

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH NOVEMBER 2017**

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

SUBJECT: **FULL APPLICATION – RESIDENTIAL DEVELOPMENT FOR 160 NO. DWELLINGS & ASSOCIATED GARDENS & CAR PARKING AT MAES GWERN, MOLD.**

APPLICATION NUMBER: **056742**

APPLICANT: **WATES RESIDENTIAL**

SITE: **LAND AT MAES GWERN, MOLD.**

APPLICATION VALID DATE: **24TH APRIL 2017**

LOCAL MEMBERS: **COUNCILLOR G. COLLETT**

TOWN/COMMUNITY COUNCIL: **MOLD TOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF THE PROPOSALS ARE SUCH THAT IT IS OUTSIDE THE SCOPE OF POWERS DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SITE VISIT: **NO**

Members will recall that this application was deferred at the meeting held on 4.10.2017 in order that a variety of matters could be addressed. Those issues have been the subject of further examination and the report is amended to include further comment upon these matters as indicate by bold type.

1.00 SUMMARY

1.01 This is a full application for the development of this site comprising 160 No. dwellings, together with the creation of vehicular and pedestrian access routes, provision of open space, car parking spaces and all other associated works.

1.02 The issues for consideration are the principle of development, design considerations, impact on residential amenities, highways considerations, impact upon ecology and trees, impact upon the historic landscape and drainage.

1.03 Members are advised that this proposal relates to a site which, whilst a site for the development of largely market housing, is a site within the Council's Strategic Housing and Regeneration Programme (SHARP).

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO A S111 AGREEMENT AND THE FOLLOWING:-

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

Conditions

1. Time limit on commencement
2. In accordance with approved plans and details.
3. Samples of external materials to be submitted and approved
4. Landscaping scheme to be submitted and approved including boundaries and finished site levels. Shall provide details of levels relative to trees to be retained and maintenance and management proposals for the landscaping and P.O.S.
5. Implementation of landscaping scheme.
6. Drainage scheme to be submitted and agreed.
7. Notwithstanding the submitted details, a plan indicating the precise location of dwellings upon Plots 52 and 53 to be submitted and agreed.
8. Scheme for layout and design of site access to be submitted and agreed.
9. Forming and construction of the access not to commence until design agreed.
10. Visibility splays of 2.4m 43m in both directions to be secured without obstruction and retained.
11. Scheme for parking and turning of vehicles to be submitted and agreed.
12. Garage fronts 5.5m from footway or 7.3m from edge of carriageways.
13. Detailed layout, design, traffic calming, means of signage, highway drainage, lighting and footways to be submitted and agreed.
14. Scheme for surface water interception between site and highway to be submitted and agreed.
15. No development until Construction Traffic Management Plan submitted and agreed.
16. Travel Plan and Transport Implementation Strategy to be submitted and agreed.

17. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to meeting education infrastructure requirements..
18. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to the retention of affordable housing.
19. No development shall commence unless and until a scheme has been submitted and agreed to satisfy the policy and planning guidance requirements relating to public open space and recreation.
20. No development until an updated tree survey and assessment in respect of trees adjacent to the approved site access points has been submitted and agreed.
21. Drainage scheme to be submitted and agreed.
22. Tree protection measures implemented before any site works.
23. No tree removal until bat survey undertaken and any mitigation submitted and agreed.
- 24. Scheme for enhanced glazing and ventilation measures to be submitted and agreed prior to first occupation of any affected dwellings.**

3.00 CONSULTATIONS

3.01 Local Member Councillor G. Collett

Offers the following observations:

- The revised plans have resulted in a reduced area for community gardens;
- Application site area has changed to include other land;
- Welcomes that badger setts in the area have been identified but considers proposal to safeguarded their location to be inadequate;
- Proposed development is at an unacceptable density;
- Has concerns in relation to site drainage; and
- Has concerns in respect of the potential flicker effect from the approved (as yet un-constructed) wind turbine on an adjacent site upon future residents.

