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Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Marion Bateman, Sean Bibby,
Chris Bithell, Derek Butler, David Cox,
Adele Davies-Cooke, Ian Dunbar, Carol Ellis,
David Evans, Veronica Gay, Patrick Heesom,
Dave Hughes, Kevin Hughes, Christine Jones,
Richard Jones, Richard Lloyd, Billy Mullin,
Mike Peers, Neville Phillips and Owen Thomas

28 February 2019

Sharon Thomas 01352 702324
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Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 6TH MARCH, 2019** at **1.00PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

WEBCASTING NOTICE

This meeting will be filmed for live broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items.

Generally the public seating areas are not filmed. However, by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and / or training purposes.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting held on 6 February 2019.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

**REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO
PLANNING COMMITTEE ON 6 MARCH 2019**

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	058489 - R	Outline Application for the Demolition of No. 81 Drury Lane and Construction of Up to 66 Dwellings at 81 Drury Lane, Buckley (Pages 9 - 28)
6.2	057165 - A	Demolition of Existing Buildings and Erection of 13 No. Houses and 6 No. Apartments at Mill Lodge, Mill Lane, Buckley. (Pages 29 - 38)
6.3	059387 - R	Outline Application for Residential Development at Megs Lane, Buckley. (Pages 39 - 54)
6.4	059352 - A	Full Application - Erection of 32 No. Dwellings at Hawarden Road, Penyffordd. (Pages 55 - 72)
6.5	059029 - A	Full Application - Retrospective Application Site Re-Grading to Create a Level Paddock Field for Horses and Siting of a Stable Block, New Native Hedge Planting and Fencing to be Used for Boundary Treatments and Site Security at Ashwood House, Church Lane, Aston Hill, Ewloe. (Pages 73 - 82)
6.6	058583 - A	Full Application - Construction of 33 No. Dwellings and Associated Works, Following the Demolition of the Existing Dwelling and Outbuildings at Broad Oak Holding, Mold Road, Northop (Pages 83 - 104)
6.7	054077 - A	Outline Application - Residential Development of 16 Dwellings, With Details of Access at Pandy Garage, Chester Road, Oakenholt. (Pages 105 - 120)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.8	057737	Appeal by Mr. S. Banks Against the Decision of Flintshire County Council to Refuse Planning Permission for the Change of Use of Land for Temporary Storage of Cars and Vans at Wood Farm, Deeside Lane, Sealand - DISMISSED. (Pages 121 - 126)
6.9	058024	Appeal by Mr. C. Walsh Against the Decision of Flintshire County Council to Refuse Planning Permission for the Change of Use and Extension to Dwelling to Form House in Multiple Occupation at 46 Gladstone Road, Broughton - ALLOWED. (Pages 127 - 132)
6.10	058147	Appeal by Mr. & Mrs C. Patrick Against the Decision of Flintshire County Council to Refuse Planning Permission for the Formation of Dormer Extensions to Front and Rear of Dwelling at 13 Moorcroft, New Brighton - DISMISSED. (Pages 133 - 138)

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PLANNING COMMITTEE
6 FEBRUARY 2019

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 6 February 2019

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Sean Bibby, Chris Bithell, David Cox, Adele Davies-Cooke, Ian Dunbar, Carol Ellis, David Evans, Veronica Gay, Patrick Heesom, Dave Hughes, Kevin Hughes, Christine Jones, Richard Lloyd, Billy Mullin, Mike Peers, Neville Phillips and Owen Thomas

ALSO PRESENT: The following attended as observers:
Councillors Dennis Hutchinson and Aaron Shotton

IN ATTENDANCE:

Chief Officer (Planning, Environment & Economy); Development Manager; Service Manager - Strategy; Senior Planners; Senior Engineer - Highways Development Control; Senior Minerals & Waste Officer; Senior Solicitor; Tree Officer; Overview & Scrutiny Facilitator and Democratic Services Officer

50. DECLARATIONS OF INTEREST

There were no declarations of interest.

51. LATE OBSERVATIONS

There were no late observations.

52. MINUTES

The draft minutes of the meeting held on 9 January 2019 were submitted.

The Senior Solicitor advised of an amendments to page 5 of the minutes that the wording 'personal or prejudicial' should be amended to read 'personal and prejudicial'.

RESOLVED:

That, subject to the amendment listed above, the minutes be approved as a true and correct record and signed by the Chairman.

53. ITEMS TO BE DEFERRED

None were recommended by officers.

Councillor Mike Peers asked to raise a point on process. He thanked the Senior Solicitor for the advice he had received prior to the start of the meeting but raised his disappointment that an outline application for the demolition of 81 Drury Lane with officer recommendation for refusal had not been included on the

agenda for the meeting. He explained that he had received a copy of the draft agenda on 28th January which he had subsequently shared with local residents, but had since learnt that correspondence outlining legal opinion of the application had been submitted at a late stage from the applicant and therefore a decision had been made to defer the item from the agenda. He raised concerns that this had further delayed consideration of the application, which he had first responded to in September 2018 and felt that the application should have remained on the agenda for a decision on its deferral to be made by the Planning Committee.

The Chief Officer (Planning, Environment & Economy) outlined the process in dealing with applications being submitted to the Planning Committee. He explained that two weeks prior to the Committee meeting a list of applications that were in a position to be brought forward for consideration were provided to the Chair and Vice-Chair. This allowed time for all interested parties who had made representations on an application to be contacted with the Committee date for them to make themselves available to speak at the meeting, if they so wished. The exception in the case of the application referred to by Councillor Peers, was the submission of significant late information from the applicant prior to the agenda items being published on the Council's website. Officers did not feel it was safe to include the application on the agenda without the opportunity to take into account that information and therefore withdrew it from the agenda prior to its publication.

54. REPORTS OF THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)

RESOLVED:

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

55. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were three members of the public and one member of the press in attendance.

(The meeting started at 1.00pm and ended at 2.38pm)

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Chairman

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PLANNING COMMITTEE ON 6 FEBRUARY 2019

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
058544	Connah's Quay Town Council	Full Application – Residential Development of 30 No. Affordable Apartments for People over 55 Associated Access, Parking and Demolition of Former Albion Hotel at Albion Social Club, Pen y Llan, Connah's Quay	Mrs. K. Evans, spoke against the application. Mr. B. Thornley, the agent, spoke in support of the application.	That planning permission be granted subject to the applicant entering into a Section 106 Obligation, and subject to the conditions set out in the report, in line with the officer's recommendation.
058957	Flint Town Council	Full Application – Demolition of Existing Outbuilding, Installation of New Fuel Tanks, 45,000 Litres (Petrol), 30,000 Litres (Diesel), New Canopy, Extension to Existing Sales Building, New Freestanding ATM, with Associated Parking, Cycle Parking and Other Associated Works at Chester Road, Oakenholt, Flint	There were no third party speakers.	That planning permission be granted, subject to the conditions set out in the report, in line with officer's recommendations.
059055	Flint Town Council	Full Application – Proposed Erection of 78 Dwellings Including Highways, Public Open Space, Lanscaping and All Associated Works at Chester Road, Oakenholt	There were no third party speakers.	That planning permission be granted, subject to the conditions set out in the report, in line with officer's recommendations.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
		General Matters – Objection to Tree Preservation Order No 320 Land at Daisy Bank Farm (North) Chester Road, Penyffordd	There were no third party speakers.	That the Tree Preservation Order No. 320 (2018) Land at Daisy Bank Farm (North) Chester Road, Penyffordd be confirmed without modification; and That the Tree Preservation Order No. 321 (2018) Land at Daisy Bank Farm (North) Chester Road, Penyffordd be confirmed without modification; and
APPEAL			NOTED	
3202253		Appeal against the Service of an Enforcement Notice on Land at Erwau Cottage, Treuddyn with regard to the erection of a log cabin and its use for holiday purposes.	Noted.	For information, the Enforcement Notice was upheld.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 6TH MARCH 2019

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

SUBJECT: OUTLINE APPLICATION FOR THE DEMOLITION OF NO. 81 DRURY LANE AND CONSTRUCTION OF UP TO 66 DWELLINGS ON LAND TO THE REAR OF 81 DRURY LANE, BUCKLEY

APPLICATION NUMBER: 058489

SITE: LAND TO THE REAR OF 81 DRURY LANE, DRURY.

APPLICANT: MULLER PROPERTY GROUP

APPLICATION VALID DATE: 11TH JULY 2018

LOCAL MEMBERS: COUNCILLOR D. HUTCHINSON
COUNCILLOR M.J. PEERS

TOWN/COMMUNITY COUNCIL: BUCKLEY TOWN COUNCIL

REASON FOR COMMITTEE: SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME

SITE VISIT: NO

1.00 **SUMMARY**

1.01 This outline planning application has been submitted with all matters reserved apart from access. The application proposes the demolition of an existing property at No. 81 Drury Lane, Drury to facilitate the formation of an access into approximately 1.95 hectares of land at the rear, to enable the construction of up to 66 No. dwellings.

2.00 **RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

2.01 1) The site is located partly within the settlement boundary and partly within the Green Barrier/ open countryside. The construction of new dwellings in the latter would be inappropriate development for which no very special circumstances exist and would therefore be contrary to Planning Policy Wales (PPW) Edition 10, and Policies STR1, STR7, GEN1, & GEN4 of the Flintshire Unitary Development Plan.

2) Conversely the construction of up to 66 new dwellings within the part of the site located within the settlement boundary would result in an unacceptably high density of development and would not represent good design or place making, having regard in particular to the character of the settlement and its existing built form as well as the site's location on the edge of the rural area, and would therefore be contrary to Planning Policy Wales Edition 10, Technical Advice Note 12 – Design and Policies STR1, STR7, GEN1, D1, D2 and HSG8 of the Flintshire Unitary Development Plan.

3) The site includes an area of Grade 3a (Best and Most Versatile) agricultural land which should be protected from development unless there is an overriding need for it and there is no other lower grade land available (or such land as is available has an environmental value that outweighs agricultural considerations). The applicant has failed to address and demonstrate compliance with these tests. Accordingly, the proposals are contrary to Planning Policy Wales Edition 10 and Policies GEN1 and RE1 of the Flintshire Unitary Development Plan.

3.00 **CONSULTATIONS**

3.01 Local Member
Councillor D. Hutchinson/Councillor M.J. Peers
Preliminary views on the application are:

- To grant permission would predetermine decisions about the scale/location/phasing of development within the community which should be taken through the Local Development Plan (LDP) process.
- The weight to be attached to the lack of a 5 year housing land supply has been recently reduced by the Welsh Office in line with

Technical Advice Note 1.

- The proposal would result in the loss of a dwelling which contributes to the historic character of the street scene.
- Inadequate infrastructure to facilitate further residential development in Drury.
- Inadequacy of highway network to serve further residential development.
- Proposal represents overdevelopment at this location.
- Unjustified incursion of Public Open Space Area within Green Barrier.

Buckley Town Council

Support the observations of the Local Members in respect of this application.

Capital Projects & Planning

Advises that the schools affected by the proposed development are as follows:-

School: Drury C.P. School

Currently NOR (@ September 2018) 141 (excluding Nursery)

Capacity (@ September 2018) 124 (excluding Nursery)

No. Surplus Places:- 17

Percentage of Surplus Places:- 13.71%

Schools Affected Secondary

School: Elfed High School

Current NOR (@ September 2018) is 809

Capacity (@ September 2018) is 983.

No. Surplus Places is 174

Percentage of Surplus Places is: 17.70%

Primary School Pupils

School Capacity $124 \times 5\% = 6.20$ (6)

$124 - 6 = 118$. Trigger point for contributions is 118 pupils.

(No. of units) 66×0.24 (primary formula multiplier) = 15.84 (16) No. of pupils.

Actual pupils $141 + 16$ (from the multiplier) = 157 does meet the trigger.

Contribution Requirement would be £196,112.

Secondary School Pupils

School capacity of $983 \times 5\% = 49.15$ (rounded up or down) 49

Capacity $983 - 49 = 934$ Trigger point for contributions is 934 pupils

(No. of Units 66×0.174 (secondary formula multiplier) = 11.48 (11 No. of £

Actual pupils $809 + 11 = 820$ does not meet trigger of 934

Contribution requirement would be £0.

Housing Strategy Manager

The application is to develop 66 No. dwellings in Buckley which is a semi-urban settlement and the policy requires a 30% provision of affordable housing on site for development of over 1.0 ha or 25 dwellings. The applicant is proposing 30% (32 No.) affordable units, mix and tenure to be agreed.

In terms of evidence of housing need in Buckley:

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;

However, the NEW Homes register is to be integrated with Tai Teg, therefore it can be assumed that this is an under estimate of demand for affordable products in Buckley.

The provision of 30% on site affordable housing provision is supported, tenure mix and unit sizes needs to be agreed.

Highways Development Control

In assessing the initially submitted Transport Assessment (TA) and additional trip rate data (TRICS) there is no objection to the development subject to the imposition of conditions in respect of access, visibility, highway construction, and submission of a Construction Traffic Management Plan.

Community and Business Protection

Phase 1 Land Contamination has been submitted which must be reviewed with appropriate remediation where necessary when formal details of the development are submitted. Requires imposition of a condition to address this issue.

Welsh Water/Dwr Cymru

Request that if planning permission is granted that a condition be imposed to secure the implementation of a satisfactory scheme for the disposal of foul, surface and land drainage.

Natural Resources Wales

Following the submission of a Habitat Regulation Assessment do not object to the general principle of development subject to adequate mitigation given the proximity of the site to the Buckley Newt Sites Special

Area of Conservation (SAC).

Ecology

Following the submission of a Habitat Regulation Assessment and the proposal to provide the submission of an off-site recreational scheme, raise no objection. Recommend that if permission is granted that this be subject of a condition.

The Coal Authority

The application site falls within the defined Development High Risk Area. A Mining & Mineshaft Risk Assessment has been undertaken as part of the application and The Coal Authority agree with its conclusions recommending site investigation works/remedial works where necessary prior to commencement of development.

Clwyd-Powys Archaeological Trust

No recorded archaeology will be impacted by the proposed development.

Public Open Spaces Manager

Having regard to the illustrative site layout plan do not consider that the provision of 2 No. separate areas of open space would be acceptable from a functionality perspective given that (a) they are located on either side of Bank Lane and (b) the fixed equipped area is shown to be sited on a water attenuation basin.

Welsh Government (Agricultural Land Use Planning Unit)

Recommends that the Agricultural Land Use Survey submitted as part of the application is accepted as an accurate reflection of the land quality of the site which is classified as subgrade 3a. Assessment will need to be undertaken as to whether the site can be farmed to its full potential in future.

Conservation Officer

The building is not statutorily listed or classified as a Building of Local Interest. Do not consider that its demolition when linked to wider development proposals would be detrimental to the character of the street scene and refusal is not warranted in this respect.

4.00 **PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

168 letters of objection with accompanying petition signed by 375 signatories, the main points of which can be summarised as follows:-

- Demolition of existing property would have a detrimental impact on the character of the site/surroundings.

- Increased traffic generation would be detrimental to amenity/highway safety.

1 letter of support which considers that as the site is within the settlement boundary, the proposal will offer the opportunity to bring much needed housing in the locality.

5.00 SITE HISTORY

- 5.01 056023
Demolition of existing dwelling and provision of access junction and access road – Refused 19th January 2017.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development.
Policy STR4 – Housing.
Policy STR7 – Natural Environment.
Policy GEN1 – General Requirements for Development.
Policy GEN2 – Development Inside Settlement Boundaries.
Policy GEN3 – Development in the Open Countryside.
Policy GEN4 – Green Barriers.
Policy D1 – Design Quality, Location & Layout.
Policy D2 – Design.
Policy D3 – Landscaping.
Policy TWH1 – Development Affecting Trees & Woodlands.
Policy TWH2 – Protection of Hedgerows.
Policy WB1 – Species Protection.
Policy WB4 – Local Sites of Wildlife & Geological Importance.
Policy AC13 – Access & Traffic Impact.
Policy AC18 – Policy Provision & New Development.
Policy HSG1 – New Housing Development Proposals.
Policy HSG3 – Housing on Unallocated Site Within Settlement Boundaries.
Policy HSG8 – Density of Development.
Policy HSG9 – Housing Mix & Type.
Policy HSG10 – Affordable Housing within Settlement Boundaries
Policy RE1 – Protection of Agricultural Land.
Policy SR1 – Sports Recreation or Cultural Facilities.
Policy SR5 – Outdoor Playing Spaces & New Residential Development.
Policy EWP15 – Development of Unstable Land.
Policy IMP1 – Planning Conditions & Planning Obligations.

Additional Guidance

- Planning Policy Wales (PPW) Edition 10 (December 2018).
Technical Advice Note 1 – Joint Housing Land Availability Studies.
Technical Advice Note 2 – Planning & Affordable Housing.
Technical Advice Note 5 – Nature Conservation & Planning.
Technical Advice Note 6 – Planning for Sustainable Rural Communities.

Technical Advice Note 12 – Design.
Technical Advice Note 18 – Transport.
Technical Advice Note 24 – The Historic Environment.
Local Planning Guidance Note 13 – Open Space Requirements
Supplementary Planning Guidance Note 2 – Space Around Dwellings.
Supplementary Planning Guidance Note 3 – Landscaping.
Supplementary Planning Guidance Note 8 – Nature Conservation & Development.
Supplementary Planning Guidance note 9 – Affordable Housing.
Supplementary Planning Guidance Note 11 – Parking Standards.
Supplementary Planning Guidance Note 23 – Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline planning application proposes the demolition of an existing property at 81 Drury Lane, Drury to facilitate the formation of an access into the land at the rear for the construction of up to 66 No. dwellings. All matters apart from access are reserved for subsequent approval.

7.02 For Members information, the applicant has lodged an appeal to the Planning Inspectorate on the grounds of non-determination. At the time of preparing this report however no formal start date for the appeal had been established.

7.03 Background

There is a recent background of planning history at this location which is referred to in paragraph 5.00 of this report. In summary an application for the demolition of this dwelling to allow for the construction of an access junction/road only; was refused under 056023 on 19th January 2017. The basis for refusal was that:-

- Demolition of the existing dwelling/formation of an access in isolation to it serving any associated development would have a detrimental impact on the character of the street scene.
- The proposed geometry of the access would not be acceptable.
- Piecemeal consideration of the formation of an access in isolation of a proposed residential scheme does not accord with the principles of Planning Policy Wales.

7.04 Proposed Development

The application has been submitted in outline with all matters apart from access being reserved for subsequent approval. The application site (edged red) comprises 2 No. areas of land namely:-

- a) 1.75 hectares of land to the rear of 81 Drury Lane, east of properties on Meadow View and west of Bank Lane. This part of the application site is within the settlement boundary of Drury as

- defined in the Flintshire Unitary Development Plan; and
- b) Approximately 0.2 hectares of land to the east of Bank Lane. For Members information this element of the development is located outside the settlement boundary of Drury and is within a Green Barrier as defined in the Flintshire Unitary Development Plan.

