be £36,771.00 towards improvements to Ysgol Sychdyn, Sychdyn
- 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
- The provision of 36 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.
- Freehold ownership of the defined Ecology Area will be transferred to an appropriate third sector body that is approved by the LPA before occupation of the 60th dwelling; As identified in the great crested newt conservation plan, defined commuted sum and requirement for index-linked ground rent service charges to include ecological surveillance, management and wardening in perpetuity [costed management plan will be required to inform costings]; biennial liaison meetings, and; management plan review.
- Funding for the review of speed restrictions on New Brighton Road (approximately £6000).

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:
 - Application Form
 - Planning Statement by Hourigan Connolly.

- Pre-Application Consultation Report by Hourigan Connolly.
- Design and Access Statement by Stewart Milne Homes (North West England) Limited.
- Transport Assessment by SCP.
- Safe Route To School Review by SCP.
- Preliminary Ecological Appraisal by Ecology Services Ltd.
- Protected Species Survey Report (Bats) by Ecology Services Ltd. (Part 1).
- Protected Species Survey Report (Bats) by Ecology Services Ltd. (Part 2).
- Bat Transect & Automated Survey Report by Ecology Services Ltd.
- EDNA & H.S.I Survey Report for Great Crested Newt by Ecology Services Ltd.
- Hedgerow Regulations Assessment by Ecology Services Ltd.
- Protected Species Survey Report for Reptile by Ecology Services Ltd.
- Precautionary Compensatory Scheme for Great Crested Newt
- Geo-Environmental Assessment Report by Brownfield Solutions Ltd.
- Noise Impact Assessment by REC.
- Arboricultural Impact Assessment by Ascerta.
- Flood Consequence Assessment by Sutcliffe (Part 1).
- Flood Consequence Assessment by Sutcliffe (Part 2).
- Flood Consequence Assessment by Sutcliffe (Part 3).
- Hydraulic Modelling Report by Welsh Water.
- Agricultural Land Classification Report by Richard Stock.
- Heritage Statement by Neo Environmental.
- Dwg. 296-NB-LP-01 Location Plan.
- Dwg. SK296/NBM/PL05 Planning layout.
- Dwg. SK296/NBM/BTL01 Boundary Treatments Layout.
- Dwg. SK296/NBM/HLL01 Hard Landscaping Layout.
- Dwg. SK296/NBM/RL01 Refuse Layout.
- Dwg. SK296/NBM/PSS01 Proposed Street Scenes.
- Dwg. SK296/NBM/AP03 POS Area Plan.
- Dwg. SK296/NBM/TRL01 Tree Retention and Loss Plan.
- Plot Specification Sheet.
- Dwg. P.1094.18.03 Planting Plan 1 of 4.
- Dwg. P.1094.18.03 Planting Plan 2 of 4.
- Dwg. P.1094.18.03 Planting Plan 3 of 4.
- Dwg. P.1094.18.03 Planting Plan 4 of 4.

- Dwg. SM.TS.04 Topographical Survey.
- Dwg. SK306-HTE-01 Individual Elevations.
- Dwg. 29949-615 P3 Preliminary External Levels Sheet 1 of 4.
- Dwg. 29949-616 P3 Preliminary External Levels Sheet 2 of 4.
- Dwg. 29949-617 P3 Preliminary External Levels Sheet 3 of 4.
- Dwg. 29949-618 P3 Preliminary External Levels Sheet 4 of 4.
- Dwg. 29949-619 P1 Preliminary External Levels Overall Site.
- Dwg. 29949-625 P2 Longitudinal Sections Sheet 1 of 3.
- Dwg. 29949-626 P2 Longitudinal Sections Sheet 2 of 3.
- Dwg. 29949-627 P2 Longitudinal Sections Sheet 3 of 3.
- Dwg. 29949-640 P2 Manhole Schedule.
- Dwg. 29949-655 P4 Preliminary Drainage Layout Sheet 1 of 4.
- Dwg. 29949-656 P4 Preliminary Drainage Layout Sheet 2 of 4.
- Dwg. 29949-657 P4 Preliminary Drainage Layout Sheet 3 of 4.
- Dwg. 29949-658 P4 Preliminary Drainage Layout Sheet 4 of 4.
- Dwg. 29949-659 P1 Preliminary Drainage Layout Overall Site.
- Dwg. V23-66-2MT 600 Alnwick GF Layout.
- Dwg. V23-66-2MT-601 Alnwick FF Layout.
- Dwg. V23-66-2MT-420 Alnwick Elevations.
- Dwg. V23-80-3ET- 400 Berwick Elevations V1.
- Dwg. V23-80-3ET- 420 Berwick Elevations V2.
- Dwg. V23-80-3MT- 400 Berwick Elevations V1.
- Dwg. V23-80-3MT- 420 Berwick Elevations V2.
- Dwg. V23-80-3MT/ET/S-600 Berwick GF Layout.
- Dwg. V23-80-3MT/ET/S-601 Berwick FF Layout.
- Dwg. V23-90-3D-600 Castleford GF Layout.
- Dwg. V23-90-3D-601 Castleford FF Layout.
- Dwg. V23-90-3D-420 Castleford Elevations.
- Dwg. V23-90-3ET/S-600 Cairnhill GF Layout.
- Dwg. V23-90-3ET/S-601 Cairnhill FF Layout.
- Dwg. V23-90-3ET/S-400 Cairnhill Elevations V1.
- Dwg. V23-90-3ET/S-420 Cairnhill Elevations V2.
- Dwg. V23-95-3D-600 Corringham GF Layout.
- Dwg. V23-95-3D-601 Corringham FF Layout.