Mold Town Council

Offers the following comments:

- Application site area has changed to include other land;
- Area for protection of badgers setts should not also serve the purposes of Public Open Space and is inadequate;
- Concerns in respect of proposed drainage arrangements;
- Seeks upgrade of footpath along Maes Gwern to a cycle path;

- Considers the scheme should incorporate roof mounted solar PV as a renewable energy solution;
- Has concerns in respect of the energy performance of the dwellings;
- Considers a 3 storey apartment block would appear visually intrusive;
- Visual impact upon rural outlook should be mitigated to the eastern edge of the site;
- Considers footpath links between the site and adjacent recent development site should be re-introduced;
- Has concerns in respect of the potential flicker effect from the approved (as yet un-constructed) wind turbine on an adjacent site upon future residents;
- Whilst the Council welcomes the concept of a village development, considers the scheme places amenities upon the site periphery and links to the town centre are poor other than by car; and
- Considers the dwelling designs to be unimaginative.

Highways DC

Notes that the scheme has been the subject of extensive pre-application engagement and advises that the majority of highway related matters are satisfactorily incorporated into the proposals. Notes that there are no public footpaths or bridleways within the immediacy of the site and therefore there are no impacts envisioned upon the same. Advises that there is no objection to the scheme and all matters requiring final agreement can be addressed by condition and requests the imposition of the same.

Pollution Control

Advises that the recommendations contained within the Wind Turbine Noise Assessment Report which advise that enhanced glazing and ventilation within affected properties would serve to adequately mitigate those dwellings from the impacts of any noise attributable to the turbine.

Housing Strategy Manager

In terms of evidence of the need for affordable housing, advises:

- The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units;
- The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;
- The SARTH currently has 1369 applications – 432 have identified Mold as one of the areas where they are seeking either a social rented house, bungalow or flat;

- There is a demand for both affordable rent and ownership products in Mold, with;
 - 16 applicants currently registered for affordable rent, primarily 1 and 2 bed properties; and
 - A further 41 applicants registered for 2 and 3 bed affordable ownership properties.

In view of the above, advises that the proposed affordable housing provision within the application would be acceptable and is supported.

Public Open Spaces Manager

Advises that the site is well located in respect of proximity to other community use facilities and therefore advocates a combination of on site recreation provisions and the payment of a commuted sum (£110,000) towards off site provisions or enhancement of existing facilities in the locality.

Advises that the proposed children's play area should be increased in size to 2500 sq.m. Advises that a commuted sum of £60,000 be paid to the Council towards the supply and installation of play equipment.

Should other areas of Public Open Space be required to be adopted by the Council, a 10 year maintenance commuted sum would be required.

Enterprise & Regeneration

Whilst acknowledging the importance of retaining land allocated for employment purposes, advises that this site has been allocated for this purpose for many years and has remained undeveloped despite being marketed as an available site by the Council.

Considers that the site can be released for other forms of development given the unsuccessful marketing of the site.

Head of Lifelong Learning – Capital Projects & Planning Manager

Advises that there is insufficient capacity at the local primary school (Bryn Coch C.P School). Advises that the nearest Secondary School is the Alun High School Castell, which has sufficient capacity and would therefore not be affected by the proposals.

Welsh Water/Dwr Cymru

No objection subject to the imposition of conditions requiring the submission and agreement of the proposed drainage arrangements for the site.

Natural Resources Wales

No objection in respect of impacts upon protected species or having regard to flood risk.

Coal Authority

No adverse comments. Requests that standing advice notes are imposed upon any subsequent permission granted.

Airbus

No objection upon aerodrome safeguarding grounds.

CADW

Considers there is no impact by the proposals upon the nearby historic assets and therefore does not object.

CPAT

Considers that assessment of the impact upon nearby listed buildings should be undertaken.

The Ramblers

Objects to the proposals. Considers the proposals do not connect the development to the town. Considers the scheme does not link effectively with both existing and proposed walking and cycling links. Considers screening landscaping is required to the east.

Clwyd Badger Group

Concerned that insufficient regard has been had to the impacts of the proposed development upon nearby badger setts and the foraging areas associated with the same. Objects upon the basis that this development will increase the risk of conflict between humans and badgers as a consequence of foraging in the rear gardens of existing and proposed dwellings.