7.05 A site plan has been submitted for the erection of 66 No. dwellings but this is for illustrative purposes only as matters of appearance, landscaping, layout and scale of development are reserved for subsequent approval.

7.06 For Members information in addition to the standard forms/plans the application comprises:-

- A Visual Appraisal.
- Phase 1 Contaminated Land Desk Study.
- A Coal Mining Report.
- A Mining and Mineshaft Risk Assessment Report.
- A Protected Species Building Survey Statement.
- An Extended Phase 1 Habitats Survey.
- An Agricultural Land Classification Report.
- An Arboricultural Impact Assessment.
- A Transport Assessment.
- A Planning Supporting Statement.

7.07 Main Planning Considerations

It is considered that the main planning considerations to be taken into account in relation to this application area:-

- a) The principle of development
- b) Place making and Design
- c) Provision of housing and the disapplication of paragraph 6.2 of TAN 1
- d) Agricultural Land Classification
- e) Adequacy of Access.
- f) Visual impact and loss of trees and hedgerows
- g) Impact on ecological habitats.
- h) Provision of affordable housing
- i) Open space provision.
- j) Provision of Education Contributions.
- k) Loss of existing dwelling on the character of the street scene.

7.08 Principle of Development

It is acknowledged that in progression of the Unitary Development Plan, the Inspector at that time recommended retention of the allocation at Clydesdale Road (now developed) for residential development. It was also concluded that the land on the western side of Bank Lane also be retained within the settlement boundary and if it was in accordance with Policy HSG3 treated as any other windfall site.

- 7.08 The general principle of housing development is considered acceptable within a settlement boundary (subject to acceptability of detailed matters). However, in this application it is also proposed that an area of additional land adjacent to but outside of the settlement boundary is also included within the application site, with this land being within the open countryside and a Green Barrier. The impact of this aspect of the development is considered in detail both in terms of acceptability from a co-ordinated development management perspective, and its impact on the landscape particularly the Green Barrier on the eastern edge of Drury.
- 7.09 As the application has been submitted in outline with all matters save access being reserved for subsequent approval, the illustrative plan can only be attributed very limited weight in the overall planning balance as only access is a detailed matter for consideration as part of this application. The grant of permission for this outline planning application would in effect give permission for the principle of dwellings to be constructed within the application site as a whole (outlined red) although this is subject to approval of the Reserved Matters including layout. As a result, it would be possible at Reserved Matters Stage to restrict inappropriate development which would harm the Green Barrier having regard to:-
- a) Planning Policy Wales (Para. 3.70) which states that “inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Barrier and
 - b) Policy GEN4 of the Unitary Development Plan which is generally in conformity with this advice.
- 7.10 The supporting planning statement/Design & Access Statement makes no reference to the impact of development on the Green Barrier and does not explain why it is necessary to extend the site outside the settlement boundary into the Green Barrier. Whilst a lack of a 5 year housing land supply has been advanced by the applicants as a reason to support the development, and with the principle of residential development being acceptable within the settlement, the need for incursion within the Green Barrier is unexplained in terms of its contribution to land supply. In accordance with paragraph 3.71 of PPW the proposal would need to represent one of the very exceptional forms of development in a Green Barrier as set out below:-
- Justified rural exception needs.
 - Essential facilities for outdoor sport/recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier.
 - Limited extension alteration or replacement of existing dwellings.
 - Small scale diversification within farm complexes.

- 7.11 In accordance with paragraph 3.70 of PPW, inappropriate development should not be granted except in “very exceptional circumstances” where other considerations clearly outweigh the harm which such development would do to the Green Barrier. The recent appeal decision at Bryn y Baal assessed the role of a small site within a Green Barrier. In paragraph 7 of that appeal decision (3175048) the Inspector comments “PPW further advises that “inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to a Green Barrier or Green Wedge. This is a stringent and demanding test and housing development is clearly “inappropriate” development within a Green Barrier that is contrary to both local and national planning policies.
- 7.12 Place making and Design
Planning Policy Wales states that good design is fundamental to creating sustainable places and is not simply about the architecture of a building or development, but the relationship between all elements of the natural and built environment and between people and places. It is important therefore that this proposal, even at the outline stage, makes a positive and sensitive response to the character, context, accessibility, and environmental sustainability of the site and its surroundings. These are some of the main objectives of good design referred to in PPW, yet the proposal because of its unexplained encroachment into open countryside and Green Barrier, and (at the maximum scale applied for) represents an unacceptably high density of development in this location is in conflict with these objectives from the outset, as it fails to create a positive and legible relationship between the site and its surroundings.
- 7.13 The design and access statement also appears to rely on design guidance relevant only to the English planning system and fails to make reference to relevant context and guidance found in Planning Policy Wales (Edition 10) and Technical Advice Note 12 Design. There are other omissions from the supporting statements that have a direct relationship to the principle of place making and good design even at this outline stage, which include for example the lack of an explanation as to how a development of the form its potential scale and density indicatively suggested within these proposals, would be appropriate in relation both to the prevailing vernacular in this area, as well as on a site that sits on the transition from an urban to a rural context. As the application specifically asks the Local Planning Authority to approve up to 66 dwellings, if approved a development of as many as 66 on that part of the site within the settlement boundary (1.75 hectares) would result in a density of development of approximately 38 dwellings per hectare (dph). This is clearly in excess of the existing built form and context of approximately 29 dph that exists, and it has not been shown that such a density could be acceptably accommodated or achieved on this land particularly when despite the Local Planning Authority cannot be sure at this stage how matters including the provision of integrated public open space or Sustainable Urban Drainage can be accommodated

- 7.14 It is not sufficient to simply leave the detail to the reserved matters stage as key considerations at an early stage should include thinking about how a site will be laid out and developed, how it integrates with an existing community, and how it does not encroach on areas that should be protected. This is particularly relevant to this application as whilst the application is submitted in outline, the applicant has nevertheless made a deliberate and unexplained decision to extend the site into open countryside and green barrier.
- 7.15 Housing Land Supply
It is accepted that the Council, within the terms of Technical Advice Note 1, cannot demonstrate a 5 year housing land supply. This does not necessarily mean that the Council has a zero supply given that it has a supply of commitments (permissions). This is demonstrated by the first three years of the Local Development Plan period where completions have averaged 548 units per annum compared to the plans requirement of 509 per annum.
- 7.16 Welsh Government Technical Advice Note 1 states that “The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study....The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.”
- 7.17 The disapplication of Paragraph 6.2 of TAN1 in July 2018 however specifically refers to the notion of affording “considerable” weight to the lack of a 5 year housing land supply as a material consideration in determining planning applications for housing. The disapplication took effect on the 18th July 2018.
- 7.18 Whilst this does not mean that a lack of land supply is no longer a material planning consideration to be weighed in the planning balance, it does redress the previous bias emphasised by the use of the term “considerable weight”, and also leaves the weight to be applied to this issue, for the Local Planning Authority (LPA) to determine. Therefore, the weight that should now be attributed to the need to increase supply is dependent on the planning balance providing that the development would otherwise comply with the development plan and national planning policies.
- 7.19 Agricultural Land Classification
An Agricultural Land Classification Survey has been submitted as part of the application which refers to the whole site being classified as Subgrade

3a (Best and Most Versatile Agricultural Land – BMV). Welsh Government's Land Use Planning Unit have accepted that the submitted Agricultural Land Classification Study has been completed to a high standard and is considered to provide an accurate indication of the agricultural land quality on the site.

7.20 In accordance with Planning Policy Wales (paragraphs 3.54 & 3.55) and Technical Advice Note 6 Annex B, BMV "should be conserved as a finite resource for the future". Therefore "considerable weight should be given to protecting such land from development, because of its special importance" and it should "only be developed if there is an overriding need for the development, and either previously development land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed and there is a choice between sites of different grades, development should be directed to land of the lowest grade". Essentially the same tests are reflected in Policy RE1 of the UDP.

7.21 The applicant's agent has sought to justify the loss of BMV in this case as follows;

"The overall application site included in the red line area extends to 1.94 hectares but only 1.75 hectares is included in the parcel of land to the west of Bank Lane where physical development will take place. It is noted that the site falls under the Agricultural Land Specification 3A. It should be noted that such classifications are of a general nature and tend to extend over large plots of land. We have spoken to the landowner regarding the status of this land and he describes it as 'poor grade agricultural land'; it was used a part of a small holding and was used by the landowner and his family to run a few steers, then for pony grazing and grazing sheep. He explains that it took a lot of 'hard work' to get a hay crop from the land and involved use of much fertilizer to produce enough grass for the sheep. In this context it is noted that the land in questions is divorced from a main farm unit and is not part of a large agricultural holding. It is physically divorced by the virtue of Bank Lane and is subject to overlooking by residential properties on three sides. Clearly in this context it is not suitable for intensive forms of agriculture associated with the high grades of agricultural land classification".

7.22 The agent has also drawn attention to an appeal decision on a site in Penyffordd (APP/A6835/A/17/3182034) where the Inspector at the time concluded that the loss of BMV would not affect the structure or viability of the farm unit and that similar circumstances exist here.

7.23 Whilst the conclusion of the above appeal in Penyffordd is noted, the land in question is contained by existing highway network in that location and segregated from and not adjacent to existing parcels of agricultural land. A further appeal however in Northop (APP/A6835/A/17/3171383) which

considered the same issue, concluded differently as the land there could be absorbed into the wider agricultural landscape at this location.

7.24 An even more fundamental issue, however it that the applicants submission on these matters do not adequately address the key policy tests/considerations in PPW and the UDP. In particular :-

(1) They do not explain why there is an “overriding need” for the development. Although it could be argued that there is a need for new housing in Flintshire given the 5 year supply position described above, it is difficult to see how that could be regarded as “overriding” bearing in mind that : firstly, whereas PPW requires “considerable weight” to be given to the protection of BMV whereas – explained above – there is no longer a requirement to give the same weight to the benefits of new housing (even where a 5-year supply cannot be demonstrated); secondly, the need for the new housing relates to the Council’s area as a whole and does necessarily have to be met in this location: thirdly, in the absence of any other explanation from the applicant, it appears likely that the reason for including the area of BMV/Green Barrier on the eastern side of Bank Lane is to maximise residential development on the western side of Bank Lane by allowing for necessary ancillary elements such as open space to be provided on the former, whereas a more modest scale of development would have allowed it to remain protected.

(2) The applicant has also failed to provide any evidence regarding the availability of lower grade land. Accordingly, even if there were an “overriding need” for the development it would still not be policy-compliant because it has not been shown that there are no sequentially preferable sites available in this particular area or elsewhere in Flintshire (if the need is not specific to this area).

7.25 Adequacy of Access

Consultation on the application has been undertaken with the Highway Development Control Manager who has assessed the proposal having regard to the submitted Transport Assessment and additional trip rate data (TRICS). The views of the Highway Strategy Department have also been sought in this respect given concerns raised as part of the consultation exercise undertaken that there are capacity issues along Drury Lane. In the absence of any objection from Highway Strategy to this particular aspect of the highway network and having regard to the submitted data forming part of this application there is no objection to the proposed development from a highway perspective subject to the imposition of conditions.

7.26 Visual Impact & Loss of Trees / Hedgerows

The application site comprises 3 parcels of agricultural land bisected by Bank Lane. The boundaries of the site are defined by existing residential

development /hedgerows. As part of the application a Visual Appraisal has been submitted which proposes additional tree /hedgerow planting along the south-west and south east boundaries of the site in order to mitigate the impact of development whilst integrating new development into the wider surroundings.

- 7.27 As the illustrative site layout does not form part of this application and as previously indicated carries limited weight in the assessment process, it is not possible to conclude at this stage the precise impact that development would have on existing landscape features or wider landscape at this location
- 7.28 Impact of Ecological Habitats
For Members information the application site is located within approximately 0.5 km of the Deeside and Buckley Newt Sites Special Area of Conservation (SAC). This supports a nationally important population of Great Crested Newt.
- 7.29 Consultation on the application has been undertaken with both Natural Resources Wales (NRW) and the Council's Ecologist in order to address the potential direct/indirect impact on the SAC including those associated with potential in combination increases in recreational pressures and disturbance/predation of wildlife.
- 7.30 Following the submission of a Habitat Regulation Assessment, NRW have advised that in order to minimise the impact of development on the GCN habitat that the options include:-
- a) Submission and implementation of an on/off site recreation scheme and/or
 - b) Submission of a commuted sum per household.
- 7.31 In consideration of the above the applicant has proposed that an area of land within the Green Barrier be set aside in accord with point a (above). The general principle of the use of this land for ecological mitigation is considered to be acceptable to the Council's Ecologist subject to the imposition of a condition.
- 7.32 Impact of Ex-Mining Works
Given the previous mining history at this location a Mining & Mineshaft Risk Assessment has been submitted as part of the application on which consultation has been undertaken with the Coal Authority. In progression of this application however the basis for the assessment/data used has been questioned and as a result further clarification has been sought in the respect from The Coal Authority in order to ensure that they have access to the relevant mining records.
- 7.33 For Members information it has been confirmed that whilst acknowledging this additional source data, none of the recorded mine entries are in the site boundary and their respective zones of influence do not encroach into

the site. Whilst it is however appreciated that the mine entries are on land within the control of the application it is considered unreasonable for further investigation be undertaken, given that the mine entries do not implicate on the development proposed.

- 7.34 Provision of Affordable Housing
Consultation on the application has been undertaken with the Housing Strategy Manager who acknowledges the proposed provision of 30% affordable housing within the development, although further agreement on the tenure, mix and unit sizes would need to be agreed.
- 7.35
As this is an outline application however with all matters save access being reserved for subsequent approval it is not possible at this stage in the absence of a detailed site layout/accompanying legal obligation (terms of agreement) to control the particular aspect of the development. This is a fundamental requirement in considering the acceptability of residential development on sites where the thresholds for affordable housing provision are exceeded.
- 7.36 Provision of Open Space
Consultation on the application has been undertaken with the Public Open Spaces Manager. Although the submitted site layout plan is only illustrative, it has been considered and shows 2 No. separate areas of open space to serve the development namely:-
- a) An equipped area of land on the part of the site within the settlement boundary.
 - b) An area of informal open space within the Green Barrier on the eastern side of Bank Lane.
- 7.37
This approach is considered unacceptable to Leisure Services as the Public Open Space Provision should from a functionality perspective be (a) located in one area within the layout proposed and not divorced/separated in this case by Bank Lane and (b) the public open space area on the western side of Bank Lane is proposed on a water attenuation basin given the topography and as such would not be suitable for the installation of fixed play equipment.
- 7.38
Whilst it is acknowledged that the site layout is not fixed and is reserved for subsequent approval, the provision of an acceptable level/appropriate siting of open space is of fundamental importance to the Local Planning Authority. It is therefore of concern that it appears likely that the only way the sufficient open space can be provided whilst at the same time allowing up to 66 dwellings to be constructed outside the Green Barrier, is for a significant part of it to be provided on the western side of Bank Lane, where there is a potential for conflict between its usage and ecological mitigation.
- 7.39 Provision of Education Contributions

Primary and Secondary formula multipliers have been applied to assess the potential impact of the proposal on the capacity of both Drury CP School and Elfed High School. Due to capacity having been reached at Drury CP School a section 106 contribution would be sought for £196,112. This is based on a calculation of 66 units. The trigger points for Elfed High School have not been met and a contribution will not be sought.

- 7.40 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'.
- 7.41 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.
- 7.42 It is considered that the education contributions would meet the regulation 122 tests. Drury CP School is oversubscribed and due to the added pressure on the school the development would require contributions to mitigate against this impact.
- 7.43 Impact of Loss of Existing Dwelling
As previously indicated, the proposed development would involve the demolition of an existing dwelling at 81 Drury Lane in order to facilitate the formation of an access to serve the erection of up to 66 No. dwellings at this location.
- 7.44 The property is physically attached to an adjacent dwelling (No. 79 Drury Lane) and although it is not statutorily listed or classified a Building of Local Interest (BLI) it has formed part of the inherent character of the street scene at this location for a considerable period of time.
- 7.45 In determination of application 056023 in January 2017 particular concern/objection was raised to the demolition of the building for the sole purpose of forming a new access which if it remained in situ for some time would have a detrimental appearance on the street scene at this location.
- 7.46 The fundamental difference in my opinion between that previous application and that currently submitted is that this proposal is now linked to a wider application site that it is intended to serve. As it is not considered to be worthy of listing and whilst its demolition would change the street scene at this location this would not be detrimental within this urban environment to warrant a reason for refusal on this basis.

8.00 CONCLUSION

8.01 It is of significance that this application has been submitted in outline with all matters save access reserved for subsequent approval. The application boundary (edged red) incorporates land outside the settlement boundary of Drury within the open countryside and the Green Barrier as defined in the adopted Flintshire Unitary Development Plan. To grant permission would give permission for residential development in this sensitive edge of settlement location which impacts on the Green Barrier. Whilst new build residential development outside the settlement boundary and within the Green Barrier would clearly be contrary to national /local planning policy, it would be possible to restrict built development on that part of the site within the Green Barrier, at Reserved Matters Stage. The consequence of this however, is that the density of development proposed ie. 66 dwellings on that part of the site within the settlement boundary would represent overdevelopment have regard to the character form of existing development at this location. Notwithstanding the case regarding the Council's lack of a 5 year housing land supply, the proposed development would be unacceptable on the scale proposed and does not meet the objectives of good design / place making as required in accordance with Planning Policy Wales Edition 10. Development would also lead to the loss of an area of Grade 3a, Best and Most Versatile Agricultural Land which should be resisted.