- Dwg. V23-95-3D- 424 Corringham Elevations V2.
- Dwg. V23-96-3S-600 Culross GF Layout.
- Dwg. V23-96-S-601 Culross FF Layout.
- Dwg. V23-96-3S- 424 Culross Elevations V2
- Dwg. V23-100-4D-600 Daresbury GF Layout.
- Dwg. V23-100-4D-601 Daresbury FF Layout.
- Dwg. V23-100-4D-400 Daresbury Elevations V1.
- Dwg. V23-106-4D-424 Dewsbury Elevations V2.
- Dwg. V23-106-4S/D-600 Dewsbury GF Layout.
- Dwg. V23-106-4S/D-601 Dewsbury FF Layout.
- Dwg. V23-106-4SD-424 Dewsbury Elevations V2.
- Dwg. V23-118-4D-600 Farnham GF Layout.
- Dwg. V23-118-4D-601 Farnham FF Layout.
- Dwg. V23-118-4D-400 Farnham Elevations V1.
- Dwg. V23-128-4D-600 Harris GF Layout.
- Dwg. V23-128-4D-601 Harris FF Layout.
- Dwg. V23-128-4D-421 Harris Elevations V2.
- Dwg. V23-128-4D-423 Harris Elevations V2
- Dwg. V23-139-5D-600 Kendal GF Layout.
- Dwg. V23-139-5D-601 Kendal FF Layout.
- Dwg. V23-139-5D-400 Kendal Elevations V1.
- Dwg. V23-152-5D-4D-600 Leven GF Layout.
- Dwg. V23-152-5D-601 Leven FF Layout.
- Dwg. V23-152-4D-602 Leven FF Layout.
- Dwg. V23-152-5D-4D-400 Leven Elevations V1.
- Dwg. V23-152-5D-4D-424 Leven Elevations V2.
- Dwg. AFF-71-2ET-420 Aberlady Elevations.
- Dwg. AFF-71-2MT-420 Aberlady Elevations.
- Dwg. AFF-71-2MT/ET-601 Aberlady FF Layout.
- Dwg. AFF-71-2MT/ET-600 Aberlady GF Layout.
- Dwg. AFF-84AV-3ET-420 Aviemore Elevations.
- Dwg. AFF-84AV-3MT-420 Aviemore Elevations.
- Dwg. AFF-84AV-3MT-420 Aviemore FF Layout.
- Dwg. AFF-84-3MT/ET-600 Aviemore GF Layout.
- Dwg. P.1094.18.04 Play Area Design.
- Dwg. P.1094.18.03 F Planting Plans (Sheets 1 – 4).
- Affordable Housing Statement by Pioneer.
- Dwg. SK296/NBM/PL50 E Planning Layout.
- Dwg. APT 15-501 Apartment Front & Side Elevations.
- Dwg. APT 15-502 Rear & Side Elevations.
- Dwg. APT 15-600 GF Layout.
- Dwg. APT 15-610 FF Layout.
- Dwg. APT 15-620 SF Layout.
- Dwg. F24-80T-2B4P-ET-400 Keilder Elevations.

- Dwg. F24-80T-2B4P-MT-400 A Keilder Elevations
 - Dwg. F24-SMG-KE-00-DR-A-403-600 A Keilder GF Layout.
 - Dwg. F24-SMG-KE-00-DR-A-403-602 A Keilder GF Layout.
 - Dwg. F24-SMG-KE-01-DR-A-403-601 Keilder FF Layout.
 - Dwg. F24-SMG-KE-01-DR-A-403-603 Keilder FF Layout.
 - Dwg. F24-80T-3B5P-E- 420-1 Kinver Elevations.
 - Dwg. F24-80T-3B5P-M-420-1 Kinver Elevations.
 - Dwg. F24-SMG-KI-00-DR-A-403-600 Kinver GF Layout.
 - Dwg. F24-SMG-KI-00-DR-A-403-602 Kinver GF Layout.
 - Dwg. F24-SMG-KI-00-DR-A-403-601 Kinver FF Layout.
 - Dwg. F24-SMG-KI-00-DR-A-403-603 Kinver FF Layout.
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. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
 6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the substantial completion of the development, whichever is the sooner and any trees or plants which, within a period of 5 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 unless the local planning authority gives written consent to any variation.

7. No works associated with the proposed development of the site shall commence unless and until a detailed scheme for the provision of improved pedestrian facilities at the New Brighton/A5119 junction, the provision of improved bus stop facilities and proposals for the introduction of a Village Gateway traffic management scheme have been submitted to and approved by the County Council. Such works shall become the subject of a Section 27 Agreement under the 1980 Highways Act prior to their implementation.
8. No dwelling within the proposed development shall be occupied unless and until all the works specified in the aforementioned Agreement have been completed.
9. 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 County Council prior to the commencement of any site works.
10. 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 County Council.
11. The works associated with forming the means of site access shall be kerbed and completed to carriageway base course layer up to the internal tangent point of the entrance radii prior to the commencement of any other site building operations.
12. The proposed access shall have a minimum visibility splay of 2.4m x 43m in both directions 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
13. 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.
14. Facilities shall be provided and retained each plot for the parking of vehicles in accordance with a scheme to be submitted to and approved by the County Council prior to the commencement of any site works. Such facilities being completed prior to the proposed development being brought into use.
15. 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 County Council prior to the commencement of any site works. Such facilities being completed prior to the proposed development being brought into use.