4.00 PUBLICITY

4.01 This application has been publicised by way of the publication of a Press Notice, display of a Site Notice and Neighbour Notification letters. The application has been the subject of consultation on 2 occasions and 36 No. letters of objection have been received from local residents on the following grounds:

- Inadequacy of footpath and cycle path linkages;
- Existing Maes Gwern junction is inadequate to cater for additional traffic;
- Increased risk to highway and pedestrian safety as a consequence of increased traffic;
- Insufficient and inadequate vehicular and pedestrian access to the site from Maes Gwern
- Adverse impacts upon ecology;
- Inadequate detail in respect of drainage proposals and risk of

- offsite flooding;
- Increased risk of crime and anti-social behaviour. Proposed footbridge link to adjacent development site will serve as a crime 'escape route';
- Insufficient integration of public open space;
- Insufficient community infrastructure in the area;
- Inclusion of existing amenity areas within the site should not be permitted;
- Impacts of potential flicker effect from the approved (as yet un-constructed) wind turbine on an adjacent site upon future residents;
- Proposals are overdevelopment;
- Insufficient affordable housing provision;
- Increased noise to the detriment of amenity;
- Proposals are contrary to national and local policies in respect land allocated for employment uses; and
- Proposals will adversely impact upon the continued operation of existing nearby commercial premises;

4.02 A single letter of support has been received which welcomes the inclusion of P.O.S areas along Maes Gwern but also queries the level of P.O.S provisions across the site.

4.03 A further letter has been received which neither raises objection nor offers support but welcomes the buffering of the site between the nearby listed building and seeks a drainage scheme to manage water flows from the site.

5.00 SITE HISTORY

5.01 No previous history

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 D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy D4 - Outdoor Lighting

Policy TWH1 - Development affecting Trees & Woodlands

Policy TWH2 - Protection of Hedgerows

Policy WB1 - Species Protection

Policy HE2 - Development affecting Listed Buildings & their Settings

Policy HSG3 - Housing on Unallocated Sites in Settlement

- Boundaries
- Policy HSG8 - Density of Development
 - Policy HSG9 - Housing Mix and Type
 - Policy HSG10 - Affordable Housing within Settlement Boundaries
 - Policy AC2 - Pedestrian Provision & Rights of Way
 - Policy AC13 - Access and Traffic Impacts
 - Policy AC18 - Parking Provision and New Development
 - Policy HE8 - Recording of Historic Features
 - Policy SR5 - Outdoor Play Space & New Residential Development.
 - Policy EM3 - Development Zones & Principal Employment Areas
 - Policy EM6 - Protection of Employment Land

Planning Policy Wales

- TAN5 - Nature & Conservation Planning
- TAN12 - Design
- TAN15 - Flood Risk
- TAN18 - Transport

Supplementary/Local Planning Guidance Notes:

- SPGN2 - Space Around Dwellings
- SPGN3 - Landscaping
- SPGN4 - Trees and Development
- SPGN6 - Listed Buildings
- SPGN8 - Nature Conservation and Development
- SPGN9 - Affordable Housing
- SPGN11 - Parking Standards
- SPGN12 - Access For All
- SPGN13 - Open Space Requirements
- SPGN23 - Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 Site & Surroundings

The site comprises some 7.96ha of land comprising 5.71ha of land presently allocated for the purposes of employment development within the Flintshire UDP and a further 2.26ha of land comprising public open space. The site is located within the settlement boundary of Mold.

7.02 The site topography undulates but generally falls from west to east. There is a rise across the site to a high point in the middle of the site across both axis. The site occupies a position between areas with distinct character in terms of use and built form, namely residential to the north and commercial to the south

7.03 The site is bounded on all sides by significant and mature hedging and trees. Residential properties in the Upper Bryn Coch area abut to the north of the site across a woodland corridor of land through which a watercourse runs on a west to east axis. The southern

wooded boundary also abuts a watercourse, with Maes Gwern itself and commercial premises located further to the south. The western edge of the site abuts a recently developed residential site at the western end of Upper Bryn Coch. The eastern boundary abuts the playing fields associated with Mold Alun High School and another field between the site and Trebierdd House.

7.04 The Proposals

The proposals provide for the redevelopment of this site for the purposes of a residential development of 160 No. new dwellings, 48 No. of which are proposed to be affordable dwellings. These proposals seek to provide the following:

Market Housing

- 6 No. 2 bed terrace dwellings;
- 10 No. 2 bed semi-detached dwellings;
- 18 No. 2 bed apartments;
- 13 No. 3 bed semi-detached dwellings;
- 23 No. 3 bed detached dwellings; and
- 42No. 4 bed detached dwellings.

Affordable Housing

- 6 No. 1 bed apartments;
- 20 No. 2 bed terraced dwellings;
- 2 No. 2 bed bungalows;
- 6 No. 2 bed semi-detached dwellings; and
- 14 No. 3 bed semi-detached dwellings.

7.05 In addition, the proposals provide for some 0.42ha of play and public open space in addition to making provisions for the enhancement and management of a further 2.25ha of public open space upon the southern edge of the site.