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

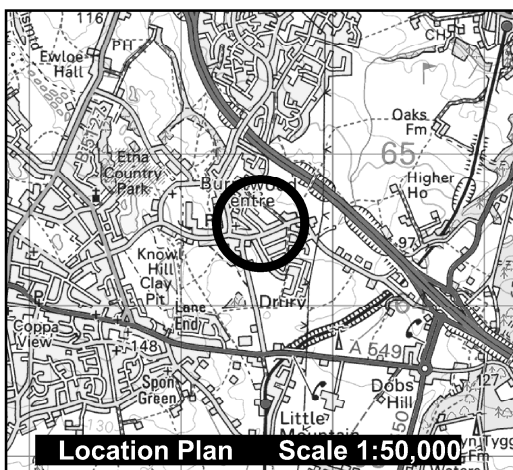
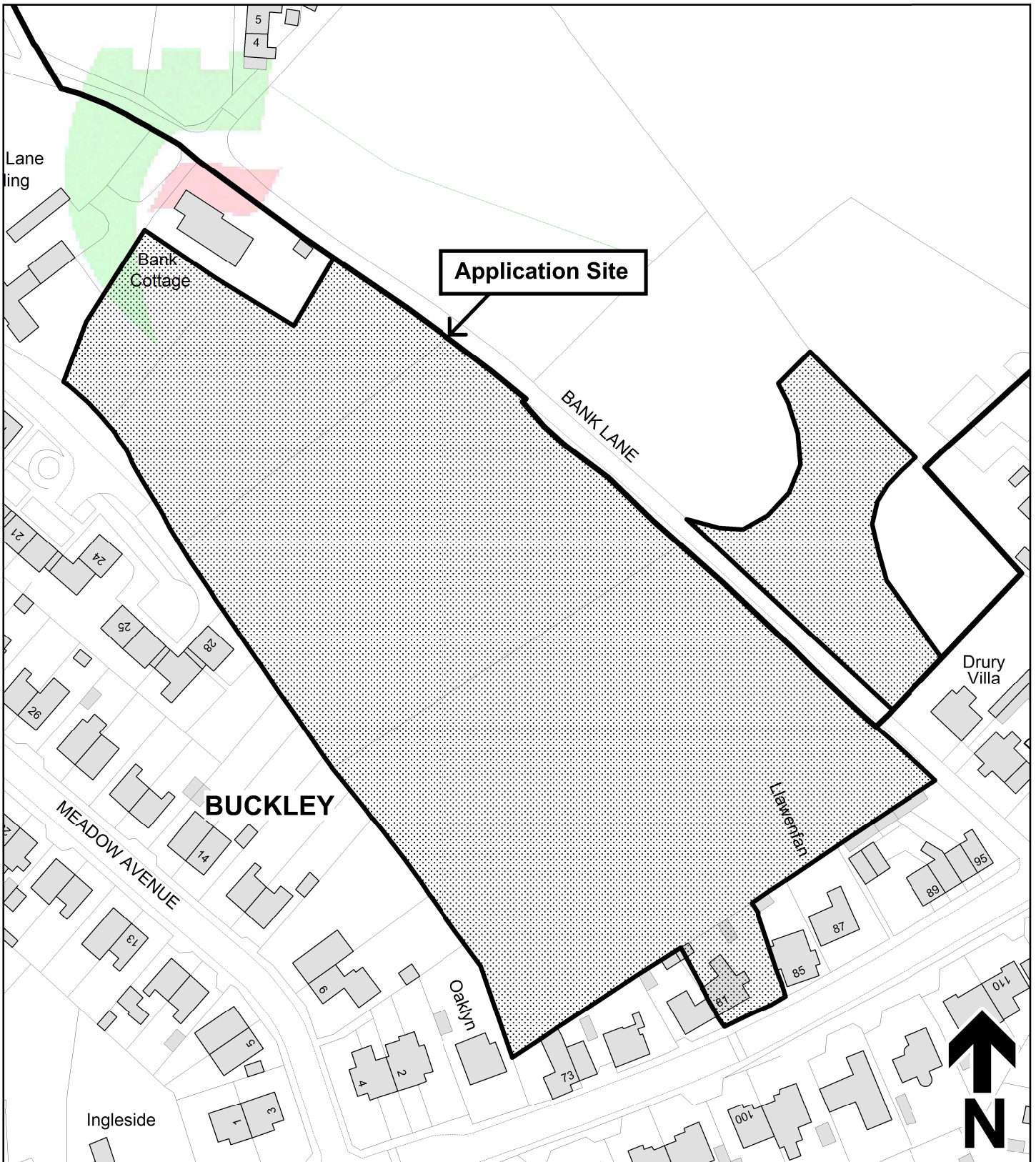
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation



Responses to Publicity

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Telephone: (01352) 703269
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Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:1250
OS Map ref	SJ 2964
Planning Application	58489

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH MARCH 2019**

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

SUBJECT: **FULL APPLICATION - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 13 NO. HOUSES AND 4 NO. APARTMENTS AT MILL LODGE, MILL LANE, BUCKLEY.**

APPLICATION NUMBER: **057165**

SITE: **LAND ADJACENT MILL LODGE, MILL LANE, BUCKLEY**

APPLICANT: **BLUEOAK ESTATES LIMITED**

APPLICATION VALID DATE: **19TH MAY 2018**

LOCAL MEMBERS: **COUNCILLOR MRS C.A. ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY TOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME – AND LOCAL MEMBER REQUEST TO ASSESS SCALE AND IMPACT OF DEVELOPMENT ON HIGHWAYS**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the demolition of existing buildings and the erection of 13 No. houses and 4 No. apartments on land at Mill Lodge, Mill Lane, Buckley.
- 1.02 For Members information progression of the application has been delayed in order to enable a feasibility study to be undertaken to assess the capacity of the Buckley Waste Water Treatment Works to accommodate foul flows from the development. In addition, amended

plans have been received in progression of the application, with the scale of the building and proposed number of units within the apartment block having been reduced from 3 to 2 storeys in height, and number of units within it reduced from 6 – 4 apartments. As a result further consultation has been undertaken on the application.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of onsite recreational provision. The commuted sum payment would be used to improve facilities at Hawkesbury Bowling Club, Buckley.

If the Obligation pursuant to Section 106 of the Town & Country Planning Act (as outlined above, if not completed within six months of the Committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to **REFUSE** the application.

1. Time limit on commencement of development
2. In accordance with approved plans
3. Samples of materials to be submitted and approved
4. Siting layout design of site access to be submitted/approved.
5. Forming/construction of means of site access not to commence until details approved.
6. Access to be kerbed/completed to base course.
7. No vehicular access to the site from Mill Lane with existing access points to be restated as footway.
8. Facilities to be retained/retained within the site for parking.
9. Detailed layout, design, means of traffic calming street lighting and construction of internal estate roads to be submitted/approved.
10. Construction Traffic Management Plan to be submitted and approved.
11. Travel Plan and Transport Implementation Strategy to be submitted and approved.
12. Foul water to discharge into public sewerage system at manhole Ry SJ27648105.
13. Surface water to discharge into sewer at a rate not exceeding 5l/s.
14. Scheme for archaeological investigation/recording to be submitted and approved.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor Mrs C.A. Ellis
Request site visit and planning committee determination due to the

size of the development and impact on highways.

Buckley Town Council

Awaiting response at time of preparing report.

Highway Development Control Manager

No objection. Recommend that any permission includes conditions in respect of access, and the submission of a Construction Traffic Management Plan, Travel Plan and Transport Implementation Strategy (TIS).

Head of Public Protection

No adverse comments.

Dwy Cymru/Welsh Water

Following the developer commissioning a feasibility Study it is confirmed that the Buckley Waste Water Treatment Works has adequate capacity to accept additional foul flows from the development. Recommend that any permission includes a conditions to control discharge of foul/surface water.

Natural Resources Wales

No objection.

Clwyd-Powys Archaeological Trust

Recommend the imposition of a condition to secure a scheme of investigation for the recording of the former windmill foundations located within the development area.

Airbus

No aerodrome safeguarding objection.

Public Open Spaces Manager

Request the payment of a commuted sum of £1,100 per dwelling in lieu of on-site recreational permission. The monies would be used to enhance community parking facilities at Hawkesbury Bowling Club, Buckley.

Capital Projects & Planning

Do not request an educational contribution given adequate capacity at existing primary/secondary schools.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

One letter of objection received which expresses concerns about the impact of development on privacy/amenity.

5.00 SITE HISTORY

5.01 034528
Outline – Residential Development - Approved 6th November 2002.

036241
Reserved Matters – Erection of 14 No. 3 & 4 bedroom semi and detached two storey houses and garages – Approved 28th November 2003.

048492
Demolition of 3 No. terraced houses and adjacent outbuildings and erection of 6 No. dwellings – Refused 19th December 2013.

052683
Demolition of 3 No. terraced dwellings and adjacent outbuildings and erection of 6 No. bungalows – Permitted 30th October 2015.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development
Policy ST4 – Housing
Policy GEN1 – General Requirements for Development
Policy GEN2 – Development Inside Settlement Boundaries
Policy D1 – Design Quality
Policy D2 – Location and Layout
Policy D3 – Landscaping
Policy WB1 – Protected Species
Policy HE6 – Scheduled Ancient Monuments and other Nationally Important Archaeological Sites
Policy HE7 – Other Sites of Lesser Archaeological Significance
Policy HE8 – Recording of Historic Features
Policy AC13 - Access and Traffic Impact
Policy AC18 – Parking Provision & New Development
Policy HSG3 – Housing on Unallocated Sites
Policy HSG8 – Density of Development
Policy HSG9 – Housing Mix and Type
Policy SR5 – Outdoor Playing Space & New Residential Development

Additional Guidance
Planning Policy Wales (PPW) – Edition 10.
Local Planning Guidance Note 13 – Open Spaces Requirements.
Supplementary Planning Guidance Note 2 – Space About Dwellings.
Supplementary Planning Guidance Note 11 – Parking Standards

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes the erection of 13 No. dwellings and a separate block accommodating 4 No. apartments and associated works on land adjacent to existing residential development at Mill Lodge, Mill Lane, Buckley. The site the subject of this application amounts to approximately 0.3 hectares in area and comprises vacant land which is located between Windmill Close and Mill Lane. Vehicular access to serve the development is proposed as an extension into the site from Windmill Close. This existing development in proximity to the site predominantly comprises a mix of detached/semi-detached dwellings and bungalows.

7.02 Proposed Development

The plans submitted as part of this application propose:-

- a) The erection of 3 No. pairs of semi-detached dwellings as a continuation of the existing form of development on the northern side of Windmill Close.
- b) The erection of 2 No. blocks of terraced mews type housing on the southern side of the proposed access into the site.
- c) The erection of an apartment block to accommodate 4 No. units which has its frontage onto Mill Lane. The building would measure approximately 9 m x 16 m x 7 m (high).

7.03 Main Planning Issues

It is considered that the main planning issues in relation to this application are as follows:-

- a) Principle of development having regard to the planning policy framework.
- b) Proposed scale of development and impact on character of site/surroundings.
- c) Adequacy of drainage
- d) Adequacy of access.
- e) Impact on privacy/amenity.
- f) Leisure Contributions.

7.04 Planning Policy

The site is located within the settlement boundary of Buckley as defined in the Flintshire Unitary Development Plan which is classified as a Category A settlement. The principle of development for general housing market demand, is considered to be acceptable at this location subject to the safeguarding of relevant amenity considerations. In addition the site has previously had the benefit of planning permission for residential development as referred to in paragraph 5.00 of this report.

7.05 Scale of Development/Impact on Character of Site/Surroundings

The character of existing development in proximity to the site as previously outlined, is defined by a mix of detached and semidetached properties and bungalows set within a range of different depths of residential curtilages. The proposed density of development equates to approximately 51 dwellings per hectare (dph) which is greater than the 30dph specified in Policy HSG8 that developers should aim to achieve on unallocated sites within category A settlements. It is also greater than the approximate density of 41 dph within this part of Buckley which is close proximity to the town centre. When considered in the context of the sites location and in combination with the form/design of the development proposed including changes to the height of the apartment block it would be reflective of and sympathetic to this existing character and would not represent overdevelopment at this location having regard to the principles of good place making in accord with Planning Policy Wales – Edition 10

7.06 Adequacy of Drainage

The adequacy of the drainage system to serve the scale of development proposed has been the subject of consultation with Dwr Cymru/Welsh Water. For Members information progression of the application has been affected given the need for a Feasibility Study to be undertaken to confirm adequate capacity within the Buckley Waste Water Treatment Works for the accommodation of foul flows from the development. This has now been completed to the satisfaction of Dwr Cymru/Welsh Water who raise no objection to the development subject to the imposition of conditions to secure the implementation of a satisfactory drainage scheme.

7.07 Adequacy of Access

Consultation on the proposed access arrangements to serve the development has been undertaken with the Highway Development Control Manager. It has been confirmed that there is no technical objection to the development which proposes access into the site from Windmill Close. This is however subject to the imposition of conditions in respect of access, parking, construction details and need for the submission of a Construction Traffic Management Plan, Travel Plan and Transport Implementation Strategy (TIS).

7.08 Impact on Privacy/Living Conditions

Of particular importance in consideration of this application is ensuring that the privacy and living conditions of the occupiers of the proposed dwellings and those adjacent to the site are safeguarded as part of the development. Having regard to the layout proposed, no direct overlooking of existing properties is proposed and the privacy/living conditions of existing/proposed occupiers would be safeguarded as the separation distances between existing/proposed dwellings are acceptable in accordance with Local Planning Guidance Note 2 – Space About Dwellings.

- 7.09 Public Open Space Provision
As there would be no on-site recreational provision the development would require the payment of a commuted sum of £1,100 per dwelling the monies used to enhance facilities at Hawkesbury Bowling Club, Buckley.
- 7.10 Provision of Education Contributions
Given that there is adequate capacity at Westwood Community Primary School and Elfed High School (Secondary) it has been confirmed that an educational contribution(s) would not be required.
- 7.11 The infrastructure and monetary contributions that can be required from a planning application through a Section 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'.
- 7.12 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;
- Be necessary to make the development acceptable in planning terms;
 - Be directly related to the development; and
 - Be fairly and reasonably related in scale and kind to the development.
- 7.13 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.
- 7.14 I am advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into regarding Hawksbury Bowling Club and I am satisfied that on application of the tests set out above the contribution to open space provision would satisfy these requirements.

8.00 CONCLUSION

- 8.01 In conclusion, it is my view that the proposed scale/form of development would be sympathetic to the character of the site and surroundings. Consultation on the application has been undertaken with the Highway Development Control Manager who raises no

technical objection to the proposed development. It is however considered that due to the configuration of the cul-de-sac at and its relationship to existing properties from which their individual access is derived, that controls over vehicular movements to serve the development during construction works and hours of operation are required from a safety and amenity perspective.

8.02 An assessment of the drainage issues in respect of the development has also been undertaken with Dwr/Cymru/Welsh Water who following the undertaking of a feasibility study into the capacity of the Buckley Waste Water Treatment Works raise no objection to the development subject to conditions.

8.03 Other Considerations

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

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

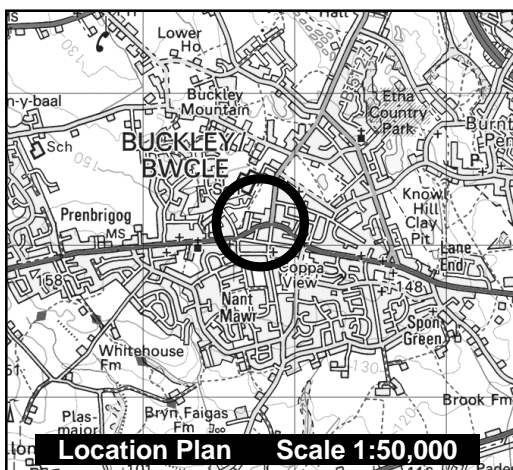
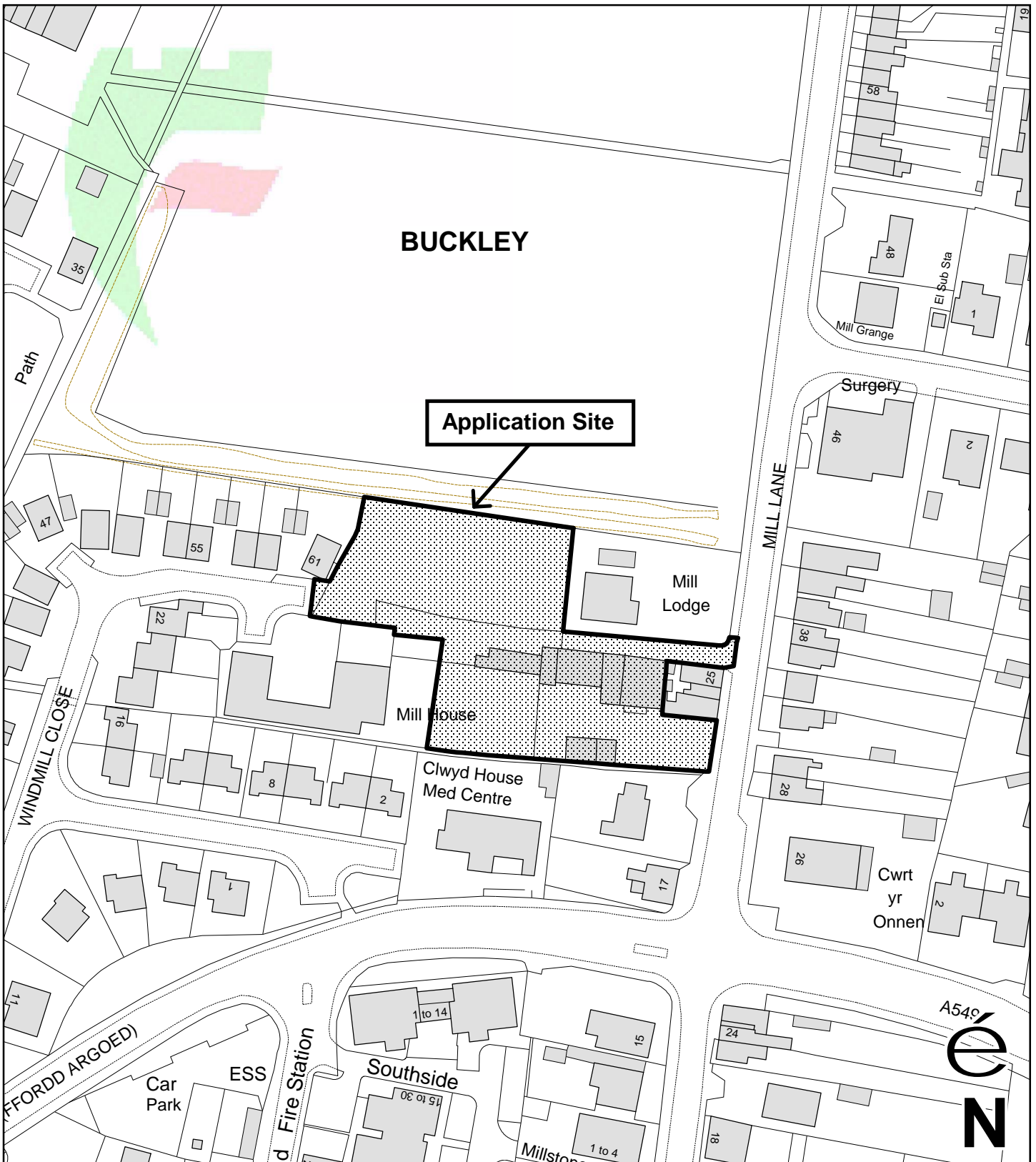
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS

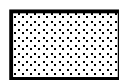
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Mark Harris
Telephone: (01352) 703269
Email: Robert.m.harris@flintshire.gov.uk



Planning, Environment & Economy,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application **57165**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 6 MARCH 2019**

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

SUBJECT: **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT MEGS LANE, BUCKLEY.**

APPLICATION NUMBER: **059387**

SITE: **MEGS LANE, BUCKLEY**

APPLICANT: **MR. TOM HILL**

APPLICATION VALID DATE: **20th DECEMBER 2018**

LOCAL MEMBERS: **COUNCILLOR ARNOLD WOOLEY**
COUNCILLOR RICHARD JONES

TOWN/COMMUNITY COUNCIL: **BUCKLEY TOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**
LOCAL MEMBER REQUEST

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is an Outline application with all matters reserved, with the exception of access, for up to 85 dwellings on land to the south of Megs Lane, Buckley.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01
1. The proposal represents inappropriate development that would detrimentally impact upon the designated green barrier and the purpose and function of the green barrier in this location, and open countryside, contrary to Unitary development plan policies GEN1, GEN3 and GEN4 and national policy contained within Planning Policy Wales (10th Edition – December 2018).
 2. The site is located outside the settlement boundary for Buckley and within open countryside as defined by the adopted Flintshire Unitary Development Plan. It is considered that the weight attached to increasing housing land supply is not considered to outweigh the harm that would

arise from the detrimental impact of such a scale of development would have upon the principles of sustainable development as set out in Planning Policy Wales (10th Edition – December 2018) and contrary to paragraph 6.2 of TAN1 and contrary to Policies STR1, GEN3 and HSG4 of the Flintshire Unitary Development Plan.