16. 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 County Council prior to the commencement of any site works.
17. A Full Travel Plan and Transport Implementation Strategy (TIS) shall be submitted and approved in writing by the County Council prior to the first use of the development.
18. Positive means to prevent the run-off of surface water from any part of the site onto the adoptable highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
19. No development shall take place, including site clearance work, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority (See Note 1).
20. 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 SJ25653408 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.
21. No buildings on the application site shall be brought into beneficial use until such time as reinforcement works to the local public sewerage system, into which the development shall drain, have been completed as identified in a Hydraulic Modelling Assessment and written confirmation of this has been issued to the Local Planning Authority.
22. No development shall take place prior to the implementation of a programme of archaeological 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 laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic

Environment Record Officer, Clwyd- Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

23. No development shall take place prior to the implementation of a programme of archaeological 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 laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd- Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
24. The submission and implementation of a biosecurity risk assessment. Provisions of this assessment must include consideration of and inform proposed landscaping schemes.
25. 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.
26. No development shall commence until an amphibian / GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:
 - Build upon the principles outlined in the ecological report (Redgrave, L, C. (2021). Land off New Brighton Road, New Brighton: Precautionary Compensatory Scheme for Great Crested Newt. Ecology Services. (Unpublished Report No 19092).
 - Submission of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to fence design, specifications and locations; monitoring and maintenance requirements; and supervised removal. Submission to include proposed timescales and reporting requirements.
 - Submission of an initial long-term site management plan (not less than 25 years) that includes defined aims and objectives; habitat management prescriptions;

contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to the freehold tenure of the ecology area; tenure of the ecology area to be approved by the Local Planning Authority in consultation with NRW; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan. Submission of detailed measures including plans designed to prevent the accidental capture/killing of GCN / amphibians during operational phases of the scheme (i.e. post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features).

- Submission of a contingency scheme that includes details concerning on-site and/or off-site conservation measures that are capable of being undertaken if greater than five (>5 no.) GCN are captured within the working area of the development. Submission to include timescales and reporting requirements.
 - Details of timing, phasing and duration of construction activities and conservation measures.
 - Timetable for implementation demonstrating that works are aligned with the proposed development. Ecological Compliance Audit, including key performance indicators (we accept the submitted draft ECA scheme).
 - Persons responsible for implementing the works.
 - The Conservation Plan shall be carried out in accordance with the approved details.
27. Prior to the commencement of development a scheme for biodiversity enhancement of the site shall be submitted for approval, and thereafter shall be implemented in accordance with the approved details.
28. Notwithstanding the details hereby approved a sensitively designed external lighting scheme shall be submitted to the Local Planning Authority for written approval prior to the first occupation of any of the dwellings. After written approval any external lighting shall accord with the approved details.

3.00 CONSULTATIONS

3.01 **(Local Member) Councillor Eastwood**: Requests a site visit so that the feasibility of a safe route to school may be assessed. Also raises the following:

- The proposed development is car dependent without safe access to nearby footpaths and therefore goes against active travel.
- Road safety concerns
- Three storey element out of character
- Phosphates

(Local Member) Councillor H McGill: No response at time of writing

Argoed Community Council: wishes to make the following comments:

- There is no footpath from the development to the traffic lights in New Brighton
- Nor is there any footpath from the development to the nearest school, which is in Sychdyn. A shared user path is needed, not just a footpath
- Concerns about drainage as the area is known to be prone to flooding
- Congestion will increase at New Brighton traffic lights, which already experiences traffic congestion, especially at peak times
- Three storey building out of character for the village of New Brighton. There are no comparable buildings in the area.

Northop Community Council (adjoining CC): The proposed use of bus and taxi services to meet the needs for a safe route to school is unsustainable and does not meet active travel targets

Community and Business Protection: No adverse comments to make on proposal

Highways Development Control: The outcome of the recent planning appeal related to a previous application on this site and comments made by the Inspector are noted; there is no highway objection to the principle of the proposed development.

Provision of a safe route to Sychdyn Primary School remains the only significant issue to be addressed; the content of the SCP Transport

Assessment report and the Hourigan Connelly PAC report are acknowledged.

SCP suggest improvement of public footpaths however I am informed that the imposition of the required improvement on privately owned agricultural land is beyond the powers of the Highway Authority, delivery of these proposals appear unrealistic.

SCP suggest the provision of a limited width footway within the highway verge. The restricted width of the highway and issues with the levels of land adjoining the highway mean that a footway cannot be provided as a continuous link on one side of the road. There are sections where the footway and pedestrians using it would be required to cross over to the opposing side and back again. An initial assessment of this proposal has been undertaken in conjunction with Streetscene and it has been determined that this would not be a viable solution.

The remaining alternative was previously identified as a proposal that the Developer funds a school bus service.

I note that this has been investigated and that in an email exchange between the LPA and Transportation.

The ITU Manager has confirmed that their policy limits the service that they can provide and that they are unable to accept funding for school travel from the Developer. Consequently, the transport arrangement would need to be a private arrangement and not funded and arranged by ITU

My understanding is that the Case Officer has determined that a request for the funding of a School Transport service as a private arrangement would be unlawful.

Para. 4.8 of the TA proposes a review of the extents of the 30mph (**now 20mph**) speed restriction on New Brighton road; the cost of such a review and amendment to the traffic order is £6k and this should be covered by the S106 agreement.

The provision of a "Village Gateway" traffic management feature (para 4.8) and the provision of pedestrian control of the traffic signals and improved pedestrian facilities around the A5119/New Brighton Road junction can be covered by condition and will be subject to a S278 highway agreement.

The TA promotes the use of public transport but facilities at local bus stops are generally inadequate with the absence of bus bay road markings, boarding kerbs and shelter. Provision/enhancement of facilities can be covered by the highway Section 278 agreement.