7.06 2 No. points of vehicular access are proposed from Maes Gwern, 1 No. of which is the upgrade of the existing field gate access to the western end of the site. A second entirely new point of access is proposed towards the eastern edge of the site, through part of the existing wooded fringe in this location. A new 3m wide shared use path is proposed to be created along the southern boundary of the developable area, between it and the areas of public open space along the southern edge of the site. This route extends between the 2 proposed points of access and provides for linkages both into the newly developed area and the existing woodland area. A spur from this route extends northwards towards the boundary with the adjacent Alun School grounds. This link is intended to facilitate access for both children to the school and also for users of the adjacent leisure centre and associated recreation facilities.

7.07 The proposals also provide the creation of cycle link into the existing

adjacent housing development to the north west of the site to connect into the existing development and facilitate links towards the north of the site.

7.08 Main Issues

The main issues for consideration in the determination of this application are:

- The principle of the development in planning policy terms;
- Design considerations;
- Affordable housing;
- Highway impact;
- Ecology and trees;
- Historic asset impacts;
- Public Open Space requirements; and
- Education requirements.

7.09 The Principle of Development

The site lies within the settlement boundary of Mold which is a category A settlement in the adopted UDP. The site is also allocated for employment by virtue of policy EM2(4) which identifies the site for high quality employment B1 development, as part of Mold Business Park. Policy EM6 seeks to protect existing or allocated employment sites subject to satisfying certain criteria.

7.10 The residential development is being proposed as part of the Council's on-going SHARP programme. At a time when the Council cannot demonstrate a 5 year housing land supply, the proposed 160 dwellings will make a significant contribution to housing land supply on the edge of a main town which has a range of services and facilities and employment. However there is a potential conflict with the adopted UDP in terms of the loss of an employment allocation.

7.11 TAN1 advises that the housing land supply figure should be treated as a material consideration in determining planning applications for housing. Para 6.2 of TAN1 specifically advises that:

'Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.

7.12 A further consideration is the advice in para 4.2.2 of PPW that:

'The planning system provides for a presumption in favour of sustainable development'.

It is therefore necessary to look further into whether the proposal is in conflict with the development plan. Policy EM6 identifies that:

'The establishment of non-employment or retail uses on existing or allocated employment land and buildings will be permitted only where:

- *no other suitable site is available for the development proposed;*
- *the site or building is no longer considered to be suitable for employment purposes;*
- *it would not result in an unacceptable reduction in the supply and range of employment sites in the area; or*
- *the proposal would bring about the removal or satisfactory relocation of a non - conforming or potentially polluting use from the site or building.'*

7.13

The current proposal would result in the loss of approximately 0.89 hectares of land allocated for employment use. In terms of employment land availability in Mold 6.4 hectares of land was allocated within the UDP, in addition to existing land available on the Broncoed Industrial estate and the Mold Business Park which is due to be actively marketed in the near future.

7.14

Consultation on the application has been undertaken with the Council's Economic Development Section who have advised that whilst it is important for employment land to be retained for the purposes of future economic growth, it is recognised that not all sites which have been allocated for this purpose remain of equal value for that purpose. The Council has recently reviewed its employment allocations which identifies that there is an adequate supply of land already available to meet future forecasted needs. This review proposes that sites best suited to modern high quality employment uses should be safeguarded and those sites which are unlikely to be as suitable could be released where it can be demonstrated that they are unsuited for employment use or have been unsuccessfully marketed for such a use. In this regard, the outcome of the review in respect of less suitable sites accords with the requirements of Policy EM6.

7.15

I am advised in response to consultation that the application site has been allocated for employment use for many years but has remained undeveloped despite it being marketed by the Council as being available. In addition, I am advised that there are adjacent areas of employment land within the vicinity of the site which remain vacant and available to accommodate any future employment growth which may be required.

Accordingly, I consider the criteria to be satisfied in terms of Policy EM6 are met and the proposals would not fail by virtue of non-

7.16

compliance with this policy.

- 7.17 Turning to the question of whether the proposals represent sustainable development, the site is on the edge of Mold which is a Category A settlement in the UDP on account of its size, accessibility, services and facilities and employment offer. The proposals, in effect, result in a mixed use development and could attract further market interest in the remaining employment sites on the south side of Maes Gwern. I consider therefore that it represents a sustainable location for housing development.