3. Insufficient information has been submitted to ensure that the proposal has fully taken the ecology of the site into account. As such it is considered that the proposal is contrary to policy WB1 and WB4 of the Flintshire Unitary Development Plan.
4. In the opinion of the Local Planning Authority the proposal does not adequately provide public open space provision within the site, in accordance with the recommendations of Planning Guidance Note 13- Outdoor Playing Space and New Development. As such the proposal is contrary to policies STR11 and SR5 of the Flintshire Unitary Development Plan.
5. Inadequate information has been provided to demonstrate how the development will meet the required provision of affordable housing within the site, to meet proven local need. As such the proposal is considered to be contrary to policies STR1, STR4 and HSG10 of the Flintshire Unitary Development Plan.
6. Inadequate information has been provided to demonstrate the scope of reinforcements required to overcome the identified biological overload of the Buckley Ty Gwyn Waste Water Treatment Works. In the absence of this information it is not possible to fully assess the impact of the proposal on the available water resources. As such the proposal is considered to be contrary to policies STR10, GEN1 and EWP16 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member Councillor Arnold Wooley

Requests committee determination, refers to comments previously submitted on last scheme:

1) The Well-being of Future Generations Act (Wales) 2015 in that it is unsustainable and both environmentally and ecologically destructive.

2) Policy Wales and particularly TAN 1, in that it is:-

a) Outside of the existing Development Boundary for Buckley.

b) Inappropriate development within an essential Green Barrier, where development would conflict with the UDP Such unwarranted intrusion would inevitably lead to the total destruction of the green barrier to the south of Meg's Lane, between Padeswood Road South and Bannel Lane and carry housing development far too close to the industrial site of the cement works alongside the A5118 at Padeswood. Policy GEN 4-17 would appear to apply to this case.

3) If granted, the application would create an unwarranted loss of agricultural land, contrary to Policy EC1 of the existing Unitary Development Plan.

4) While it may be argued that the county does not presently have in place a Joint Housing Land Availability Study and may not be able to demonstrate a fully adequate 5-year supply of land designated for housing, there are no pressing, compelling or exceptional circumstances relating to this particular application, which might argue for approval on any of those grounds.

5) That is particularly so given that there is no infrastructure plan attached to the application. Also, that Buckley is strewn with sites available for the construction of new houses, for which planning permission was granted several, even many, years ago, yet upon which sites there has been no sign of even commencement, let alone completion of the number of houses for which permission has been given. That argues irrefutably against any approval of this application on the grounds of urgent need. I believe that only some 74 houses have been built in recent years against a figure of about 669 units granted planning permission.

Councillor R Jones

No response at time of writing.

Buckley Town Council

No response at time of writing.

Highways Development Control Manager- There have been no significant changes to the local highway network or traffic patterns since the previous application was considered and therefore the highways recommendation remains unchanged.

Suggests conditions, advisory notes and Section 106 contributions.

Housing Strategy

- Requirement for 30% affordable on site-provision
- LHMA for Flintshire identifies an annual shortfall of 246 affordable units
- In the LHMA Buckley sits within the Buckley and Mold sub area which identifies an annual shortfall of affordable dwellings of 165, which is not being met on an annual basis
- The LHMA identifies a need for primarily 1 bed (14%) 2 bed (31.6%) and 3 bed (28.5%), split evenly between Social rented (56.2%) and intermediate (43.8%) tenures.

Would support 26 no. affordable units to be included on the site with an even split between affordable rent and affordable ownership.

Head of Public Protection

No adverse comments

Aura Leisure

The proposed POS provision in this application does not meet the requirement in LPGN 13- POS Provision and do not support application.

The proposed development site is crossed by a 150mm, 300mm, 750mm, 1050mm and 1200mm diameter combined gravity public sewers. Under Section 159 of the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times and as such would require an easement of 3m either side of the centreline of the 150mm and 300mm public sewers, an easement of 5m either side of the centreline of the 750mm and 1050mm public sewers and an easement of 6m either side of the centreline of the 1200mm public sewer. No part of any building will be permitted within the easement of the public sewers.

As the current proposal represents a reduction in the maximum number of dwellings DCWW advise that the required reinforcement works at the waste water treatment works need to be revisited and that it will be necessary for a re-assessment of the impact of the proposed development on the waste water treatment works to be undertaken. DCWW consider that an appropriate condition would ensure that any necessary works are carried out before the occupation of the dwellings.

Natural Resources Wales

Request conditions relating to European Protected Species, Ecology and Biosecurity.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

52 Letters of objection received

- Parking issues on surrounding roads
- Loss of local amenity
- Loss of Green Belt
- Traffic issues and road safety
- Lack of local infrastructure and impact of development on local services
- Loss of Privacy/Overlooking
- Ecological Impact
- Proposal does not give adequate regard to “Active Travel” issues (walking and cycling) Transport assessment should fully consider all modes of transport not just cars.

5.00 SITE HISTORY

5.01 057056 – Outline - Erection of up to 100 dwellings - Refused

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 - New Development
STR4 - Housing
STR8 - Built Environment
STR10 - Resources
GEN1 - General Requirements for New Development
GEN3 - Development Outside Settlement Boundaries
GEN4 – Green Barrier
D1 - Design Quality, Location and Layout
D2 - Design
D3 - Landscaping
TWH1 - Development Affecting Trees and Woodlands
TWH2 – Protection of Hedgerows
WB1 - Species Protection
WB4 – Local Wildlife Sites of Wildlife and Geological Importance
WB6 – Enhancement of Nature Conservation Interests
AC2 – Pedestrian Provision and Public Rights of Way
AC3 – Cycling Provision
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
L1 – Landscape Character
HSG4 – New Dwellings Outside Settlement Boundaries
HSG8 - Density of Development
HSG9 - Housing Mix and Type
HSG10 - Affordable Housing within Settlement Boundaries
SR5 - Outdoor Play Space and New Residential Development
EWP3 - Renewable Energy in New Development
EWP16 – Water Resources
EWP17 – Flood Risk
RE1 - Protection of Agricultural Land
SR5 – Outdoor Play Space and New Residential Development
IMP1 – Planning Conditions and Planning Obligations

Planning Policy Wales Edition 10 December 2018
TAN 1 Joint Housing Availability Studies 2015

SPGN 2 – Space Around Dwellings
SPGN 3 – Landscaping
SPGN 4 – Trees and Development
SPGN 9 – Affordable Housing
SPGN 11 – Parking Standards
SPGN 12 – Access for All
SPGN 13 – Open Space Requirements
SPGN 23 – Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 **Proposal**

The proposal is an Outline application for up to 85 dwellings on a site of 3.8 hectares at land off Megs Lane, Buckley. The only reserved matter being put forward for consideration is Access.

A previous proposal, for development of up to 100 dwellings, was refused on the 19th July 2018 for the following reasons:

- 1. Planning Policy Wales (9th Edition – Nov 2016) identifies that weight can be attached to policies in emerging Local Development Plans. The Flintshire LDP is at Deposit stage. It is considered that the proposals amount to a development which, by virtue of its scale and location, would prejudice the LDP by predetermining decisions on the scale and location of development. Accordingly, the proposals are considered to be premature, contrary to the Paragraphs 2.14.1, 2.14.2 and 2.14.3 of Planning Policy Wales (9th Edition – Nov 2016)*
- 2. The proposal represents inappropriate development that would detrimentally impact upon the designated green barrier and the purpose and function of the green barrier in this location, and open countryside, contrary to Unitary development plan policies GEN1, GEN3 and GEN4 and national policy contained within Planning Policy Wales.*
- 3. The site is located outside the settlement boundary for Buckley and within open countryside as defined by the adopted Flintshire Unitary Development Plan. It is considered that the weight attached to increasing housing land supply is not considered to outweigh the harm that would arise from the detrimental impact of such a scale of development would have upon the principles of sustainable development as set out in Planning Policy Wales (9th Edition - November 2016) and contrary to paragraph 6.2 of TAN1 and contrary to Policies STR1, GEN3 and HSG4 of the Flintshire Unitary Development Plan.*
- 4. Insufficient information has been submitted to ensure that the proposal has fully taken the ecology of the site into account. As such it is considered that the proposal is contrary to policy WB1 and WB4 of the Flintshire Unitary Development Plan.*
- 5. In the opinion of the Local Planning Authority the proposal does not adequately provide public open space provision within the site, in accordance with the recommendations of Planning Guidance Note 13- Outdoor Playing Space and New Development. As such the proposal is contrary to policies STR11 and SR5 of the Flintshire Unitary Development Plan.*
- 6. Inadequate information has been provided to demonstrate how the development will meet the required provision of affordable housing within the site, to meet proven local need. As such the proposal is considered to be contrary to policies STR1, STR4 and HSG10 of the Flintshire Unitary Development Plan.*
- 7. Inadequate information has been provided to demonstrate the scope of reinforcements required to overcome the identified biological overload of the Buckley Ty Gwyn Waste Water Treatment Works. In the absence of*

this information it is not possible to fully assess the impact of the proposal on the available water resources. As such the proposal is considered to be contrary to policies STR10, GEN1 and EWP16 of the Flintshire Unitary Development Plan.

The main issues to consider with the current proposals are whether the reasons for refusal have been overcome with the current submission.

Principle of development

The site lies adjacent to the settlement of Buckley in the adopted Unitary Development Plan (UDP), within a designated green barrier. Policy GEN4 does not permit new housing development in green barriers except for very specific forms of development. Furthermore the UDP only permits new development in the open countryside in a limited number of circumstances.

Planning Policy Wales (PPW) provides guidance on green wedges or barriers and Policy GEN4 of the UDP is generally in conformity with that advice and is therefore given significant weight in the planning balance. The proposed housing development does not form one of the types of development that can be permitted in a green barrier and therefore, by definition, the development being proposed here must be treated as 'inappropriate development'.

PPW directs that other forms of development are considered inappropriate development unless they maintain the openness of the green barrier or conflict with the purposes of including land within it. The built development proposed would not maintain the openness of the green barrier. One of the key purposes of the green barrier in this location is to protect the prominent southern edge of Buckley against encroachment of development into open countryside. The development would directly conflict with these purposes.

Main Issues

The main issues are considered to be whether the proposal represents appropriate development within the designated green barrier and in an open countryside location, the impact of the proposal upon adjacent ecology sites as well as the ecology and biodiversity of the site itself, whether there is sufficient provision of public open space, affordable housing and water resources, as well as the implication of the 5 year land supply on the acceptability of the proposal in the overall planning balance.

Whereas on the previous submission it was considered that issues of prematurity were material to the application. This was in connection with other developments in the locality that were under consideration at the same time. When viewed in isolation it is not considered that issues of prematurity cannot be assigned the same weight in the overall planning balance.

Green Barrier

The site is located within a green barrier (GEN4-17) which wraps around the south and eastern edge of Buckley and Drury. This is a well defined green barrier that is fit for purpose when reviewed against the purposes for designating green barriers in section 3.60 of PPW 10, and also an area where there has been considerable pressure for development as part of successive development plans, and presently as part of speculative housing proposals. The

principle and extent of the green barrier has been supported by successive Planning Inspectors as part of the Alyn and Deeside Local Plan and Unitary Development Plan.

Policy GEN4 states that:

Development within green barriers will only be permitted where it comprises the following:

- a. justified development in association with*
- b. essential facilities for outdoor sport and recreation, or cemeteries;*
- c. limited extension, alteration or replacement of existing dwellings;*
- d. limited housing infill development to meet proven local housing need or affordable housing exceptions schemes;*
- e. small scale farm diversification;*
- f. the re-use of existing buildings; and*
- g. other appropriate rural uses/development for which a rural location is essential.*

provided that it would not:

- i. contribute to the coalescence of settlements; and*
- ii. unacceptably harm the open character and appearance of the green barrier.*

The site was submitted as an omission site as part of the UDP for a housing allocation and the Inspector commented '11.96.27. 1996 – *Whilst adjacent to HSG1(2) the site shares only a short boundary with it and is separated from it by a stream and a corridor of trees/vegetation. Although both are greenfield sites, visually there is not a strong relationship between the 2 and development on the objection site would extend further to the south into the rural area. The site is bounded to the north by the backs of properties fronting Megs Lane and lies within the green barrier which seeks to prevent encroachment into an area of open countryside to the south of Buckley where there is pressure to develop. The permission for and start on the construction of a dwelling along the Megs Lane frontage of the site would appear to preclude vehicular access*'.

In general the Inspector recognised the role of the green barrier in safeguarding the countryside from encroachment and protecting the setting of this prominent urban edge. The Inspector also recognised potential coalescence with built development at Padeswood.

PPW10 states that (para 3.70) "Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge." In the submitted Green Barrier Assessment it is noted that there is an ongoing Green Barrier Review which has been undertaken, but the findings are not yet public, and that the results of this review could have a significant impact upon the proposed site. Until the results of the review are released into the public domain this is speculation and I consider that the material planning weight rest on the Development plan and the current designation.

In a 2017 appeal decision in Bryn Y Baal (Planning application ref. 056672 Appeal ref. APP/A6835/A/17/3175048) the Inspector set out the implications of the advice in PPW, which at the time was PPW9, 'This is a stringent and demanding test, and the planning balance is different to that applicable for land outside the green barrier'.

The Inspector concludes that the lack of 5 year supply does not outweigh the harm to the green barrier 'My conclusions are that the development would be harmful to the openness of the green barrier and to the character and appearance of the area and would erode the gap between Mynydd Isa and New Brighton. These harmful effects warrant considerable weight. I also conclude that there is a lack of a 5 year supply of housing land, and that the need to increase the supply of housing land warrants considerable weight, provided the development would comply with development plan and national policies. If the site was not located in a green barrier, these arguments would be finely balanced. However, the proposal is for inappropriate development in the green barrier, and PPW advises that such development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm the development would do to the green barrier. That demanding balance would not be achieved in this case, and I conclude that the development would be contrary to development plan and national policy'.

This area of open countryside, located at the south eastern area of Buckley has an existing and well defined southern extent to the settlement, from which the countryside then gently drops away. It is the openness of this context setting band of open countryside that is remarkably unaltered due to the green barrier designation, and in spite of long standing pressure for development, is important to maintain and not permit its reduction or erosion.

I do not consider that the proposal complies with either relevant development plan policies, or national planning guidance in respect of its impact upon the character and openness of the designated green barrier.

Sustainability

Buckley is a category A settlement in the UDP and several allocations were made in the settlement in the UDP. In the UDP Buckley is in the top tier of the 5 tier hierarchy and is a main service centre and this reflects its level of sustainability. In broad terms it is a sustainable settlement to accommodate development. However the Welsh Governments principles and objectives for sustainable development encompasses far more than just providing for growth and development, with matters such as environmental protection also being important. The provision of green wedges and barriers is an important part of Chapter 4, 'Planning for Sustainability', of PPW. It is an integral part of how sustainability is to be achieved. If the proposed development is inappropriate development in a green barrier then it cannot represent sustainable development unless there are exceptional circumstances to justify the harm caused. There was a recent appeal decision at Rhosrobin, Wrexham (Appeal ref: APP/H6955/A/14/2229480) where the Inspector considered a green barrier site, and was of the opinion that the lack of a 5 year housing land supply did not outweigh the conflict with the development plan and national planning policy. The Inspector concluded '*I conclude that the development is inappropriate development in the green barrier and very exceptional circumstances do not exist to clearly outweigh this harm....*'. Although it may be considered that Buckley as a settlement could be described as sustainable due to the presence of services and public transport, this differs from the consideration of the sustainable credentials of the development proposed. As such I do not consider the proposal to represent sustainable development, given the

detrimental impact upon the green barrier.

Housing Land Supply

It is accepted that the Council does not have a 5 year housing land supply, particularly as the Welsh Government/PINS will not be progressing the 2015 JHLAS. In terms of TAN1 the Council 'will be considered not to have a 5-year supply' as it does not have an adopted UDP /LDP and cannot formally carry out a JHLAS. The commentary in the 2014 JHLAS Report explains how the Council will seek to increase supply and part of this is considering 'speculative' sites which represent sustainable development. A guidance note on speculative development was subsequently issued to assist in the submission of speculative development proposals.

The disapplication of paragraph 6.2 of TAN1 on 18th July 2018 has significantly altered the sustainability test. A lack of a five year land supply still remains a material planning consideration however the Local Planning Authority now considers what weight should be attached to this matter in the overall planning balance rather than the assumption set out in paragraph 6.2 that considerable weight is always attached to this matter.

When looking at the context of the site in Buckley there is a site to the west of it which has detailed planning permission for housing and a short distance away is the Well Street site (which is being progressed as part of the SHARP programme) and Rose Lane allocated site which has been allowed on appeal. Elsewhere in Buckley there are other sites being developed by different developers. It is not clear what the need is for an additional site in this location.

It is not considered that the development would otherwise comply with development plan policies and national planning policies. As such the weight to be given to the lack of the 5-year requirement is not sufficient to outweigh other material factors in determining this application.

Ecology and Biodiversity

The site is primarily improved grassland with potential habitats, including watercourses and hedgerows within the site. The site lies within 2 Kilometres of the Buckley Claypits and Commons SSSI and Deeside and Buckley Newt Sites SAC, although the site lies outside the buffer zones for these designated areas. The development would result in the loss of approximately 3ha of improved grassland habitat and 0.1ha of scrub.

The application site also contains field hedges as well as overgrown historic hedgerows that cross the centre of the site. These hedges are shown on the 1st Edition OS maps and are well established and species rich. These hedgerows are a Priority Biodiversity Habitat under the Environment (Wales) Act 2016. The hedgerows are considered to be good wildlife corridors with connectivity to the wider landscape.

The site has potential to support common amphibian species, bats and nesting birds during the breeding season. There are likely impacts upon these species and their habitats as a result of the development. Numerous field signs of Badger activity is evident on site although no Badger Setts have been recorded on the site

There is a wildlife site, Bistre Wood, to the south west of the site which is ancient woodland which requires a minimum 15m buffer zone between this area and development. In addition the trees, shrubs and woodland flora adjacent to the brook on the western boundary are a remnant of this woodland, which forms an important wildlife corridor and similar requires protection.