With the exception of the provision of limited width footpaths (linking to and parallel to New Brighton Road) which should be a minimum 3m wide and suitable for a combined cycle use, the proposed site layout and level of parking provision appear appropriate.

Subject to a Section 106 agreement to provide funding for the review of speed restrictions on New Brighton Road (£6k), Any recommends that any permission shall include the suggested highways conditions

Lifelong Learning:

Sychdyn, Ysgol Sychdyn

The contribution sought will be for a total of **£36,771.00**

Mynydd Isa, Argoed High School

It is the intention of Education & Youth not to seek a developer contribution.

Housing Strategy: Policy HN3 of the LDP sets out the percentage of affordable dwellings required on sites with ten dwellings or more based upon the housing market area they fall into. The application site sits within the Mold and Buckley sub market area where 40% affordable housing is required on site.

In Flintshire, as at the 28/7/22, there were a total of 748 households registered and ready to apply for “Affordable” rental properties and a total 571 households registered and ready to apply for “Affordable” ownership properties (as per Local Authority prospectus December 2022).

Demand for “Social” housing has increased. As at the 26th October 2022 there were 2519 Applicants on the ‘Social’ housing waiting list, an increase from circa 2088 in July 2021 (as per Local Authority prospectus December 2022). In summary there is high demand for Social housing across Flintshire including New Brighton, Sychdyn and Mold & Mynydd Isa and this need is evidently increasing.

In relation to “Affordable” homes for rent or purchase there is generic demand across Flintshire. The greatest demand is for 2 and 3 bed houses circa 79% for rent and 90% for purchase.

As this is a development for the New Brighton area, the housing need information is also provided for the nearby communities where new residents are likely to come from. There is particularly high demand in Mold and Mynydd Isa which is within close proximity to New Brighton.

Public Rights of Way: Public Footpaths No. 121 crosses the site. The applicant must contact the Rights of Way Section before proceeding with any works. The legally defined public right of way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before design implementation. The surface of the rights of way must not be disturbed without lawful permission and development over the line of the public right of way must not commence until any necessary diversion or extinguishment has been lawfully authorized under the appropriate legislation

Ecology: Supports the use of native species and the planting of new hedgerows, trees shrubs and wildflower grasslands as proposed which if managed appropriately can provide habitat enhancement.

The layout of roads/paths rather than garden fences next to existing hedges which helps to retain them in good condition in the long term.

The proposed SUDs wetland would need to mitigate for the wetland that currently exists and provide for biodiversity enhancement in the long term. The wetland will also need to demonstrate that it is compatible for both drainage and biodiversity requirements.

Details regarding the long term management of the open space and SuDS needs to be conditioned. This management plan will need to distinguish between the management requirements for biodiversity, open space and drainage.

With regards to NRW comments, the north west corner and its management as a dedicated compensation area versus open space needs to be clarified.

Natural Resources Wales: The site is within the catchment of the River Dee and Bala lake Special Area of Conservation (SAC) The LPA will need to take the NRW advice into account in their determination of whether the development .

NRW advise that based on the information submitted to date, conditions regarding protected species (Great Crested Newt), biosecurity and land contamination should be attached to any planning permission granted and the document identified should be included in the approved plans and documents condition on the decision notice.

Airbus: Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria.

Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information given.

CPAT: While there are currently no recorded archaeological sites on the Historic Environment Record the first edition OS mapping does indicate the presence of a former farm building known as Mynydd Bychan at the west end of the development area. The building is clearly older than the 1870's mapping, but we do not know how old or its original function. The building earthworks and associated enclosures and outbuilding lie within the area marked blue on the attached plan. According to the layout plan these remains would be destroyed by the development. Previous advice to seek a layout change to protect these remains have been ignored and archaeological excavation will now be required as a condition of consent.

We would therefore recommend a condition for archaeological excavation covering the area marked on the attached plan in accordance with Welsh Government guidance set out in Tan 24 (May 2017) and Planning Policy Wales

The Coal Authority: The site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach for a Coal Mining Risk Assessment to be submitted.

If this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice

Dwr Cymru/Welsh Water: Having regard to the proposed planning layout (SK296/NBM/PL50 Rev. E), it appears the proposed development would be situated outside the protection zone of the public sewers measured 3 metres either side of the centreline and therefore acceptable in principle.

A Hydraulic Modelling Assessment has been undertaken. A number of options for sewer network reinforcement have been provided, the implementation of one of these options would enable the development to connect into the public sewer network without causing any detriment to the local community or environment.

Requests that suggested Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

DCWW have confirmed that subject to the suggested conditions there is capacity to connect to the relevant WWTW. The WWTW has a valid phosphate license.

Ramblers Association: Are of the opinion that although some amendments have been made, this proposal does not provide adequate Active Travel provision and therefore does not overcome the Ramblers Association objections in principle.

4.00 PUBLICITY

4.01 202 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.