Design

- 7.18 The proposed design and layout of this scheme has been the subject of lengthy negotiation and discussion over the course of both pre-application engagement and the consideration of the application and has been amended in line with comments arising from the consultation process. During the design stages in the development of this application a Design Commission for Wales workshop was held.

- 7.19 Subsequently a contextual appraisal was undertaken and design principles identified which informed a purely concept layout. This early stage work was the subject of a Design Review held to the Design Commission for Wales (DCW). This review was held on the 6th June 2016 and the comments arising from this review have, in part, influenced the development of the detailed proposals contained within this application. **Members will recall requesting that a further Design Review be held in connection with the scheme as proposed. I would advise that this review was held on 14.10.2017 but at the time of writing this report, the Design Review report has not be received from DCFW. An update in the light of this report will be provided in the form of late observations.**

- 7.20 The comments of the Design Commission arising from the Design Review were largely positive. The rationale behind the scheme and the design aspirations for the scheme were clear. No issues were raised in respect of the scale or form of development as whole. The aim to achieve a 'Garden Village' design solution to this site was welcomed. Comments in relation to having regard to the Building for Life criteria have informed the design of this scheme. The impact of the car in the street scene is attempted to be mitigated by using areas of open green space to separate vehicles, pedestrians and built form. In recognising the edge of settlement location of the site, the scheme has sought to make and develop existing connections between the site and the surroundings to provide linkages via foot, cycle and the car. Provision is also made for linkages to the adjacent school and leisure centre.

- 7.21 The external appearances of the buildings utilise high quality detailing and materials in their composition. The use of render, brick, glazing and concrete roofing tiles all combine to reinforce the aim to create a

visual appearance of a Garden Village. I am satisfied that these proposal represents an appropriate response to the challenge of creating a development which has a sense of place both within itself and in relation to the surrounding built form.

7.22 In terms of concerns in respect of the proposals amounting to an overdevelopment of the site, I note that the proposals provide for a density of development of 35 dwellings per hectare. This is completely consistent with both national and local planning policy guidance Policy HSG8 which seeks to make the most effective use of land when undertaking development. Proposals of this size and scale in a large town such as Mold would be expected to yield development at this density and therefore I consider the proposals are acceptable in this regard.

7.23 The importance of the development being seen to sit in its context and respecting and engaging with the existing mature landscaped fringes of the site was identified as a key issue. In response, the scheme has provided for fringe properties to the south of the site, abutting the wooded belt, to present a frontage to this area, thereby ensuring that these properties engage with both the area and the proposed footpaths and cycle ways through this space. The proposed location of the equipped play space along this site edge also ensures that this space has a degree of natural surveillance and engagement with the public realm. This will assist in ensuring that the site connects into surroundings. In addition, the proposed dwellings in the northwest corner of the site are arranged to engage with the proposed community orchard space in this area, which in turn relates to the area of public open space around the watercourse upon the adjacent development site. The proposal therefore complies with Policy D1 of the UDP.

Affordable Housing

7.24 Whilst the site is owned by the Council, it is proposed to be developed as a market dwellings site with a proportion of affordable housing provided upon site. Members will note from paragraph 7.04 that the scheme makes provision for 48 No. affordable dwellings. This provision indicates accommodation in a variety of forms and amounts to the provision of 30% of the overall scheme as affordable dwellings.

7.25 I am mindful that the affordable housing to be provided must still operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing. Accordingly, safeguards should still properly be sought to ensure the retention of the same in the future.

7.26 Therefore I propose to impose a condition that no development is permitted to commence until a scheme detailing the precise means and methods via which the affordability of these units will be secured in perpetuity is submitted to and agreed in writing with the Local

Planning Authority. The proposal is therefore capable of complying with policy HSG10 and SPG9.

Highway and Access

7.27 As outlined previously, the proposals make provision for the developed site to be served by two points of vehicular access, with a variety of linkages for pedestrian and cycle movement to also be created. Footpath linkages are provided to;

- provide access to the school to the east of the site;
- provide access to the existing footpath network along the southern edge of the site abutting Maes Gwern. This in turn allows easy access to the existing public right of way network via Footpath 11 which exist further to the east of the site;
- provide improved pedestrian links to the west to link into the top of Upper Bryn Coch. This in turn allows easy access into the existing public right of way network to the west of the site via Footpath 40 and to the north via Footpath 8 upon Upper Bryn Coch; and
- the improved linkages to Maes Gwern and Upper Bryn Coch in turn improve the accessibility to the cycle networks in the area.