Whilst this is an outline application with all matters reserved except for access it is considered that due to the potential presence of protected species and habitat that supports protected species that this is a fundamental matter which is required to be addressed at this stage of the planning process.

As there is insufficient information to show with any confidence how the loss of hedgerows and trees likely to be removed will be sufficiently mitigated against, or how the proposal will impact certain protected species, in particular bats and wild birds the proposal conflicts with Policy TWH1, TWH2, WB1, WB4 and WB6 of the Flintshire UDP.

Public Open Space

Opportunities for both formal and informal recreation are essential to the health and happiness of people of all ages. Recreational open space areas are a vital element of the community, allowing free movement, free expression and social interaction. In accordance with the recommendations provided in Planning Guidance Note 13 the provision of public open space will be an important consideration within proposals for new residential developments. In addition to aiding the general well-being of the community by providing for sport and recreation, public open space can also contribute to biodiversity, the conservation of nature and landscape, air quality, the protection of ground water, and can enhance the appearance of a locality.

The required public open space provision for a development of this scale would be an area of some 4500 metres located centrally to the development. The proposed provision proposed by the development does not meet these requirements. The proposal is therefore in conflict with Policy SR5 and SPGN 13 as it does not propose any onsite open space provision.

Affordable Housing

Paragraph 4.2.25 of PPW 10 states that “*A community’s need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies*”. Whilst the Planning Statement for the development states that the development proposal will be in full compliance with the relevant unitary development plan policies governing affordable housing provision, no details have been provided to demonstrate how the required provision shall be provided.

Policy HSG11 of Flintshire UDP for Affordable housing in the Open Countryside is considered to be the policy given the edge of settlement location of the proposal. In this policy, where there is a demonstrable need for affordable housing to meet an evidenced and genuine local need, and where there are no suitable alternative sites within the settlement boundary.

In terms of the evidence of need, the Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units and in 2015/2016 124 affordable units were identified- a combination of supported

housing, social and intermediate rent as well as shared equity. In the LHMA Buckley sits within the Mold and Buckley sub area which identifies an annual shortfall of affordable dwellings of 165, which is not being met on an annual basis. The LHMA overall 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 need for social rented housing for the area of Buckley is currently 92 registered for 1-bed room properties, 10 for 2-bed and 8 for 3-bed. The need for affordable rent/ownership is as follows:

Size	Affordable Rent	Affordable Ownership
2bed	10	19
3bed	5	10
4bed	1	1

Given the above it is clear that there is an identifiable need within the area for affordable housing options. As such it is considered that it would be appropriate to seek a 30% provision of affordable housing on site, which would equate to 26 no. units. Without details being provided of how this will be achieved there is a lack of clarity concerning the compliance of the proposal with the relevant development plan policies and national policy.

Education Provision

Consultation has been undertaken with the Capital Projects and Planning manager with regard to capacity at local schools and the impact of this development. There is existing capacity at both Westwood CP Primary School and Elfed High school and after applying the standard formulas the triggers for requiring contributions were not met. As such, should the application be approved, it would not be the intention of the Education department to require financial contributions.

Waste Water provision

On the previously submitted scheme A Clean Water Hydraulic Modelling Assessment and a Feasibility study were undertaken by Welsh Water after pre-application discussions. The conclusion of the Clean Water Hydraulic Modelling assessment indicated that under current network conditions the development of 85 dwellings within land off Megs land is viable, and flows, velocities, pressures and head losses are all above DCWW serviceability levels.

The assessment of the impact of the proposal on the DCWW Buckley Ty Gwyn wastewater treatment plant concluded that whilst the increase in flows is small and the Primary settlement tanks and Humus settlement tanks have capacity to accept the additional flow.

However, with the increase in the organic load there is an increased risk of overloading the biological process at a site which has a restricted consent, particularly relating to levels of ammonia. As such the recommendation of the assessment was to upgrade the biological process to allow the proposed development to connect. Welsh Water considered that whilst there is no scheme for improvements at this facility in their current asset management plan, and the determination of the business plan for the new asset management plan isn't expected until 2020 it may be possible for developers funding to accelerate

reinforcement to accommodate new development. Welsh Water considered that it would be possible to maintain suitable control with an appropriate worded condition, should the Local Planning Authority feel it was reasonable and appropriate to impose a condition requiring further impact assessments to identify the scope of the reinforcements required, and then if necessary a scheme of upgrading to accommodate the increased foul water discharge into the existing waste water treatment facility.

As the current proposal represents a reduction in the maximum number of dwellings DCWW advise that the required reinforcement works at the waste water treatment works need to be revisited and that it will be necessary for a re-assessment of the impact of the proposed development on the waste water treatment works to be undertaken.

It was previously considered that without the establishment of the scope of the required upgrades such a condition would be premature and that insufficient information had been received to give a firm assurance that the current water resources are sufficient to be able to accept the new capacity a development of the size of the proposal would entail. I do not consider the situation with the current proposal to be any different to the previous position.

Highways and access considerations

Spon Green provides the main access route to the application site but capacity of this road is limited by residential on-street parking. The concern has been raised with the applicant who has suggested a scheme of parking restrictions which would assist with the free flow of traffic. The Chief Officer for Streetscene has undertaken a more detailed study and produced a revised design for the traffic management. On this basis, any consent would need to be subject to a Section 106 agreement requiring the payment of a fee to cover the costs incurred by the Council for undertaking a public consultation exercise and the advertising and making of a Traffic Regulation Order. Commuted sums would also be required for a street lighting system that is to be powered and maintained at public expense.

Although accompanied by a Travel Plan Framework this document makes no reference to the Active Travel Wales and if the current proposal were to be successful then any future reserved matters application should be accompanied by a full Travel Plan.

Other Matters

Objections have also been advanced in respect of the perceived impact of the proposal upon existing local health care facilities. Members will be aware that responsibility for planning services to meet the needs of the community in this regard rests with the Local Health Board.

In addition, concerns have been raised over the impact of any new dwellings on existing neighbouring amenity. As this application has been made in outline with all matters reserved it is not possible to address these issues as the details surrounding the positions of the proposed dwellings relative to existing dwellings, or their various design merits as these details are not available at outline stage.

8.00 CONCLUSION

The proposal represents inappropriate development within the Green barrier and is in clear conflict with the provisions of the policies of the unitary development plan as well as national guidance. The proposal would cause undue harm to the open countryside and green barrier. I do not consider that the lack of a housing land supply sufficiently outweighs the above considerations.

Inadequate details have been provided with regards to safeguarding the ecology of the site, the provision of public open space and affordable housing provision and to ensure that the capacity of the local water resources meet the need of the development. It is not considered that the current submission overcomes the reasons for refusal previously applied on this site and I therefore recommend accordingly.

8.01 Other Considerations

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

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

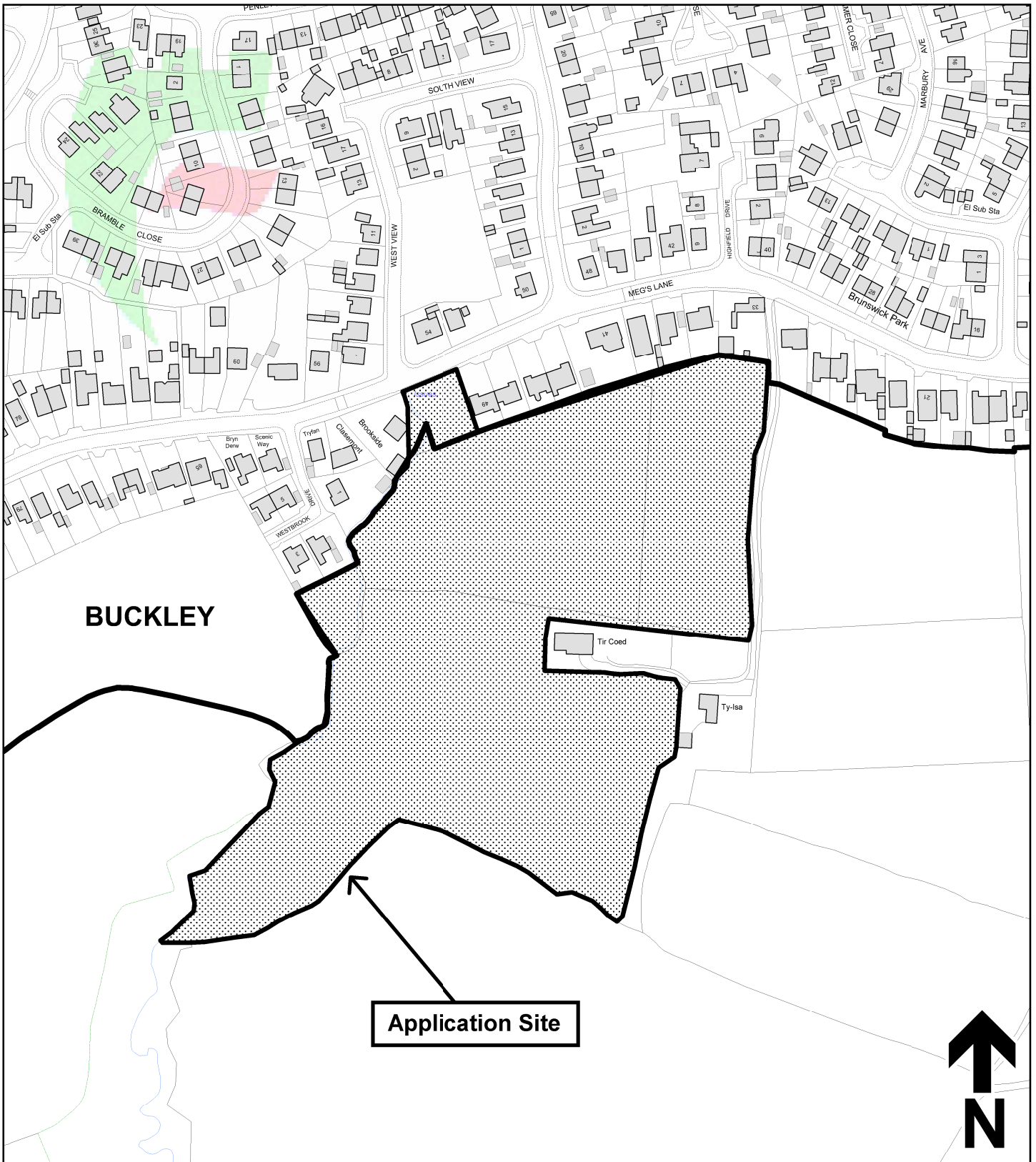
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

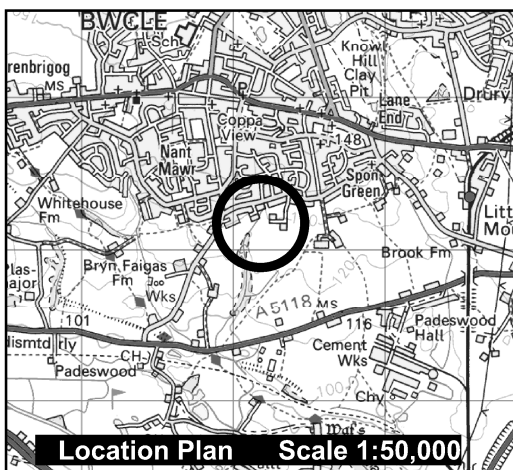
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: James Beatttie
Telephone: (01352) 703262
Email: james.e.beatttie@flintshire.gov.uk



Application Site



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2863

Planning Application **59387**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6th MARCH 2019**

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

SUBJECT: **FULL APPLICATION - ERECTION OF 32 NO. DWELLINGS AT LAND AT HAWARDEN ROAD, PENYFFORDD**

APPLICATION NUMBER: **059352**

SITE: **LAND AT HAWARDEN ROAD, PENYFFORDD**

APPLICANT: **MACBRYDE HOMES LIMITED**

APPLICATION VALID DATE: **4TH DECEMBER 2018**

LOCAL MEMBERS: **CLLR DTM WILLIAMS**
CLLR MRS C HINDS

TOWN/COMMUNITY COUNCIL: **PENYFFORDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the erection of 32 no. dwellings at land at Hawarden Road, Penyffordd CH4 0EP

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

2.01 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 £110,814 towards improvements to Castell Alun High School

- 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 10 no. affordable homes to be Shared Equity Housing, namely 70% Open Market Value with the balance of 30% held by the Council, or other such tenure to be agreed with the Local Planning Authority, and to remain so in perpetuity.

Conditions

1. Time Limit (2 years)
2. Plans
3. Materials
4. Details of Play and open space area
5. Landscaping scheme
6. Landscaping Implementation
7. Detailed scheme to reinforce the public sewerage system
8. Only foul water to be discharged from site
10. Surface Water drainage scheme
11. No surface water/land drainage to be allowed to connect with public sewerage network
12. Accoustic measures in noise assessment to be implemented
13. Tree protection measures
14. Land contamination investigation and remediation
15. Lighting Scheme
16. Siting, Design and Layout of means of access to be agreed
17. Formation and construction of means of access
18. Site access to be kerbed
19. Visibility splay
20. Visibility splay to be made available during site construction phase
21. Parking and tuning facilities to be provided
22. Front of garages shall be set back minimum of 5.5m behind back of footway
23. Detailed layout, design, means of traffic calming and signage, surface water drainage, street lighting and construction of internal estate roads
24. A 1.8m wide footway to be provided on site frontage
25. Positive means to prevent surface water run off onto highway to be provided
26. Construction Traffic Management Plan

3.00 CONSULTATIONS

3.01 Local Member

Councillor DTM Williams

No response at time of writing

Councillor C Hinds
No response at time of writing

Penyffordd Community Council

No response at time of writing

Highways Development Control - The principle of development has been established by earlier consents. No objection to this application. Conditions regarding access, visibility splay, parking and turning and surface water management are required.

Community and Business Protection- I have no objections in principle to this application as long as the noise mitigation scheme is fully implemented as per the noise assessment.

Housing Strategy - The provision meets the policy requirement for 30% provision of affordable housing on site for development.

Ecology- No objection as development to be undertaken in accordance with the Ecology Appraisal Recommendations and the Landscape Plan.

Welsh Water/Dwr Cymru- If planning consent granted then the proposed conditions and advisory notes should be imposed.

Aura leisure- The Council should be seeking payments of £1,100 per dwelling in lieu of on-site provision

Education and Youth-

SCHOOLS AFFECTED: PRIMARY

School: Penyffordd C.P. School

Current NOR (@ September 2016) 253 (excluding Nursery)
Capacity (@ September 2016) 259 (excluding Nursery)
No. Surplus Places: 6
Percentage of Surplus Places: 2.32%

SCHOOLS AFFECTED SECONDARY

School: Castell Alun High School
Current NOR (@ September 2016) is 1354
Capacity (@ September 2016) is 1240
No. Surplus Places is -114
Percentage of Surplus Places is: -9.19%

Primary School Pupils

School capacity $259 \times 5\% = 12.95$ (13)
 $259 - 13 = 246$ Trigger point for contributions is 246 pupils

(No. of units) 32×0.24 (primary formula multiplier) = 7.68 (8 No. of pupils generated) $\times \pounds 12,257$ per pupil (Building Cost multiplier) = $\pounds 98,056$

Actual pupils $253 + 8$ (from the multiplier) = 261 meets trigger

$261 - 246 = 15 \times \pounds 12,257 = \pounds 159,341$ (cannot ask for more contributions that development generates)

Contribution requirement would be $\pounds 98,056$

Secondary School Pupils

School capacity of $1240 \times 5\% = 62$ (rounded up or down) 62
Capacity $1240 - 62 = 1178$ Trigger point for contributions is 1178 pupils.

(No. of Units 32×0.174 (secondary formula multiplier) = 5.56 (6 No. of pupils) generated $6 \times \pounds 18,469$ per pupil (Building Cost multiplier) = $\pounds 110,814$

Actual pupils $1360 + 6 = 1366$ meets trigger of 1178

$1360 - 1178 = 182 \times \pounds 18,469 = \pounds 3,361,358$ (cannot ask for more contributions that development generates)

Contribution requirement would be $\pounds 110,814$

Primary – Penyffordd Primary School

- Although the development would ordinarily generate a contribution, a new school is being constructed with sufficient pupil places therefore it is **not** our intention to seek a Section 106 contribution.

Secondary – Castell Alun High School

- It is our intention to seek a Section 106 contribution.
- Contribution will be spent on remodelling of specialist areas.

Clwyd Powys Archaeological Trust- No archaeological implications for the proposed development

Coal Authority- It will be necessary to include The Coal Authority's Standing Advice within the Decision Notice

Natural Resources Wales- No objection

Airbus- No objection

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

1 Letters of objection received

- Impact upon residential amenity
- Impact upon character and appearance of the area
- Impact upon highways safety
- Impact upon community facilities
- National and Local Planning Policy

5.00 SITE HISTORY

5.01 056694- Erection of 32. Dwellings. Refused 14.09.17 Appeal Allowed 14.02.18

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 - New Development
STR4 - Housing
STR8 - Built Environment
STR10 - Resources
GEN1 - General Requirements for New Development
GEN3 - Development Outside Settlement Boundaries
D1 - Design Quality, Location and Layout
D2 - Design
D3 - Landscaping
TWH1 - Development Affecting Trees and Woodlands
WB1 - Species Protection
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
HSG4 – New Dwellings Outside Settlement Boundaries
HSG8 - Density of Development
HSG9 - Housing Mix and Type
HSG10 - Affordable Housing within Settlement Boundaries
SR5 - Outdoor Play Space and New Residential Development
EWP3 - Renewable Energy in New Development
EWP14 – Derelict and Contaminated Land
EWP16 – Water Resources
RE1 - Protection of Agricultural Land

Local/Supplementary Planning Guidance Notes
LPGN 2 - Space around dwellings
LPGN 4 - Trees and Development
LPGN 9 - Affordable Housing
LPGN 11 - Parking Standards
LPGN 13 - Open Space Requirements
SPG 23 - Developer Contributions to Education
National Planning Policy
Planning Policy Wales Edition 10 December 2018
Technical Advice Note 1 : Joint Housing Availability Studies
Technical Advice Note 11: Noise
Technical Advice Note 12 : Design

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full application for the erection of 32 No. dwellings, creation of a new vehicular access and associated infrastructure on land at Hawarden Road, Penyffordd.

7.02 The Site & Surroundings

The site comprises some 1.30ha of land outside the settlement of Penyffordd. The site is currently a single field, lastly in use for the purpose of grazing. The land falls from its high point in the north west towards the south and is typical of the surrounding landform.

The site is bounded by a combination of post and wire fences with mature and well established hedgerows on all sides. The A550 lies beyond the western boundary, with Hawarden Road abutting to the north and east. These boundaries, in addition to the hedgerow, have a small bund associated with them. The southern boundary is hedgerow interspersed with mature trees, with a further small field parcel beyond.