47 objections have been received which can be summarised as follows:

- Lack of local infrastructure
- Flooding issues on site historically/Surface water drainage issues
- Inadequacy of foulwater drainage
- Road safety issues
- Lack of consideration of Active Travel/Car dependant site
- Loss of privacy for neighbouring dwellings
- Loss of habitat
- Scale and character of proposed dwellings out of character with locality
- Density of site in comparison with neighbouring development
- Overdevelopment of New Brighton
- Noise and Disruption

5.00 SITE HISTORY

5.01 060220 - Residential Development for the Erection Of 92 Dwellings Including The Provision Of Affordable Units, Areas Of Public Open Space, Landscaping And Associated Works- Refused 30th October 2020 Appeal dismissed 02nd February 2021

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

- Policy STR1: Strategic Growth
- Policy STR2: The Location of Development
- Policy STR13: Natural and Built Environment, Green Networks and Infrastructure
- 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 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 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 EN6: Sites of Biodiversity Importance
- Policy EN7: Development Affecting Trees Woodlands and Hedgerows
- Policy EN15: Water Resources

Future Wales- The National Plan 2040
 Planning Policy Wales 11

7.00 PLANNING APPRAISAL

- 7.01 Proposal
 This is a full application for 84 dwellings at land south of New Brighton road, New Brighton
- 7.02 Site
 The site represents 3.6ha of greenfield land on the edge of the settlement of New Brighton, within the settlement boundary in the adopted LDP. The site is designated as Housing allocation HN1-10.
- 7.03
 The site abuts the built fringe of New Brighton and is surrounded by existing housing on its southern and Western boundaries. To the east of the site is the Beaufort Park Hotel, the north opens up to farmland. The site itself is mainly open grassland with hedge boundaries and a number of trees, located within the hedge lines of the site.
- 7.04 Principle
 New Brighton is defined by policy STR2 as a Tier 3 Sustainable Settlement which will be the locations for housing development related to the scale, character and role of the settlement. The site

is identified in policy HN1-1 as a housing allocation and is within the settlement boundary which establishes the principle of residential development. The site is well defined by built development to the west, south and east and by New Brighton Road to the north.. In addition to having services and facilities within the settlement, it also sits between and in close proximity to the settlements of Mold, Buckley and Mynydd Isa with easy access to the facilities that these higher order settlements provide.

7.05 It is considered that the principle of this development is acceptable, and in accordance with the relevant policies in the Flintshire Local Development Plan.

7.06 Main Issues

As discussed above it is considered that the principle of development in this location has been accepted as well as a range of detailed matters that have already been dealt with by committee and the PEDW appeal Inspector. I therefore consider that the main issues that remain are:

- Ecology and the impact of the development upon protected species
- safe highway access to the site
- safe routes to schools.

7.07 Ecology

With regards to statutory wildlife sites in the vicinity of the application site, Maes y Grug SSSI, part of Buckley and Deeside SAC, is over 1km to the north east of the site and is not considered to be affected, directly or indirectly. Similarly no (non-statutory) Wildlife Sites are affected since the nearest, Cobbler's and Stonybeach Woods, is over 1km. There have, however, been recorded sightings of protected species including Great Crested Newts and species of bats. As such the ecological implications of the proposal are considered to carry significant weight.

7.08 Natural Resources Wales (NRW) considered in their initial comments that the proposal has the potential to cause disturbance to GCN and/or loss or damage to their resting places. In addition to the legal protection afforded to GCN, their presence is a material planning consideration under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5). The provisions of TAN5 advise that surveys and assessments are submitted to enable the local planning authority to undertake an informed assessment on the predicted impacts of a proposed development scheme on a European Protected Species (EPS).

7.09 Great crested newt surveys to inform the previous planning application included undertaking eDNA samples of Pond 1,

approximately 249m north west of the site, in 2018 and 2019 (both were negative results), undertaking a precautionary Habitat Suitability Index (HSI) assessment of Pond 2, approximately 70m north of the site where there was no access and reviewing existing data records. Reptile surveys using artificial refugia (which are also used for terrestrial amphibian surveys) were also undertaken during September 2018 and during May and June 2021. 1.5 eDNA samples from Pond 1 returned negative results on two occasions, however, access to sample this pond in 2021 was refused. Pond 1 has, however, been sampled twice in recent years and is on the outer limit of the 250m buffer zone around the site, therefore refusal of access in 2021 is not considered a significant constraint to the assessment. Access to a second pond (Pond 2), approximately 70m north of the site boundary was refused throughout. No further ponds were identified within 250m of the site

- 7.10 Although access to the second pond has not been possible the remote study carried out to assess its suitability for use by GCNs is considered, as it was by the Planning Inspector in the appeal on the previous refusal, to be acceptable. That study concluded that the second pond was unlikely to provide a suitable habitat. A study has also been carried out on the site itself and found no evidence of GCNs on the site. This study is considered to be reasonable and adequate and I have no reason to come to a different view than the appeal Inspector on this issue.
- 7.11 NRW have confirmed that they consider that the proposal is satisfactory for the purpose of demonstrating no likely detriment to the maintenance of the favourable conservation status of a component of a small population of GCN.
- 7.12 NRW have requested that a Conservation Plan which details reasonable avoidance measures, long term management, contingency if more than 5 GCN are captured within the site, timings of works and an associated compliance audit is conditioned. They have also requested a section 106 agreement in respect of the ownership and management of the defined Ecology Area/dedicated compensation area in the north west corner. I have included both of these requests as part of the recommendation.
- 7.13 The trees on site were assessed for Bat Roost Features (BRF) and those with low moderate or high potential were further assessed by aerial and endoscope surveys. Dawn and dusk surveys were undertaken of those trees with moderate -high potential during June and July 2021.
- 7.14 No bat roosts were recorded within trees but 40+ commuting Common Pipistrelles were recorded along the central tree line, indicative of a roost within the locality. Soprano pipistrelles, Myotis sp and Noctules were also recorded foraging in this tree line.