7.28 The improved linkages to the north and east provide for easier access from the site towards the town centre. The scheme has responded to the comments arising from the Design Review and provides a layout with a hierarchy a streets providing a clearly legible arrangement of routes across the site.

7.29 The scheme has been the subject of extensive pre-application engagement and discussions between the developer and the Highway Authority and is accompanied by both a Transport Statement and Residential Travel Plan. These documents address the issues in respect of access to sustainable modes of travel and reduction in reliance upon the car. It is noted that bus services exist to the north of the site upon Ruthin Road which can be accessed on foot. Services are provided here at a frequency of 40 – 85 minutes.

7.30 The Travel Statement considers the capacity of the junction of Maes Gwern with Ffordd Nercwys and the subsequent junction between Ffordd Nercwys and Wrexham Road and concludes that the proposals will have no adverse impact upon either junction and therefore no impacts which would result in a detriment to highway safety.

Consequently, that there is no objection to the proposals in highways terms and the variety of methods of travel from the site comply with the aims of Policy AC2 and AC13.

7.31 Ecology and Trees

The main ecological features of this site are the mature hedges and trees which are present on all boundaries. Indeed the woodland to the south of the site form part of the Maes Gwern local wildlife site.

7.32 The application is accompanied by an Ecology Appraisal, Great Crested Newt EDNA survey and Arboricultural Impact Assessment (AIA). The EDNA report concludes that that the proposals have no implications with regard to the proposed development in relation to Great Crested Newt Newts.

These surveys and investigations have established that the woodlands to the north of the site are home to a large and established badger sett. This has necessitated a modification to the layout of the proposed site to provide for a 30m buffer between the sett and any built form. **This 30m buffer is not an exclusion zone, it is a no built form zone and accords with the national guidance in respect of the proximity of redevelopment to existing badger setts.** The proposals provide adequate opportunities for the badgers to migrate eastwards, westwards and southwards through and adjacent to the proposed development site. This includes the provision of a badger underpass in the vicinity of the most easterly of the two site accesses. This underpass facilitates access from the known badger foraging areas at the adjacent school fields and landscaped boundary to the eastern edge of the site to the woodland and further open areas to the south of the site. The proposed green space at the north western corner of the site creates a further green link between the northern woodland corridor and the existing green space upon the adjacent development site on Upper Bryn Coch.

7.33

These proposals have been the subject of consultation with the County Ecologist who considers they make acceptable provisions to safeguard the badgers, this includes the use of public open space.

7.34 The majority of trees within and adjacent to the site are proposed to be retained and protected during the course of the development and the submitted AIA contains details of the protection measures to be installed before any site works are undertaken. I shall condition that

7.35 these measures are installed.

The AIA does however identify that 3No. trees will require removal as they are either diseased or structurally unsound as a consequence of defects on the tree. The survey identifies that one of these trees has the potential to act as a roosting site for bats. Accordingly, I propose

7.36 to condition that this tree is surveyed for bats prior to removal and if they are discovered, a report be provided setting out the mitigation measures to be employed before the tree is removed.

No objection is raised to these proposals by the Council's Arboriculturalist. However, it is noted that some of the proposals may impinge upon the root protection areas of certain trees, especially if levels changes are proposed. Accordingly, I propose that the

7.37 condition requiring the submission of landscaping details includes the

proposed site levels in order that this impact can be avoided. In addition, a condition is required to provide an updated survey in respect of the trees in the vicinity of the proposed access points to ensure that there is no adverse impacts.

7.38 Concerns have been raised in relation to the relationship between the crown spread of existing ash trees and the proposed dwellings upon plots 52 and 53. I am content that, notwithstanding the submitted details, a layout can be produced which address this poor juxtaposition. Accordingly, I propose to condition that the permission does not include the plot layouts submitted and requires an amended plan in respect of these plots to be submitted and agreed. The proposals therefore satisfy the requirements of both policies WB1 and TWH1.

7.39 Historic Asset Impact

The application site is located within 2km of the following Scheduled Ancient Monuments, namely The Bailey Hill, Mold; Round Barrow at Pentrehobin; and Tyddyn Castle Mound. In addition the site is also located within 2km of the Historic Parks and Gardens at Pentrehobyn; Rhual; The Tower; and Leeswood Hall. The site is not located in any of the significant views from these sites and the topography, vegetation and buildings between the site and the above historic features will provide significant screening. As such there will be no impact upon the settings of these assets.