7.03 The Proposed Development

Planning permission was granted, on appeal, on the 14th February 2018 for the erection of 32 no. dwellings, the creation of a new point of vehicular access from the site onto Hawarden Road and the creation of footpath and cycle links from the site. The proposals included the provision of some 0.16 hectares of Public Open Space.

The site was granted planning permission before the base date of the April 2018 Housing Land Monitoring Study and therefore features as part of the housing land supply for the Local Development Plan in the form of a planning commitment. The plans housing requirements will be met through supply comprising completions, commitments,

allowances for small sites and windfalls and strategic and local allocations. If the site were to be removed from the supply in the form of a commitment, then it would have to be replaced elsewhere, most likely through a further new housing allocation.

The current proposal differs from the extant permission in the houstypes proposed and with minor amendments to the layout and highways arrangement, as the proposal is now being put forward by a different developer. The development proposes 32 no. dwellings, including 10 no. affordable dwellings and is in principle the same development as that previously approved. The developers have carried out the requisite public consultation and have engaged with the local members and town council to discuss the scheme prior to its submission.

7.04 **The Main Issues**

Members should be aware that this site is subject to an extant permission for a development of a form and scale consistent with the current proposal. I consider that because of this the main issues of principle have already been accepted on this site, for the reasons discussed in the decision of the Planning Inspector. I will briefly discuss these in the report below.

I consider the main issues for consideration in the determination of this application to be the principle of this proposal when taking into account the extant permission and the impact of the revised layout and design of houses on the character and appearance of the area.

7.05 **Planning History**

The decision to refuse planning permission 056994 was made by Members at the Planning and Development Control Committee held on 6th September 2017.

The reasons for refusal were:

1. *The site lies outside the UDP settlement boundary and granting permission would be contrary to policies STR1, GEN3, HSG4, and HSG5 of the Adopted Flintshire Unitary Development Plan.*
2. *Permission would result in the loss of grade 3a agricultural land contrary to policies GEN1 (k) and RE1 of the Adopted Flintshire Unitary Development Plan.*
3. *It was considered that the proposal represented significant harm, undermining local and national policies designed to*

safeguard open countryside and communities with rural aspects. As such the proposals would be contrary to Policies GEN3 and L1.

4. The Committee report acknowledged (in 7.41) the impact of this proposal on the approach to the settlement. As such the proposals would be contrary to Policies GEN1 and L1 of the Adopted Flintshire Unitary Development Plan.

5. Policies referenced in the UDP were considered consistent with Planning Policy Wales and that accordingly it was considered that this proposal would erode the rural character and appearance of the site and the locality with the resulting harm to the character and appearance of this part of the settlement. As such the proposals would be contrary to Policies GEN1 and L1 of the Adopted Flintshire Unitary Development Plan.

Following an appeal by the applicants a Public Inquiry was convened which sat over 2 days on 16th & 17th January 2018.

The Inspector noted the basis for the refusal of the application by the Local planning Authority. He also noted matters referenced by interested parties and concluded that the main issues for consideration in this case were:

1. What impact there would be upon character and appearance of the area;
2. What impacts there would be upon social cohesion;
3. What need and benefits there was for housing, taking account of the lack of a 5 year housing land supply; and
4. Whether the proposal amounted to sustainable development.

The appeal was allowed, and planning permission was granted for the erection of 32No. dwellings, including new vehicular access, public open space, car parking and landscaping.

7.06 **Character and appearance**

The Inspector noted the wording of policies within the Flintshire Unitary Development Plan aimed at protecting areas of open countryside from non-essential and unjustified development. He noted that none of the exceptions identified within policies STR1, GEN3 and HSG4 applied in this case. He noted however that the weight to be attributed to the policies, in the light of the Council's position in respect of the lack of a 5year supply of land for housing, was reduced and therefore it was the effect of the proposals upon the site and its surroundings that needed to be considered.

The Inspector considered the views expressed by residents in terms of the buffering effect of the site between existing built form and the A550 bypass. He weighed this against the categorisation of the site in LANDMAP terms and the findings of the Landscape and Visual Impact Assessment produced by the appellant, together with his own assessment of the site in visual terms.

The Inspector concluded the proposals would result in little harm to the landscape of the character and appearance of the area and whilst the proposals were nonetheless in contravention of the identified policies, he concluded there would be little harm to the aims of those policies.

Similarly to the development considered by the Inspector the housetypes proposed in this application are a mix of semi-detached and, predominantly, detached, dwellings. These dwellings have facing brickwork and roof tiles and are considered to be appropriate for the location. They do not represent a departure from the approved housetypes in terms of style and material.

The proposal does not increase or decrease the numbers of dwellings and overall the proposed density is acceptable. Similarly to the previous approval in terms of space around dwellings, interface distances between proposed and existing dwellings and proposed garden spaces are acceptable.

The impact of the current proposal, despite the altered design of the proposed dwellings, is no different to that of the extant permission. When appraising the impact of the application on the character and appearance of the locality I reach the same conclusions as the Inspector on the previous scheme.

7.07 Social Cohesion

At the Public Inquiry representatives of local residents argued that the proposed development would be detrimental to social and community cohesion on account of the rapid growth of the village as a result of the amount of housing development in the village over the past few years, considerably more than recommended and allowed for in the adopted Unitary Development Plan. They were also concerned about the large number of recent planning applications for even more housing developments and submitted that such rapid expansion is damaging social and community cohesion, as evidenced by increased antisocial behaviour and reduced participation in community activities.

These genuine concerns were cited by the Council as one of the reasons for refusal of a much larger housing development proposal

elsewhere in the settlement. The Inspector considered that the proposal on the appeal site is much smaller and would have negligible effect on such cohesion on its own. However, the cumulative effects of several developments over a short period of time have the potential to affect community cohesion.

The Inspectors conclusion on the current issue is that the cumulative effect of the appeal proposal, taken together with other development carried out or granted planning permission in recent years, would be harmful to social and community cohesion. In conclusion, however, this issue was considered to be substantially outweighed by the need for and the benefits of the development.

7.08 Provision of 5 year land supply for housing

The Inspector attached considerable weight, as required by TAN 1 at the time, in their determination of the appeal on the provision of land for the supply of housing. The Inspector concluded the proposal for housing in this location formed sustainable development and the proposal met all other policy tests.

There has been a material change in circumstances which has occurred since the determination of the appeal both of which attract weight as a material planning consideration in the overall planning balance.

Firstly, paragraph 6.2 of TAN 1 has been disapplied. At the time of the determination of the planning application and appeal TAN 1 required “considerable weight” to be given to the lack of housing land supply provided that the proposal was otherwise policy compliant and sustainable. The Appeal Inspector considered the proposal met this test.

The disapplication of paragraph 6.2 since 18th July 2018 has significantly altered this test. A lack of a five year land supply still remains a material planning consideration however the Local Planning Authority now considers what weight should be attached to this matter in the overall planning balance rather than the assumption set out in paragraph 6.2 that considerable weight is always attached to this matter.

The Council must consider that the site is in a sustainable location and forms sustainable development. It meets all other Policy requirements and it is already identified as a housing commitment in the Local Development Plan. It is therefore considered that the lack of a 5 year supply of land for housing and it’s commitment in the Local Development Plan in regard to this application should attract considerable weight in favour of approving the development in the overall planning balance.

7.09 Sustainability

The Inspector noted that, in the absence of a 5 year housing land supply, the appeal fell to be determined in the context of the provision in favour of sustainable development. He concluded that the facilities and services within Penyffordd were such that it can be considered a sustainable settlement suitable for accommodating a significant amount of development. He noted that interested parties concerns in respect of community infrastructure and traffic were not supported by the responses of the Council in respect of these matters. The Inspector had already concluded that landscape and visual impact was very limited. He noted that there would be a loss of a limited area Best and Most Versatile Agricultural Land (BMV). However, he noted the potential of the site to fulfil its potential as BMV was limited by size and location within an isolated field. Accordingly he attributed very little weight to this issue.

The Inspector concluded that the proposal resulted in much needed housing in a sustainable location upon a sustainable site.

7.10 Highways

It has been noted by the Head of Assets and Transportation that the principle of the development has been established by previous consents and they raise no objection to the proposal.

The current proposal broadly follows the arrangement and layouts approved in the previous consent. It is noted that where minor alterations to the approved scheme have been proposed these are considered to be an improvement to the approved details.

A number of conditions are proposed to ensure that the highway layout is acceptable and in accordance with the policies of Flintshire County Council Streetscene.

7.11 Planning Obligations

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'.

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.

7.12

Education

The Capital Projects and Planning manager has calculated the impact of the proposed development upon the local Primary and Secondary Schools. The capacity of Penyffordd primary school is 259, excluding the Nursery, with 6 surplus places, the capacity of Castell Alun High School is already exceeded. In accordance with Supplementary Planning Guidance Note 23- Developer Contributions to Education contributions will therefore be sought through a Section 106 agreement towards Primary School provision. There have not been five or more obligations for the same provision and therefore the proposal complies with regulation 123(3).

Following the calculations it was concluded that both primary and secondary schools would hit the triggers and therefore the development would generate a contribution for both schools. With regard to the primary school, however, a new school is to be constructed to replace the existing Primary school. As such no contributions are to be sought.

As the trigger for the Secondary school has been exceeded contributions will be sought through a Section 106 agreement. This contribution has been calculated on the number of pupils that the development generates. The authority has previously secured 5 contributions towards this school.

I am advised that since the advent of the provisions of the CIL Regulations, The Director of Lifelong Learning has identified separate projects in respect of educational needs at Castell Alun High School which are distinct and separate to the project to which the previous obligations relate. I am advised that the sum sought will be used as a contribution towards a project to remodel specialist teaching areas at the school.

I am satisfied, on the application of the tests set out in S.122 of the CIL Regulations and as detailed above, that such contributions would satisfy these requirements. I am also satisfied that the sum sought in relation to Castell Alun High School is for a specific identified project and as such, would not be caught by the S.123 prohibition with the CIL Regulations.

7.13 **POS**

The extant permission identified an area on the site to be set aside for public open space to be used for leisure and recreation uses. A condition was imposed that required further details regarding the

landscaping of this area, boundary fencing, play and ancillary equipment was to be submitted for approval. The Section 106 agreement required a LEAP commuted sum to be provided to cover the cost of the maintenance of the equipment, and an agreement regarding the future management of the open space.

The grass in this area is to be a hard wearing grass mix. I propose that the further details regarding the specific equipment to be provided is conditioned with the management of the area to be secured through the legal agreement, as per the extant situation. I consider that with the imposition of these measures the proposal accords with the relevant policies regarding the provision of public open space.

7.14 Affordable housing

The proposal provides that of the 32 no. dwellings proposed there is 10 no. affordable dwellings. The mix will be 6 no. 3 bed and 4 no. 2 bed dwellings. The applicant has proposed that all 10 would be of a shared equity or such tenure as agreed with the Council. In terms of Evidence of need, the Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. The LHMA overall 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 demand on the affordable housing register for shared equity and affordable rented properties in Penyffordd is:

	2 bed	3 bed
Shared equity	3	6
Affordable Rent	2	3

The Housing strategy officer supports a tenure mix of 6 no. shared equity, made up of 2 no. 2-bed and 4 no. 3-bed dwellings, and 4 no. affordable rent, made up of 2 no. of both the 2-bed and 3-bed dwellings.

I consider that the provision put forward within the proposal meets the 30% policy requirement in accordance with Policy HSG10 of the Flintshire Unitary Development Plan and represents an acceptable level of affordable housing provision that meets the demonstrable need in the local area and is an asset to the local community.

7.15 **Other Matters**

The Hepworth Acoustic noise assessment undertaken in August 2018 outlines noise mitigation measures to be undertaken to the development to protect future residents from adverse levels of noise. The report recommends achieving this by constructing acoustic barriers of various heights and also installing acoustic glazing of various thicknesses for the various properties. Public protection have no objections in principle to the proposal as long as the identified noise mitigation scheme is fully implemented. A condition to this effect is included within the proposed schedule of conditions in paragraph 2.01.

A hydraulic modelling assessment has previously been submitted on the site which identified that detriment to the local sewer network would be caused as a result of the new development discharging to the local sewers. A number of options for sewer network reinforcement have been provided to Welsh Water, the implementation of which would enable the development to connect into the public sewer network without causing detriment to the local community or environment. As a result it is considered that subject to conditions and advisory notes suggested by Welsh Water being imposed then the development is acceptable.

7.16 **Conclusion**

I consider the proposal to be acceptable, and in accordance with the principles of sustainable development. I do not consider that there has been a material change in the planning situation since the Inspectors decision. Development of this site would assist in the provision of housing commitments within the Local Development Plan. For these reasons I recommend that the proposal be approved in accordance with the conditions listed in paragraph 2.01.

8.00 CONCLUSION

8.01 Other Considerations

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

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

aims of the Act and the Convention.

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

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

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

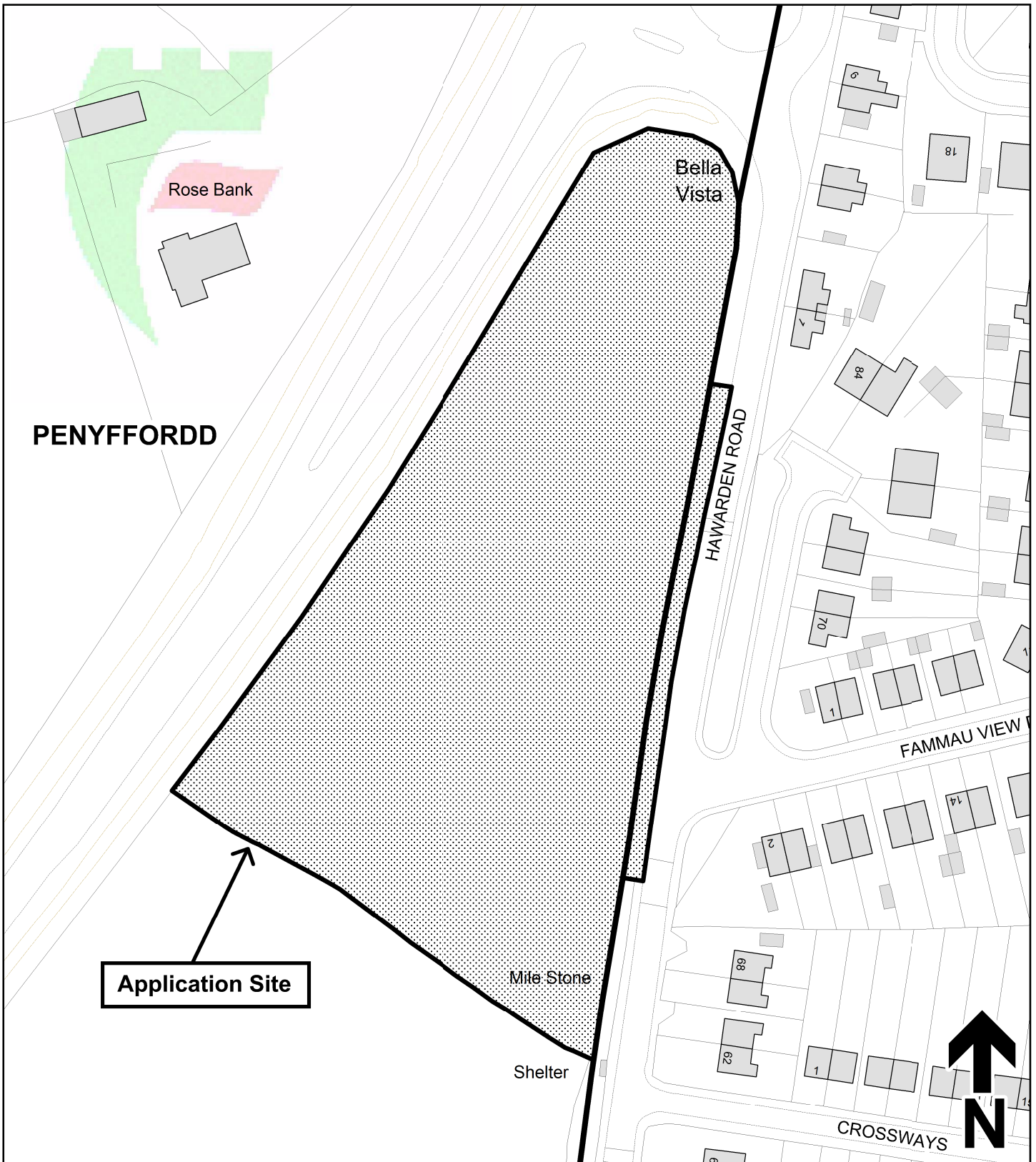
National & Local Planning Policy

Responses to Consultation

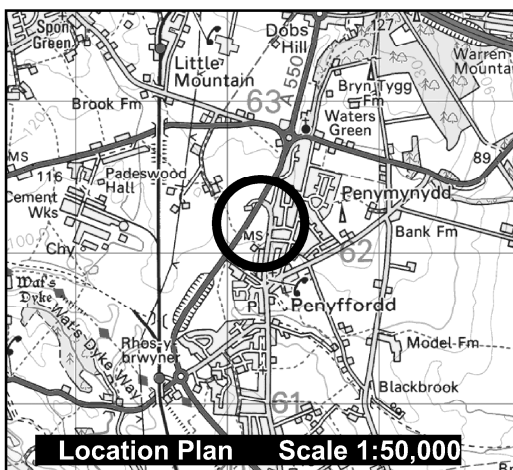
Responses to Publicity

Contact Officer: James Beattie
Telephone: 01352 703262
Email: james.beattie@hotmail.com

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Application Site



Location Plan Scale 1:50,000



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 3062

Planning Application **59352**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH MARCH 2019**

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

SUBJECT: **FULL APPLICATION – RETROSPECTIVE APPLICATION SITE RE-GRADING TO CREATE A LEVEL Paddock FIELD FOR HORSES AND SITING OF A STABLE BLOCK, NEW NATIVE HEDGE PLANTING AND FENCING TO BE USED FOR BOUNDARY TREATMENTS AND SITE SECURITY AT ASHWOOD HOUSE, CHURCH LANE, ASTON HILL, EWLOE.**

APPLICATION NUMBER: **059029**

SITE: **LAND AT THE END OF CHURCH LANE, ASTON HILL, EWLOE**

APPLICATION VALID DATE: **4TH DECEMBER 2018**

LOCAL MEMBERS: **COUNCILLOR MRS H. BROWN**
COUNCILLOR G. HARDCASTLE

APPLICANT: **MR. JAMES DORAN**

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBERS REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 The application is retrospective for the site re-grading to create a level paddock field for horses and the siting of a stable block, new native hedge planting and fencing to be used for boundary treatments and site security at land adjoining Ashwood House, Church Lane, Ewloe.

The main issues to be considered within the determination of this

1.02 application are the effects upon the character and appearance of the landscape, the highway implications, the effects upon the Public Right of Way and the effects upon the amenity of the adjoining residents.