- 7.15 The planning layout shows the loss of two trees with bat roost potential within the site, namely Trees 6 and 7 which have been assessed as having high and low bat roost potential respectively. No bat roosts were observed during the emergence/re-entry surveys, but precautionary measures will be adopted during felling or pruning works with further surveys as required.
- 7.16 The submitted report also recommends that the central tree line is retained due to the large number of bats commuting along this feature. However, since the northern end of this tree line will be removed, the recommendation is instead for large specimens to be planted at the earliest opportunity to maintain connectivity between the north and south boundaries. This will need to be highlighted on the landscape plans upon submission of this detail to discharge the relevant landscape conditions.
- 7.17 As this area is used for commuting bats a sensitive lighting scheme which takes account of this will be required in order to safeguard this protected species and their commuting across the site, and this can be conditioned.
- 7.18 The use of native species and the planting of new hedgerows, trees shrubs and wildflower grasslands as proposed is welcomed, and if managed appropriately can provide habitat enhancement. A scheme of Biodiversity enhancement will be required through condition to ensure compliance with LDP policy STR13.
- 7.19 Highways
The proposed internal highways layout of the scheme has been subject to consultation with Highways Development Control and there are no concerns raised with the estate layout as proposed, or the parking provision provided by the development, which accords with relevant maximum standards across the site. A number of highways specific conditions have been suggested.
- 7.20 The submitted Transport Assessment shows through empirical evidence that the impact of the traffic arising from the scheme has been tested in detail at the site access and the A5119 / New Brighton Road / Bryn Lane Signalised Junction. The assessments show that there is sufficient spare capacity to accommodate the proposed development.
- 7.21 The Transport Assessment proposes a review of the extents of the current 20MPH speed restriction on New Brighton road; the cost of such a review and amendment to the traffic order will be covered by the S106 agreement. The provision of a "Village Gateway" traffic management feature, which will make it clear to drivers that they are approaching a more built up area, and the provision of pedestrian control of the traffic signals and improved pedestrian

facilities around the A5119/New Brighton Road junction can be covered by condition and will be subject to a S278 highway agreement.

- 7.22 The Transport Assessment promotes the use of public transport but current facilities at local bus stops are generally considered inadequate with the absence of bus bay road markings, boarding kerbs and shelters. The enhancement of these facilities can be covered by the highway Section 278 agreement and represent a planning gain to the local community as a result of this development.
- 7.23 It is considered that the internal highways arrangement, as well as the proposed accesses and any resultant traffic impact onto the existing highways network, is acceptable and accord with policies STR5 and PC5 of the Flintshire LDP. The proposed enhancement of the current A5119/new Brighton Road junction, and bus stop also represents a wider benefit and complies with the objectives of the LDP policies.
- 7.24 Safe Route to Schools
A significant amount of concern has been raised locally from third parties given the close proximity of the crossroad junction, as well as existing traffic on the road networks. The New Brighton road to Sychdyn, which the access to the development opens onto, has previously been considered hazardous by a Streetscene assessment of potential Safe Routes to School. This is of particular concern when it has been assessed by Education that Sychdyn Primary school is the closest, most affected school, for purposes of planning obligations for Developer contributions to education.
- 7.25 It should be noted, however, that Mynydd Isa school, soon to be replaced by the combined 3-16 school in Bryn Y Baal, can be considered to be more conveniently linked to the site than Sychdyn as there is a continuous footway to each of these schools, and the new school, and this footway is alongside a 20mph road with street lighting. A pedestrian crossing is proposed at the New Brighton Road junction with the A5119 as part of the development proposals, which will further improve the route to Mynydd Isa. There is an existing pedestrian crossing on Bryn Road adjacent to the new school site.
- 7.26 The assessment of distance from the site entrance to the relevant schools shows a negligible increase in distance from the development site to the Mynydd isa schools compared to Sychdyn Primary School . The new Bryn Y Baal 3-16 school is approximately the same distance from the site as Sychdyn School.
- 7.27 Supplementary planning guidance 23 uses the term “*nearest suitable school*”, and there are arguments in favour of adopting both

of the alternatives as the preferred option. It is also relevant that parental choice exists and there is a possibility that children living on the site may enrol at Sychdyn. It should be noted that the existing school transport policy requires that the Local Authority determine whether the provision of transport for pupils of statutory school age is necessary to facilitate the attendance at a designated school of the pupil concerned. If such transport is deemed necessary, then the transport must be provided free of charge. This policy further states, as one of its provisions, that where the route to school is considered to be hazardous by the LA in consultation with the Environment Directorate then that child, if of compulsory school age, will be eligible for free school transport. As such there is existing provision, and a legal duty for the Local Authority to cater for this.

7.28 The applicant has explored various options to help to alleviate the issues with the Sychdyn route, namely:

- Provide a footway alongside New Brighton Road over the 700m distance from the western edge of the development site to the nearest existing footway in Sychdyn.
- Provide improved linkage to the existing public footpath route which passes from New Brighton Road to Wat's Dyke Way in Sychdyn.
- Provide the funding for a school bus to link the development site to Sychdyn School.

7.29 In assessing the proposal it has been shown that none of the above options are feasible or implementable. The footpath route amendments are either not possible due to highway widths and third party ownership issues and School Transport are not able to manage a dedicated school bus link as the existing school transport policy, as mentioned above, exists. Obtaining planning contributions to cover this would not be a lawful request under the CIL regulations as it is not necessary due to the existing policy.

7.30 It is considered that this matter has been robustly investigated and whilst there is a very real perception of an issue there are existing solutions, namely choosing to attend an equally local school for which a safe route exists, or applying for school transport under the existing policy. The issue of the hazardous route to school is a pre-existing one and one not created by or exacerbated by the development.