7.40 The site is also located to the west of the Grade II listed Trebierdd House. When making a decision upon a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This addresses the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. Accordingly, decision makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

7.41 Given that there remains a field parcel and the associated mature hedgerows and tree belts along the eastern boundary of this site and the field parcel between the site and the listed building, I am satisfied that there will be sufficient screening between the site to the extent that there will be no adverse impact upon the setting of this building. The proposal therefore complies with Policy HE2.

7.42 Education Contributions

Consultation has highlighted a lack of capacity within the existing educational infrastructure to accommodate the pupils arising from the proposed development.

- 7.43 Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation has established, having regard to SPG23 : Developer Contributions to Education, the development would not give rise to any contribution requirement at Secondary School level as there is sufficient capacity within the school (Mold Alun High School) both currently and following this development (if approved).
- 7.44 However, such capacity is not available at the nearest primary school (Ysgol Bryn Coch). The current capacity of the school stands at 599. However, there are presently 601 pupils attending the school. Accordingly the school has no surplus of spaces for additional pupils. The proposals would likely give rise to an additional 37 No. pupils. This further adversely impacts upon the capacity of the school. Accordingly, upon the application of the guidance, a sum of £453,5409 would normally be sought for educational purposes as a consequence of this development.
- 7.45 The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards educational infrastructure where the proposals give rise to a potential impact.
- 7.46 Accordingly I propose a condition in respect of the above issue such that no development is permitted to commence until a scheme to address the education infrastructure issue is submitted and agreed and therefore the proposal complies with the aims of SPGN23.
- 7.47 Public Open Space and Recreation
The proposals make provision for some 0.42ha of play and public open space as part of the development. This includes;
- a 0.04ha play area proposed to be equipped with play equipment;
 - a 0.08ha area proposed to be utilised as community orchard space;
 - a total of 0.29ha of public open space in 3 locations across the site.

- 7.48 Consultation has established that the assessment of the play and recreation requirements arising from this proposal is best undertaken

upon the basis of a combination of on-site provision and a commuted sum towards the enhancement of existing off site facilities. This recognises that the site lies in close proximity to the existing leisure centre and associated facilities at Mold Leisure Centre and the existing St. Mary's children's play area some 100m to the north of the site. Applying the criteria asset out in LPGN13, a contribution towards the enhancement of these facilities of £110,000 would normally be sought as a consequence of this development.

7.49 The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards play and recreation facilities. Accordingly I propose a condition in respect of the above issue such that no development is permitted to commence until a scheme to address this issue is submitted and agreed.

7.50 Concern has been raised in respect of the size of the proposed play area in relation to the overall size of the development. Whilst the play area is not of a size which would meet the guidance set out in LPGN, I am mindful of the close proximity of extensive facilities within easy walking distance which will satisfy this requirements for a wide range of ages. This being the case, I consider the proposals serve the purposes of providing a facility on the site to meet the recreation needs of the smallest children, with the needs of older children being more than adequately catered for via existing. I also consider that the proposed P.O.S and the proposals to integrate with and enhance the P.O.S areas to the north of Maes Gwern will afford greater recreational opportunities for all ages. The proposal therefore complies with Policy SR5 and SPGN13.

7.51 **Members will recall that there was felt to be a need to ensure that the requirements of policy in respect of education provision and play/recreation provision were secured. Notwithstanding that this issue is addressed via the imposition of Grampian conditions requiring schemes pursuant to these policies to be submitted and agreed, the applicant has advised that they are willing to enter into an agreement under S.111 of the Local Government Act 1972. This S.111 Agreement becomes an obligation to enter into a S.106 Agreement on transfer of the land and therefore it is considered provides the surety to alleviate Members concerns.**

7.52 **Members also queried the means via which the areas of P.O.S, especially the wooded fringe alongside Maes Gwern, were to be maintained and managed in the longer term. This land is owned by the Council and will remain within the ownership of the Council. The applicant has indicated it is their intention to**

manage and maintain all landscape, P.O.S and play space via a management company. Subject to agreement with the Council as part of the land acquisition process, the wooded area will be included within this maintenance regime.

Other matters

7.53

Drainage

Concerns have been raised by the local community in response to notification suggesting that that the application does not provide adequate information in respect of the proposed methods for the disposal of foul and surface water arising from the proposed development. In addition, concerns are raised in respect of the adequacy of the existing drainage infrastructure to accommodate further flows.