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

- 2.01
1. In accord with approved details
 2. Stable building to be for private and domestic purposes only with no trade or business taking place from it or outside.
 3. Burning of waste associated with the keeping of horses prohibited on site at any time
 4. Landscaping scheme to be further submitted and approved in writing within 1 month of the date of this permission
 5. Implementation of above landscaping scheme
 6. Fencing details to be further submitted and approved in writing within 1 month of the date of this permission

3.00 CONSULTATIONS

3.01 Local Member:

Councillor Mrs H Brown

Object on the grounds of natural habitat loss, the levelling and digging out of the site is concern for flooding of the site. Queries over why security fencing is required. Also concerns over the increase in traffic on the unadopted lane.

Requests committee determination and site visit due to the above.

Councillor Mr G Hardcastle

Objections as above.

Hawarden Community Council:

Objects to the application as the land is unsuitable for grazing and possibly landlocked.

Head of Highways DC:

No Objections. Church lane is not adopted, however it does carry the status of a Public Right of Way

Environment Directorate

(Public Rights of Way)

Public Footpath 25 abuts the site but appears unaffected by the development. The path must be protected and free from interference during the course of construction.

Head of Public Protection:

No adverse comments to make regarding the proposal.

Natural Resources Wales:

Having reviewed the application do not consider that the proposed development affects matters listed on our Consultation Topics. Therefore do not have any comment to make on the proposed development.

Clwyd Powys Archaeological Trust:

Confirms that there are no archaeological implications for the proposed development at this location.

4.00 PUBLICITY

Site Notice and Neighbour Notification

4.01 18 objections received. The grounds of objection are summarised as follows;

Retrospective application – works already taken place.

Concerns over why security fencing would be required – detract from the character of the area.

Increase in traffic on the land and large vehicles/ horse boxes.

Concerns over drainage on the site flood risk, water draining on to footpath - fence obstructing footpath.

The excavation to the west poses a land slide risk.

Boundary issues due to levelling.

Hours of use – to care for the horses, increase in traffic and noise.

Impact on character and appearance of the local area - security fencing.

5.00 SITE HISTORY

5.01 **057618**

Erection of a stable block and tack room – granted 24.11.2017

058130

Non material amendment to planning permission ref 057618 –
Granted 13.03.2018

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR11 – Sport Leisure and Recreation

GEN 1 – General Requirements for Development

GEN 3 – Development in the Open Countryside

D1 – Design Quality, Location and Layout

D2 – Design

D3 – Landscaping

AC2 Pedestrian Provision and Public Rights of Way

L1 – Landscape Character

EWP13 – Nuisance

National Planning Policy

7.00 PLANNING APPRAISAL

7.01 Site Description and Proposals

The site comprises of both the existing paddock, stable building and tack room and hardstanding located immediately adjacent to the 2 storey detached dwelling of Ashwood House, which in turn is situated upon the eastern end of Church Lane, Aston on its southern side.

7.02 The application seeks retrospective approval for the levelling of the paddock and the erection of a stable building upon it.

7.03 The levelling of the paddock was created to improve the welfare of the horses. Drainage issues caused the ground across the site to hold water, resulting in a boggy habitat. Levelling the site by using a cut and fill technique improved the drainage and means the horses have a better quality of life by having a dry and free draining paddock.

7.04 The stable building is located within the south western corner of the site. It measures approximately 10 metres (length) x 3.9 metres (width) x 3.5 meters (Height to ridge) and is constructed within shiplap cladding walls with a black Onduline sheeted roof. This is as approved under 057618.

7.05 Background

Members may be aware that planning permission was granted on 24th November 2017 for the stable block, tack room and hardstanding under delegated powers (057618). Thereafter the paddock has been levelled for the welfare of the horses. Hence this application.

7.06 Issues

The main issues to be considered within the determination of this application are the effects upon the character and appearance of the landscape; the highway implications, including the effects upon the Public Right of Way; and the effects upon the living conditions of the adjoining occupiers.

7.07 Character and appearance

The levelling works that have taken place on the site have involved the reduction of the levels of the land by between 3.2m (at the highest) in relation to the southern boundary; 2.2m (at the lowest) in relation to the western boundary; and the raising of the land by approximately 1 m (highest) along the northern boundary and eastern boundaries. Whilst the grass has been removed, all of the boundary treatments of hedgerows and trees remain.

7.08 It is proposed to construct soil banking between the changes in levels

with a hawthorn hedge to stabilise the banking upon parts of the southern, northern, eastern and western boundaries of the site. Along the northern boundary it is also proposed to erect a form of fencing acceptable in this location. This is an issue I propose to condition.

- 7.09 Whilst the proposals involve some significant levelling work in the context of the site, in the context of the wider area, I do not consider the works to be significant. Members will note that the site is located in close proximity to the A494 trunk road where it passes through Aston where significant land level changes are a feature of the wider landscape. It should also be noted that all of the hedgerows and trees along the boundaries have been retained and will be enhanced, the land will be restored back to pasture and the siting, design and materials of the stable block, tack room and handstanding are that to what was had been previously approved.
- 7.10 Whilst concerns have also been expressed in relation to a perceived loss of natural habitat, the site was previously a paddock, and will remain a paddock, with all of the ecological benefit such a land use brings. The significant ecological issue in relation to this proposal, is that existing features of ecological and natural habitat interest (the trees and hedgerows) are retained by the proposal.
- 7.11 The site has no formal habitat designation and there is no evidence of any protected species or any other species which will be negatively impacted by the proposal. This matter therefore attracts very little weight in the overall planning balance.
- 7.12 Consequently, I do not consider the developments will not have a significant detrimental impact upon the landscape in this location and therefore conclude that the proposals would satisfy the requirements of Policies GEN1, D1, D2, D3 and L1 of the Flintshire Unitary Development Plan in this regard.
- 7.13 Highway and Public Right of Way Implications
Access to the field is via the existing field gate off Church Road. The lane is not adopted but is a Right of Way. Highways Development Control have been consulted on the application and given the nature of the lane and that the stable and paddock are only used for private and domestic purposes only and not for commercial use, no objection has been raised to the development on highway grounds. Public Footpath 25 lies outside of the site but adjacent to it and as such it is not affected by the proposed development.
- 7.14 Accordingly, I consider the proposals would satisfy the requirements of policies GEN1 and AC2 of the Flintshire Unitary Development Plan in this regard.
- 7.15 Living Conditions of Adjoining residents

Given that both the paddock and stable building are used for private and domestic purposes only and not as commercial enterprises; the burning of waste material from the keeping of the horses has been prohibited; and that the developments are well screened from the adjoining property of Ashwood House, it is considered that the proposed development would not have a significant detrimental impact upon the living conditions of the adjoining occupiers in terms of noise, smell or loss of light.

7.16 Accordingly, I consider the proposals would satisfy the requirements of policies GEN1 and EWP13 of the Flintshire Unitary Development Plan in this regard.

7.17 Other Matters

Concerns have been raised regarding the drainage of the site. With regards to drainage the location is not within an area of flood risk and therefore there is no evidence to substantiate that the development would give rise to flooding of this site or neighbouring site. This matter therefore attracts very little weight in the overall planning balance.

7.18 Although the works have commenced prior to the submission of a planning application the Development Management Manual Wales supports the use of retrospective planning applications to regularise breaches of planning control.

8.00 CONCLUSION

8.01 I consider that the proposal is in accordance with the relevant development plan policies, and having considered the objections received, together with all other material matters, I recommend that the application should be approved.

8.02 Other Considerations

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

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

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

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

decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

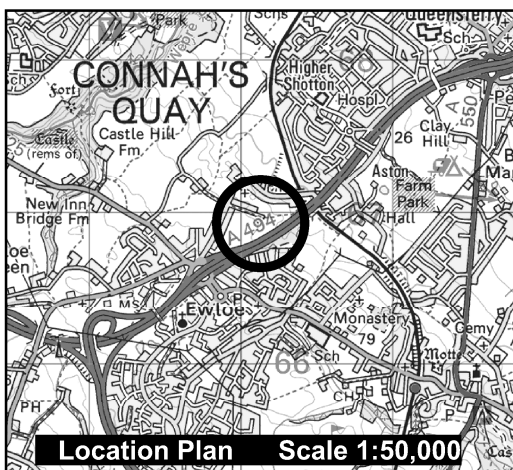
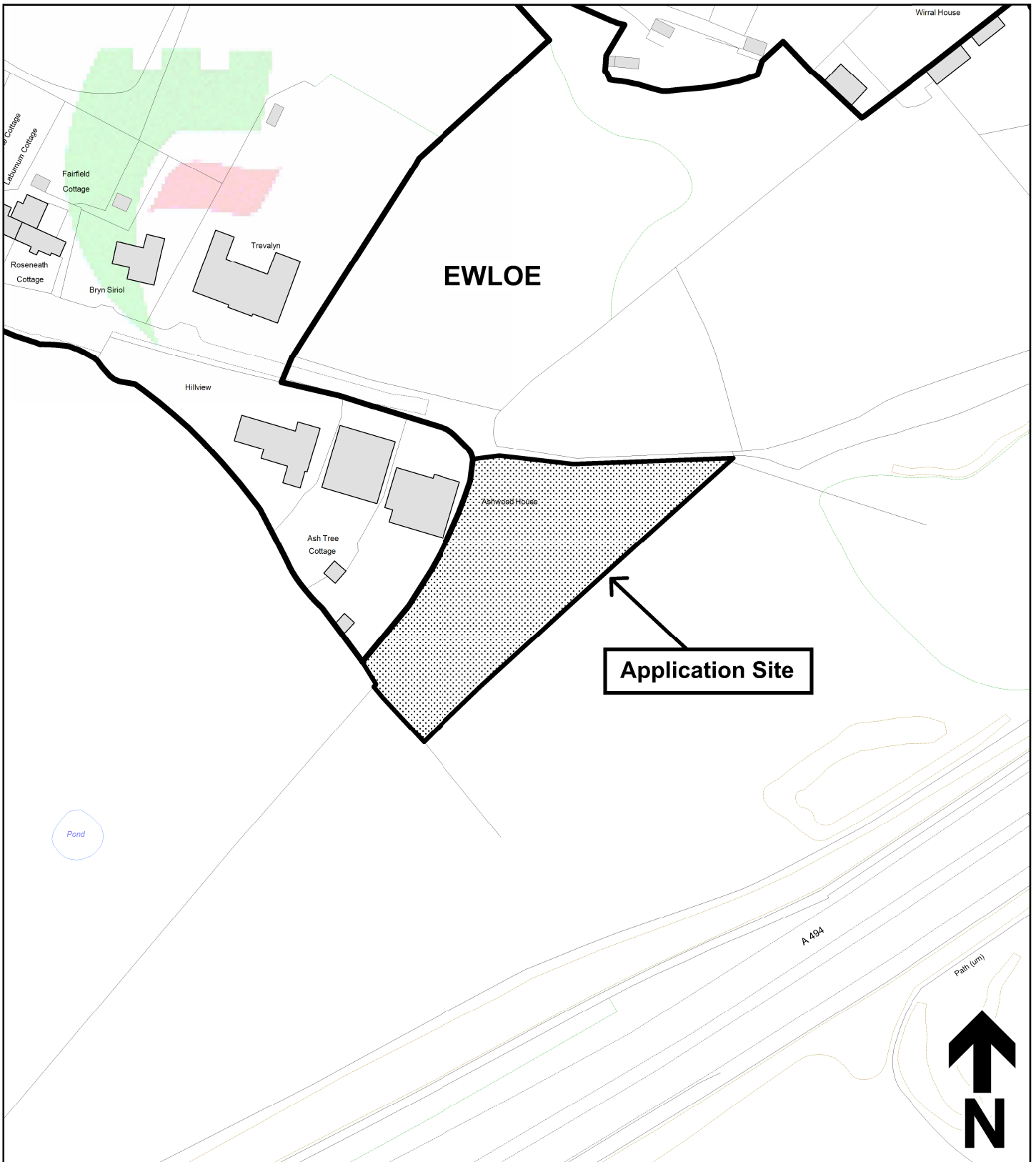
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

Contact Officer: Stacey Wynne
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Email: Stacey.wynne@flintshire.gov.uk

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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 3066

Planning Application **59029**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH MARCH 2019**

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

SUBJECT: **FULL PLANNING – CONSTRUCTION OF 33 No. DWELLINGS AND ASSOCIATED WORKS, FOLLOWING THE DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS ON LAND AT BROAD OAK, MOLD ROAD, CONNAH’S QUAY**

APPLICATION NUMBER: **058583**

SITE: **BROAD OAK HOLDING, MOLD ROAD, CONNAH’S QUAY**

APPLICANT: **EDWARDS HOMES LTD.**

APPLICATION VALID DATE: **26TH JUNE 2018**

LOCAL MEMBERS: **COUNCILLOR P SHOTTON**
COUNCILLOR A DUNBOBBIN

TOWN/COMMUNITY COUNCIL: **CONNAH’S QUAY TOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT & MEMBERS REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application for the demolition of an existing dwelling and associated outbuildings to facilitate a development for the erection of 33 no dwellings and associated infrastructure on land at Broad Oak Holding, Mold Road, Connah’s Quay.

This site forms part of the wider housing allocation in the Flintshire Unitary Development Plan, the principle of development is considered acceptable in planning policy terms. Issues in respect of community benefits, design, layout, access, residential amenity and ecology

have been negotiated and resolved.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:

- a) Payment of £98,056.00 towards additional education facilities and/ or improvements at Wepre C.P School.
- b) Payment of £5,500.00 in lieu of the shortfall of onsite provision for teenage recreation at Hillside Avenue Play Area, Connah's Quay.
- c) Control the provision of 2 no. 3 bedroomed homes and 2 no. 2 bedroomed homes for affordable rent plus 3 no. 3 bedroomed homes and 2 no. 2 bedroomed homes to be sold at a discounted purchase price of 70% of their market value and all of the affordable dwellings to made available to persons on the affordable housing register.
- d) Payment of £40,000 for enhancement and maintenance of the piece of land in close proximity to the site owned by Flintshire County Council for wildlife and informal recreation.
- e) Provide that a Management Company is incorporated for the management and future maintenance of the onsite public open space and communal landscaping areas.

Conditions

1. Time Commencement
2. In accordance with plans
3. Materials to be submitted and approved
4. Enhanced glazing for the properties constructed directly adjacent to Mold Road
5. Detailed scheme for Hard and Soft Landscaping including the retention of the south western, northern western and north boundary hedgerows, boundary treatments and surfacing of roadways, parking and turning areas and implementation
6. None of the trees shown to be retained shall be removed
7. Specification for the type, location and amount of play equipment to be provided
8. Reasonable Avoidance Measures and Mitigation Scheme to safeguard the SAC and Great Crested Newt Population

9. No tree felling or hedge removal during the bird nesting season
10. Detailed scheme for the provision of the footway along the site frontage with the B5126 Mold Road
11. Detailed Scheme for the provision of the site access
12. Siting, layout and design of means of access in accordance with details to be submitted and approved
13. The works associated with forming the means of site access shall be kerbed and completed to carriageway
14. Visibility splays of 2.4m x 43m
15. Visibility splays to be made available and kept free from obstruction during site construction work
16. Gradient of the access from the edge of the existing carriageway and for a minimum of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
17. Garages to be set 5.5m from the footway
18. Detailed layout, design, means of traffic calming and signing, surface water drainage and lighting and construction of the internal estate roads
19. Positive means to prevent surface water run-off onto the highway
20. Construction Traffic Management Plan
21. Foul water connection shall be made at or downstream of manhole reference SJ28682702
22. No surface water or land drainage to connect directly or indirectly with the public sewerage network

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member

Councillor A. Dunbobbin

Requests the application be heard at Planning Committee and that a site visit is undertaken for the following reasons:

- Access and egress
- Size of development
- Affordable homes

Councillor P. Shotton

Requests the application be heard at Planning Committee for the following reasons:

- Access
- Affordability

Connah's Quay Town Council

No response at time of writing.

Head of Assets and Transportation

No objection subject to the following conditions:

- Detailed scheme for the provision of the footway along the site frontage with the B5126 Mold Road
- Detailed Scheme for the provision of the site access
- Siting, layout and design of means of access in accordance with details to be submitted and approved
- The works associated with forming the means of site access shall be kerbed and completed to carriageway
- Visibility splays of 2.4m x 43m
- Visibility splays to be made available and kept free from obstruction during site construction work
- Gradient of the access from the edge of the existing carriageway and for a minimum of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
- Garages to be set 5.5m from the footway
- Detailed layout, design, means of traffic calming and signing, surface water drainage and lighting and construction of the internal estate roads
- Positive means to prevent surface water run-off onto the highway
- Construction Traffic Management Plan

Head of Public Protection

Confirms that there is no objections in principle. However, the site is within close proximity to a busy road. Brief noise readings taken in this area indicate that the site is within Noise Exposure Category (NEC) C during the daytime under the Welsh Guidance Technical Advice Notes 11. This means that specific measures are necessary to protect the amenity of the future occupiers of the properties to be constructed directly adjacent to Mold Road. A condition requiring the windows of these properties to be fitted with enhanced glazing should therefore be imposed to control this.

Public Rights of Way

Public Bridleway No.16 abuts the site but does not appear to be affected by the proposed development. The bridleway must be protected and free from interference during the construction phase.

Welsh Water/Dwr Cymru

Having reviewed the amended details, we note it is proposed to dispose of foul flows via the public sewerage system in Eurgain Avenue/Ffordd Gelfft and discharge surface water run-off into a soakaway system. Dwr Cymru Welsh Water consider these drainage arrangements to be acceptable in principle. Nonetheless, and for the avoidance of doubt we would kindly request that if you are minded to grant planning permission conditions in relation to foul water

connection to the nominated manhole reference SJ28682702 and to prevent surface water and land drainage connecting directly or indirectly with the public sewerage system.

Natural Resources Wales

NRW confirm that they would not object to the proposed development provided suitable measures are put in place by way of condition to secure all avoidance and mitigation measures described in the additional information submitted by the developer to the LPA on the 18/12/18. Providing these measures are secured, NRW is satisfied that the proposals are unlikely to affect the integrity of the protected sites adjacent to the development. Also, NRW do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

NRW advised that the appropriate licences namely for Great Crested Newts will be required.

Airbus

Airbus confirm there is no aerodrome safeguarding objection to the proposal based on the information provided.

Director of Lifelong Learning

The impact on pupil numbers that this proposed development will have, indicate that Wepre CP School, has the greatest need for additional capacity. Therefore the financial contribution requested is £98,056 for Wepre CP School. This is determined as follows:

School Capacity = $307 \times 5\% = 15.35$ (15)

$307 - 15 = 292$

Trigger points for contributions is 292 pupils

(No. of units) 33×0.24 (Primary Formular Multiplier) = 7.92 (8) no. of pupils generated \times £12,257 per pupil (Building Cost Multiplier) = **98,056**

Actual pupils 306 + 8 (from the multiplier) = 314 trigger met.