7.31 Impact upon local character
There is a mixture of house types in the immediate vicinity of the site, of different periods and styles. The development proposes largely 2 storey detached and semidetached dwellings faced in brick with grey tile roofs. Brick is the predominant finish in the

vicinity and I consider this to be acceptable for this location. Roof heights are consistent throughout the development, although there is some slight variety, which helps to break up the visual impact of the Streetscene.

- 7.32 The development provides a mix of house types and sizes within the scheme, with mews type, 3, 4 and 5 bed dwellings mixed within the proposal. The layout ensures that adequate interface distances and amenity space, according with the Councils SPGN2: Space Around Dwellings, are provided between the proposed dwellings.
- 7.33 There is a 15 unit 3-storey apartment block centrally located on the site, to the west of the SUDs feature/incidental POS. This block has been located to ensure that there is no overlooking from either its front or rear elevations, which are the elevations upon which windows are situated, with the gable ends left blank. By utilising a hipped roof design the block is not unduly large in comparison to the houses it sits alongside, nor will it negatively impinge on neighbouring dwellings through either overshadowing or overlooking.
- 7.34 Some objections have mentioned this three storey building and opined that there are no buildings of a comparable scale in the vicinity. As mentioned above it is not considered that the building is unacceptably tall or bulky. Given its central location on the site it has been designed to sit alongside neighbouring two storey dwellings and will be viewed within the context of the wider site. The fact that there are no other three storey buildings in the vicinity should not preclude the consideration of such a building. The reduction in height of the building would result in the loss of up to five affordable units being delivered on the site.
- 7.35 The site is relatively flat and has been laid out to minimise any direct impacts upon existing dwellings located on the site periphery. The trees and hedge located on the western site boundary, alongside Argoed avenue, is to be retained, and dwellings in this area are either facing away from the Argoed avenue dwellings, retaining an adequate interface to ensure that there would be no concerns over a loss of privacy, or gable on to the road. The existing screening protects the existing dwellings from any detrimental impact arising from the development.
- 7.36 The existing development at Cae Issa either backs onto the existing SUDs area, with only the gable of one dwelling close to the existing houses, and I do not consider that the proposed development would adversely impact upon these dwellings.
- 7.37 The area of development site that adjoins the rear boundaries of dwellings on the A5119 Mold road has a footpath and area of informal Public Open Space as a buffer between this area and

proposed dwellings. Again I have no concerns regarding the location of the new development and existing residential amenity.

7.38 The proposal is for 90 dwellings upon a site with a developable area of 2.56 hectare. This equates to a density of approximately 35 dwellings per hectare. This is considered to be appropriate to the location.

7.39 **Drainage and Phosphates**

It is intended to connect the development to the public sewerage system. Dwr Cymru Welsh Water have confirmed that sufficient capacity exists at the relevant wastewater treatment works to cater for the development. A Hydraulic modelling assessment was undertaken on this site and subject to the findings of this assessment and agreements between the developer and the statutory undertaker it is considered that there exists capacity in the system to cater for this development.

7.40 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 phosphate 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 within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. NRW have also issued Planning Advice (August 2023) which gives specific advice in respect of foul drainage arrangements for new developments

7.41 There are no designated sites but the application site is close to the River Alyn a tributary of the River Dee designated as an SSSI and SAC primarily for migratory fish but also otter. While it is not directly affected, all developments now need to consider phosphate pathways and a potential increase in levels within the River Dee Special Areas of Conservation (SAC) to ensure there are no impacts.

7.42 Welsh Water have confirmed that there are no capacity issues and that the waste water treatment works has a valid phosphate permit. The foulwater flows deriving from this development would be capable of being treated within the phosphate permit conditions as sufficient headroom exists.. In accordance with the NRW advice a Test of Likely Significance has been undertaken on this site.

7.43 It is considered that No Likely Significant Effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of additional phosphorus or pathway for

impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice, where points 1 and 3 apply:

- 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.

7.44 As such, it is considered that the proposal is considered to be in accordance with policy EN15 in the Flintshire Local Development Plan.

Planning Obligations

7.45 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.46 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.

7.47 Whilst the recommendation for this proposal is currently one of Refusal, it should be noted that should the development be granted planning permission then it would be necessary to enter into a Section 106 Legal agreement to secure planning contributions with regard to Education provision, Public Open Space and Affordable housing.

Education

7.48 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.

Primary School: Sychdyn, Ysgol Sychdyn

- The required Section 106 contribution would be £36,771.00
- The contribution would be spent on Accommodation Improvements.

7.49 As discussed in the report in the section regarding the safe route to schools both Ysgol Sychdyn and the schools in Mynydd isa/Bryn Y Baal are considered to be affected by the development. As such when considering schools for the purpose of possible developer contributions in accordance with SPGN23 it is considered that Ysgol Sychdyn adheres to the relevant criteria set out in that guidance.

7.50 It is considered that the education contributions would meet the regulation 122 tests. Ysgol Sychdyn does not appear to have received more than 5 contributions and therefore the limitations of regulation 123 does not apply.

Public Open Space

7.51 In accordance with policy EN1 of the Flintshire Local Development Plan All new residential developments will be required to include provision for public open space or sports and recreational facilities in accordance with the Council's adopted standard of 2.4 Hectares per 1,000 population and be well related to the development it is intended to serve. In accordance with the advice within the Local Planning Guidance Note 13: Open Space Requirements, it would be expected that a development of the size of the proposal would provide onsite provision.