7.54

It should be noted that the site is not located within an area at risk of flooding and NRW advice to this effect in response to consultation. The application proposes the disposal of foul waters to the existing sewer network and surface water being discharged at greenfield rates into the adjacent watercourses. I am advised by both DCWW and NRW that the precise details in respect of the proposed drainage methods to be employed in connection with this site are best addressed via the imposition of a condition requiring the submission and agreement of the drainage proposals before the commencement of development. The relevant condition is therefore imposed.

Wind Turbine

7.55

Members will recall that there was concern in respect of a permitted, but as yet unconstructed, wind turbine upon a site located to the south of the application site. Members will recall that debate centred upon the anticipated impacts upon amenity of future residents arising from noise from the operation of the turbine and the potential impacts arising from ‘shadow flicker’.

Noise:

7.56

A Wind Turbine Noise Assessment Report was commissioned by the applicant which considered what impact the permitted turbine might have upon the amenity of future occupiers of the dwellings. The assessment notes that the approved turbine has a rated power 50kW and a height of 35m to blade tip. The sound level data used within the assessment has been provided by the turbine manufacturer.

7.57

The assessment concluded that, provided the proposed enhanced glazing and acoustically rated ventilation measures are implemented, the predicted internal sound levels in the proposed dwellings would be below the guideline levels at all wind speeds in all habitable spaces within the dwellings.

7.58

This assessment has been the subject of a consultation with the Council’s Pollution Control Officers. I am advised as a

consequence of this consultation that the conclusions and recommendations of the report in respect of enhanced glazing and ventilation measures are appropriate and therefore there would be no adverse impacts amenity as a consequence of noise. Any mitigation in terms of enhanced glazing and ventilation will be secured by the imposition of a planning condition.

Shadow Flicker:

7.59 An independent shadow flicker assessment has been commissioned by the applicant to establish the extent of the impact of any potential shadow flicker effect were the turbine to be erected. The report identifies that typically, shadow flicker can occur at a distance of up to 10 times the blade length of a turbine. However, the assessment has been extended further than this distance to include the entire development site.

7.60 It must firstly be noted that there is no minimum formal limit in the UK in respect of the level of shadow flicker which is acceptable. The report identifies that other European countries have certain limits and uses these limits of 30 minutes per day and 30 hours per year as a reference point for the measuring any particular impact in this assessment. It must be noted that shadow flicker can only occur in areas 130 degrees either side of north relative to the turbine, where the sun is low in the sky and it is a sunny day. In practice therefore, in the UK, shadow flicker can only occur in suitable conditions during winter months. Adverse weather conditions, including cloud cover, would ensure that shadow flicker would not occur.

7.61 The assessment indicates that the effects of shadow flicker would in fact only occur at a distance of up to 160m from the turbine. The report adopts a conservative approach and assumes an uninterrupted view from a ground floor window to the turbine. Given this, the report concludes that only 6 dwellings would be expected to experience shadow flicker at a level above the identified reference point of 30 minutes per days and 30 hours per year.

7.62 The assessment does however advise that a number of other factors must be taken into account as mitigation. Specifically, the impact of the mature tree belt to the south of the site is considered and it is concluded that this will screen dwellings from shadow flicker for a distance of some 50 metres into the site. In addition, shadow flicker will only be seen to occur where there an unimpeded line of sight from a window to the turbine itself. Therefore, the orientation of the dwelling relative the turbine is important. Furthermore, given the topography of the site within the landscape, it is entirely possible that dwellings will, in effect, screen other dwellings from this effect.

7.63 **It is clear from the report, that the dwellings in the locations of which may be affected are predominantly orientated to the turbine such that it is gable wall facing the turbine and therefore shadow flicker will not be an issue as there are no facing habitable room windows. Those dwellings which face the turbine would benefit from the screening effects of the wooded belt.**

7.64 **Taking the findings of the assessment into account in the overall planning balance, it is considered that the extremely limited extent of potential impact is such that the potential erection of the turbine would not cause significant harm which would outweigh the sustainable credentials of the proposed development.**

8.00 CONCLUSION

8.01 Having taken into account the applicable policy context in respect of this site and factoring all other material considerations into the planning balance, I have concluded that this proposal is acceptable for the reasons set out above. Accordingly, I recommend that planning permission should be granted subject to the conditions set out in Para 2.01 above.

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

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