7.52 The proposal provides approximately 6044 m² of onsite public open space provision in the form of a children's play area to the west and a landscaped area on the northern portion of the site and along the southern boundary. The areas to the west and north of the site, which also contains the LEAP (Local Equipped Area for Play) play area in the western portion meets the required 56m² per dwelling open area as required in the planning guidance. The additional 1294m² of space around the SUDs pond to the south of the site is, in effect, additional landscaped amenity space. This will compensate for any area taken up by the GCN compensation area (approximately 1550 square metres).

- 7.53 The LEAP (Local Equipped Area for Play) play area will be required to provide a range of age specific play items which conform to the latest BS/EN 1176 AND BS/EN 1177 standards for play equipment and safer surfacing. Details of its ongoing management and maintenance, can be secured and controlled through a legal agreement.
- 7.54 It is considered that subject to this condition and planning obligation the proposal is in accordance with policy EN1 of the Flintshire Local Development Plan.
- Affordable dwellings
- 7.55 Policy HN3 of the LDP sets out the percentage of affordable dwellings required on sites with ten dwellings or more based upon the housing market area they fall into. The application site sits within Mold and Buckley sub market area where 40% (34) affordable housing is required on site. The application is for 90 dwellings, and proposes 36 affordable dwelling units across the site.
- 7.56 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.
- 7.57 Whereas for those registered on the social housing register the greatest demand is for 1 and 2 bedroomed properties. There is also demand for larger 4 bed General needs homes.
- 7.58 In Flintshire, as at the 28/7/22, there were a total of 748 households registered and ready to apply for "Affordable" rental properties and a total 571 households registered and ready to apply for "Affordable" ownership properties (as per Local Authority prospectus December 2022).
- 7.59 Demand for "Social" housing has increased. As at the 26th of October 2022 there were 2519 Applicants on the 'Social' housing waiting list, an increase from circa 2088 in July 2021 (as per Local Authority prospectus December 2022). In summary there is high demand for Social housing across Flintshire including in New Brighton and Mold & Mynydd Isa and this need is evidently increasing.
- 7.60 In addition as per the Local Authority Housing Prospectus dated December 2022 the generic demand for 1 bedroom (57%) and 2 bedroom (27%) properties comprises 84% of households on the Social housing register.
- 7.61 This compares with the Affordable register where 2 & 3 bedroom properties, particularly houses are most in demand for both

intermediate rent circa 79% and low cost home ownership circa 90% (as at 21.3.23).

- 7.62 It is clear, therefore, that there is a housing need which this development will help to address. The tenure mix will be agreed as part of the Section 106 legal agreement. 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.
- 7.63 Green Infrastructure
The Minister for Climate Change, in their letter to Chief Planning Officers dated 11th October 2023 highlighted the essential role that the planning system must play in meeting the challenges laid down by the Global Biodiversity Framework agreed at COP15, the Biodiversity Deep Dive recommendations developed in response to this and in continuing to fulfil the Section 6 duty to maintain and enhance biodiversity and the resilience of ecosystems in Wales.
- 7.64 In advance of an updated Planning Policy Wales (PPW) Chapter 6 of PPW11 has been amended with regards to green infrastructure, net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands.
- 7.65 The master planning exercises carried out on the site considered its place within the green infrastructure network and informed its final design, including the layout and location of public open space, the size and placement of private amenity garden areas, landscaping, ecological concerns and other such matters.
- 7.66 It is considered that the proposal proportionally meets the identified requirements in its consideration of ecological and biodiversity issues, as well as landscaping and planting proposals and net biodiversity gain, as identified in the report above and will be secured by the conditions recommended. The proposal is considered to be in accordance with LDP policies STR13 and EN2.
- 7.67 Other Matters
The site lies within 3 KM of a number of designated heritage assets, including scheduled monuments and registered parks and gardens. CADW have confirmed that intervening topography, buildings and vegetation ensure that the proposed development will not impact any of these assets. A Heritage assessment was commissioned by the developer to consider the impact of the development upon Wats Dyke, which is the closest Scheduled Ancient Monument to the site. On the basis of this submitted information CADW have confirmed that it is not considered that the development would impact upon the SAM itself or its setting, and as such they have no objection to the proposal.

- 7.68 Clwyd Powys Archaeological Trust have noted that whilst there are no recorded archaeological sites on the development site, first edition OS mapping does indicate the presence of a former farm building known as 'Mynydd Bychan' at the western end of the site. As the likely location of any remains are overlaid by the proposed development CPAT t have requested that a condition is imposed to require a scheme of archaeological investigation and excavation to be carried out prior to development, as a condition of any permission granted. I do not consider that it would be reasonable to require the land to be excluded from being developed, but I consider that should planning permission be granted, it would be reasonable and necessary to impose the archaeological condition.
- 7.69 Some concerns have been raised over the possible loss of ancient and important hedgerows, which currently exist on the site perimeters, given the proximity of some of the proposed elements of the development to the hedges. It should be noted that no substantial hedgerow removal is proposed by the development. The protection of these existing hedgerows can be secured by condition.
- 7.70 In accordance with the principles of Active Travel, and with policy PC6 the proposal introduces enhanced pedestrian access across the site, which improves the route of access from Mold road and New Brighton road. It utilises the existing public right of way as an integral part of the design and layout of the development. As such, and notwithstanding objections received which questions the development from the standpoint of active travel, it is considered that the proposal would accord with policy PC6.

8.00 CONCLUSION

The site is an allocated housing site in the LDP. The sustainable nature of the development and its location, that would also provide the full complement of affordable housing in accordance with the relevant policy requirement, suggest that the development is acceptable in principle.

Problems with the development of this site previously identified have now been overcome and as such it is recommended that the application is approved subject to the commuted sums and conditions outlined in paragraph 2.01.

8.01 Other Considerations

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

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

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