It is not our intention to seek a S.106 contribution in relation to Secondary Education at Connah's Quay High School as the trigger has not been met.

Play Unit

In accordance with Planning Guidance Note No. 13 POS provision, the development should provide play and recreation facilities. The Authority would require an area of POS to be in the region of 1,850m² of designated play and recreation space. It is acknowledged that 1,605m² is provided as the onsite provision, which is proportionately distributed as a formal open space and area to the north of the site

and an informal open space area to the south fronting the access and public highway, Mold Road. This equates to a shortfall of 245m², of which there is a need to provide off-site contribution in lieu of the reduced POS on this proposal.

The shortfall would equate to the equivalent of 5 no. properties. The off-site contribution would therefore be 5 x £1,100.00 per dwelling, of which the payment would be used for the provision of teenager recreation at Hillside Avenue Play Area, Connah's Quay.

Housing Strategy Manager

The application is to develop 33 no. new dwellings in Connah's Quay which is a semi-urban settlement, whereby the policy requires a 30% provision of affordable housing on site for development of over 1.0ha or 25 dwellings. The policy requirement of 30% would require 9no. affordable units onsite.

The need for affordable housing for the area of Connah's Quay is as follows:

Unit Size	Affordable Rent	Affordable Ownership
2.Bed	11	14
3.Bed	5	18

There is a high demand for social rented properties in Connah's Quay with households registered on the Housing Register (SARTH) requiring a range of sizes.

I support the provision of 9 no. affordable properties on site and agree to the proposed mix set out in the application:

- 2 no. 3 bedroomed homes and 2 no. 2 bedroomed homes for affordable rent, to be delivered by our partner Housing Associations who would acquire the units direct from the developer; and
- 3 no. 3 bedroomed homes and 2 no. 2 bedroomed homes for shared equity delivered in partnership with Grwp Cynefin Housing Association as the Council's nominated agent for affordable ownership.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

- **1 no.** representation received raising concerns of the existing trees and the need for their retention and that all natural water courses, ponds and public rights of way are retained and properly cared for.

5.00 SITE HISTORY

5.01 None for this site, only the adjoining housing development of which this site and the application site forms part of the wider UDP housing allocation. The principle applications were:

051266 - Erection of 37no. dwellings and associated external/drainage works and part-reconfiguration of existing road – Refused 08.11.13 – **APPEAL APP/A6835/A/14/2211737 Allowed with conditions 23.07.14**

050800 – Erection of 42 No. dwellings – Withdrawn 18.09.13

048610 – Erection of 20 No. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout – Refused 25.02.13

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 – New Development.
STR4 – Housing.
STR7 – Natural Environment.
GEN1 – General Requirements for Development.
GEN2 – Development Inside Settlement Boundaries.
D1 – Design Quality, Location & Layout.
D2 – Design.
D3 – Landscaping.
TWH1 – Development Affecting Trees & Woodlands.
TWH2 – Protection of Hedgerows.
L1 – Landscape Character.
WB1 – Species Protection.
WB2 – Sites of International Importance.
WB3 – Statutory Sites of National Importance.
AC13 – Access & Traffic Impact.
AC18 – Parking Provision & New Development.
HSG1 (7) – New Housing Proposals – Adj. Fair Oaks Drive, Mold Road, Connah’s Quay.
HSG8 – Density of Development.
HSG9 – Housing Mix & Type.
HSG10 – Affordable Housing within Settlement Boundaries.
SR5 – Outdoor Playing Space & New Residential Development.
EWP12 – Pollution.
EWP13 – Nuisance.
IMP1 – Planning Conditions & Planning Obligations.

SPGN No. 2 – Space Around Dwellings.
SPGN No. 8 – Nature Conservation and Development
SPGN No. 8a – Great Crested Newt Mitigation Requirements

SPGN No. 9 – Affordable Housing
SPGN No. 11 – Parking Standards
SPGN No. 23 – Developer Contributions to Education

PGN No. 13 – Open Space Requirements.

National

Planning Policy Wales Edition 10, December 2018

TAN 1: Joint Housing Land Availability Studies

TAN 2: Planning & Affordable Housing.

TAN 5: Nature Conservation & Planning

TAN 11: Noise

TAN 12: Design

TAN 16: Sport, Recreation & Open Space

TAN 18: Transport

As the site forms part of the larger housing allocation of HSG1 (7), the principle of residential development on the site is acceptable in principle, subject to open space, affordable housing, educational and ecology mitigation contributions being provided.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the demolition of an existing dwelling and associated outbuildings to facilitate a development for the erection of 33 no dwellings and associated infrastructure on land at Broad Oak Holding, Mold Road, Connah's Quay.

7.02 Site Description

The application site extends for 1.3ha and adjoins the western edge of the existing built up limits of Connah's Quay. The site is bounded by Mold Road (B5126) to the south with the site frontage running parallel to the highway. The site is for the most part a paddock which slopes gently towards Mold Road. The south eastern corner comprises an old detached two storey farmhouse and small yard to the rear with several redundant outbuildings; which are in poor condition. The existing farmhouse and yard is independently accessed from Mold Road.

7.03 A 1m high post and wire fence travels along most of the application site's road frontage, with the remaining boundaries being mainly defined by established hedgerows. The hedgerows to the south and north western boundaries include a number of mature trees.

7.04 A public bridleway (no.16) passes alongside the site's south western boundary, over a short section of road that provides access to a large detached property and outbuildings near the site's north western corner. The property is known as Hillcrest. A field ditch runs outside and along the application site's south western boundary, next to the

access road.

- 7.05 The application site's northern boundary adjoins a development of 37 dwellings that is currently under construction on an area of land measuring around 1.1ha, pursuant to a planning permission granted on appeal in 2014, ref:051266. That site, together with the application site, forms part of an allocated housing site in the Flintshire UDP. However, the old farmhouse and adjoining yard that form part of the application site are excluded from the housing allocation.
- 7.06 To the west of the site is open countryside, which forms part of the designated Green Barrier.
- 7.07 Proposed Development
The proposed development would involve the erection of 33 no. dwellings (29 detached and 4 semi-detached), which includes a 3 bedroom bungalow in replacement of the existing farmhouse on the site. The development consists of 4 no. 2 bedrooomed units, 24 no. 3 bedrooomed units and 5 no. 4 bedrooomed units of varying house types. 9 no. units have been allocated as the affordable housing provision, meeting the necessary 30% requirement. All dwellings with the exception of the replacement bungalow, are two storey in height and are a mixture of brick and render external finishes under tiled roofs. Each dwelling has parking provision and rear private gardens.
- 7.08 The proposed development includes the construction of a new access road off Mold Road and the provision landscaped areas, comprising an area of public open space (POS) in the north western corner of the site, together with a further area providing informal open space located to the south of the site, fronting Mold Road. Along the south western and north western boundary of the site, the existing hedge is to be retained, together with the hedgerow along the northern boundary. All mature oak trees along the south western boundary are to be retained.
- 7.09 Principle of Development
The site forms the southern part of the housing allocation HSG1 (7) land adjacent Fairoaks Drive, Mold Road, Connah's Quay within the Flintshire Unitary Development Plan.
- 7.10 It is also located within the settlement boundary of Connah's Quay in the Flintshire Unitary Development Plan, which is a Category 'A' settlement with an array of facilities and services, as the site's allocation for residential development reflects both the strategy of the Flintshire Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context therefore, there is a clear policy framework supporting the principle of residential development on the site, subject to the requisite open space, affordable housing, education and ecological mitigation contributions being provided.

- 7.11 As explained above, the application site together with the land to the north makes up the UDP allocation HSG1 (7). The total allocation extends for an area of 2.9ha, and was expected to deliver up to 87 dwellings. This figure is calculated on the basis that allocated sites should aim to deliver a net housing density of 30 dwellings per hectare. This approach is reaffirmed in UDP policy HSG8.
- 7.12 When the land was allocated, it was anticipated that a development proposal would come forward which would deliver the whole allocation. However, the land has instead been split in three parts. This comprises a small development of 8 units as a continuation along Fair Oaks Drive which are now occupied, 37 units on the land adjacent which are currently under construction, and 33 units as part of this application. The allocation would therefore deliver 78 dwellings in total, resulting in a shortfall of 9 dwellings and an overall net density of 27 units per ha.
- 7.13 With regards to the shortfall in housing (9 units), UDP policy HSG8 acknowledges that the individual circumstances will vary according to the site location and the character of the area. Therefore given the site's constraints and provision of open space the net density of 27 dwellings per ha is entirely acceptable, and should not prejudice the final delivery of residential development on this allocation.
- 7.14 As a result of the shortfall, there is a knock on effect to the overall provision of affordable housing. The small scale development of 8 units would not have met the policy trigger. The development of 37 units which was allowed at appeal provides 8 affordable units which is a shortfall of 3 considering 30% provision would have required 11 units to be provided. However, the Inspector ruled that the viability arguments made confirmed the view that 8 affordable units would be proportionate to the overall viability of the development. Market conditions have since changed and the proposed residential scheme subject to this application provides 9 affordable units in accordance with UDP policy HSG10. Despite the overall shortfall, the allocation has been subject to a number of separate applications of varying scales, and therefore the relevant policies and developer requirements have been applied accordingly.
- 7.15 Moreover, whilst the allocation may not deliver the number of units hoped, the application site together with the scheme to the north, contribute to the overall housing supply deficit, bringing forward and completing an allocated site. Developer requirements such as affordable housing, education contributions and contributions towards ecological mitigation have been honoured. As too has the provision of public open space, which has been located and designed in order to link and complement the wider allocation.

Character and Appearance

- 7.16 The site and areas to the west and south beyond are predominantly

rural in character. However, to the north and east lies residential development whereby the prevailing house types are large, detached and of two and two half storey.

7.17 The development comprises a majority two storey scheme with the exception of the replacement bungalow. The development would deliver 4 no. semi-detached properties, with the remaining units as detached properties with pitched roofs and dormers. The external materials of which will be tiled roofs with a mixture of brick and render walls, with solid course detailing to the surrounds of window and door openings. This combined with dormer roof details, brick opening details and porch and bay window features all adds variation and interest to the development.

7.18 The site layout is conventional in style and is considered to reflect the general layout of surrounding roads and properties where the dwellings directly front onto the main access road.

7.19 The character and design of the proposed development has been informed in part by the pattern and appearance of the existing nearby recent and late 20th century dwellings, which are of a modern suburban appearance, and in part by the need for a development that responds not only to the physical constraints of the site (gas main, overhead power lines, proximity to adjoining residents and protection of mature trees etc) but also to the current housing market requirements. The latter indicates that there is no shortage of larger, detached four or five bedroom 'executive-style' houses, but a general need for smaller, more affordable family dwellings with three bedrooms.

7.20 A repetition of these adjoining larger, detached, 'executive-style' houses would be contrary to both national and local planning policies, which seek to ensure that new housing developments include a reasonable mix and balance of house types and sizes so as to cater for a range of housing needs.

7.21 The density of development equates to approximately 25 dwellings per ha for this particular application. HSG8 of the Flintshire Unitary Development Plan advises that on allocated sites in Category A settlements, the general minimum net housing density should aim to achieve 30 dwellings per ha. Whilst the proposed density is less than the stipulated 30 dwellings per ha, Policy HSG8 does acknowledge that the individual circumstances will vary according to the site location and the character of the area. Therefore given the site's constraints and factoring in developer requirements for developments such as this, the developable area of this site can only deliver 25

7.22 dwellings per ha. The need to ensure the retention of the mature oak trees and hedgerows is an important factor both for the character and appearance of the site and wider area, but also to support the ecological elements given the site's close proximity to sensitive

receptors.

- 7.23 Whilst a detailed landscaping scheme does not form part of the submitted details, the requirements and delivery of appropriately landscaped spaces can be adequately controlled through the imposition of conditions. It is envisaged that this will comprise of grass and shrubbery strips to the sides of the driveways to provide visual interest as well as demarcate the boundaries between public and private spaces and between units. The existing hedgerows located on the south western, northern western, and northern boundaries will be retained along with the identified mature oak trees within the south western boundary. This together with additional shrubbery and a mixture of trees to the front gardens, a large landscaped area and public open space in the north western and southern corners of the site will add to the rural feel of the development.

Impact on Existing and Proposed Residents

- 7.24 It is considered that the distances between and proposed and existing properties meets the minimum distance separation guidelines outlined in SPGN no. 2 Space Around Dwellings. The proposed and existing properties would face back to back, with properties along the northern boundary within the adjoining development and properties along 'The Highcroft, Fair Oaks Drive' being most at risk. The distances from the first floor habitable rooms including garden depths range between 22 and 26m, with the majority of cases being the latter.

- 7.25 In consideration of the siting, orientation and distance of the proposed dwellings relative to existing residential properties, none of the proposed dwellings would cause any unacceptable reduction or harm to the amenities of the existing occupiers in terms of privacy, loss of light or obtrusiveness. In terms of the size of the proposed garden depths, separation distances between the proposed dwellings etc these also meet the guidelines within the SPGN no. 2 'Space Around Dwellings'.

- 7.26 Further to the consultation exercise, the Head of Public Protection expressed concern regarding the noise levels recorded along Mold Road and the impact this would have on the properties proposed directly to front the highway. As a means of mitigating any such adverse impact in relation to noise disturbance, it is considered necessary to impose a condition which requires the windows of the properties proposed to directly front Mold Road are installed with enhanced glazing.

Highways

- 7.27 The proposed development includes the construction of a new 5.5m wide access off Mold Road, which would provide access to two private shared driveways, each serving 4 dwellings, and a 4.5m wide shared surface adoptable road. A visibility splay of 2.4m x 43m is

proposed to be provided at the junction of the new cul-de-sac and Mold Road.

7.28 In accordance with SPGN no. 11 Parking Standards, the 2 and 3 bedroomed dwellings are to be provided with a minimum of 2 no. off road car parking spaces, with 3 no. spaces being provided for the 4 bedroom houses. The routes within the development would be direct and clearly defined for both pedestrians and road users and would flow naturally into the existing road and pedestrian layout. The proposed development lies within a reasonable walking distance to bus stops along Mold Road, close to the junction with Fair Oaks Drive. These provide access to regular services to Mold and Chester as well as to the local railway network. The accessibility of other modes of transport within easy access of the site further promotes sustainable travel opportunities, responding to wellbeing and active travel legislation and helps stimulate positive behaviour change.

7.29 It is not considered that the proposed development will generate traffic levels that would be detrimental to the local road network or harm the free and safe flow of traffic. Further, Highways confirms that it has no objection to the development subject to the imposition of conditions.

Drainage

7.30 Dwr Cymru Welsh Water have reviewed the amended details, and note that it is proposed to dispose of foul flows via the main public sewerage system. Details of the proposed sewer arrangements and connection are illustrated on the Proposed Site Plan. Surface water is to be discharged by means of a Storm-water Aquacell Infiltration unit. Welsh Water note that the surface water run-off is to be disposed of by soakaway system and raise no objection in this regard.

7.31 Welsh Water consider the drainage arrangements to be acceptable in principle, however suggest the imposition of conditions in relation to the connection of foul water to the nominated manhole reference SJ28682702 and to prevent surface water and land drainage connecting directly or indirectly with the public sewerage system.

Ecology

7.32 The application site is located approximately 15m from the Deeside and Buckley Newt Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) designated for great crested newts (GCN) and known breeding sites.

7.33 The application site consists of an open horse grazed paddock, bounded by hedgerows and trees but with a fence adjacent to Mold Road and the associated farmhouse and outbuildings. To the north and east of the site is residential development beyond which lies Connah's Quay wetland area. The wetland has the potential to provide an accessible natural green space for informal recreation as

well as terrestrial habitat for newts and other amphibians. The site has a number of well walked desire lines and the public right of way to the west of the site is well used. To the west of the application site lies open countryside and the designated Green Barrier. To the south, beyond Mold Road, lies the designated SAC and SSSI.

The key ecological features are the natural boundaries which in turn have potential for protected species such as:

- 7.34
- Great Crested Newts (GCN) – feature of the SAC/SSSI;
 - Badgers – known sett locally and potential for others within the hedgerow; and
 - Nesting birds – not always reliant on trees and shrubs but also rough hedge margins.

7.35

As explained above, there are hedgerows along the north, north western and south western boundaries of the site. There are a number of mature oak trees within the south western hedgerow, which along with the hedgerows identified are to be protected and retained as part of the proposed development. There are a number of low quality trees (5) next to the farmhouse that will need to be removed, as to will a section of the hedge along the road frontage in order to provide the vehicular access with adequate sightlines to the site.

7.36

The application is accompanied by the relevant ecological assessments in relation to GCN, Badgers, Nesting Birds and Bats. These assessments have been undertaken by Arbtech Consulting Ltd.

7.37

Due to the proximity of the planned development to both the SAC and SSSI, records of smooth/palmate larvae in a nearby pond 20m from the boundary of the application site and records of GCN within the nearby SAC/SSSI, both the direct and indirect effects on great crested newts needs to be assessed. A Preliminary Ecological Appraisal Survey dated June 2018 has been submitted with the application and has identified that no aquatic features will be directly affected by the development. The presence of Mold Road to the south of the site represents a significant barrier to movement of amphibian species. Due to the above, it is considered that there will be no adverse direct impact of the development upon the GCN population.

7.38

The indirect effects on the great crested newt population in relation to the designated sites and its value as terrestrial habitat, as a link to the wider countryside, and the increased recreational pressures especially when considered in conjunction with other developments in the Deeside and Buckley area (“in combination effects”) have also been assessed.

As identified within the additional information submitted ‘Great Crested Newt Mitigation Plan’ prepared by Arbtech Consulting Ltd.

7.39 dated December 2018, the applicant intends to implement an amphibian exclusion fence around the boundary of the development, to be kept in place, monitored and maintained throughout the duration of works on site. The developer also proposes additional mitigation methods to be implemented, these being trapping and translocation techniques.

7.40 Translocation and trapping is considered by the Council's Ecologist and NRW to be an appropriate method of mitigation that ensures GCN populations are allowed to continue to thrive. There are several areas in close proximity to the site maintained by Flintshire Countryside Services that provide suitable habitat for GCN. These areas include Connah's Quay Wetland and an orchard field. A financial contribution has been offered by the Applicant, with a payment of £40,000 to secure the long term maintenance of the GCN habitat surrounding the site including the enhancement works of the translocation site to be identified by the Council and for the avoidance of recreational impacts. This will be secured through the proposed Section 106 Agreement.

7.41 Pitfall traps are to be utilised and will be placed adjacent to the fence on the development side. These will be placed at intervals, 1 in every 10m, which gives a planned total of approximately 90 no. traps for this site. This practice has been taken from the recommendations of the GCN Mitigation Guidelines in order to further avoid harm to newts which may be present on site.

7.42 The above proposals will therefore prevent harm to GCN, if present on site, ensure maintenance of the range and dispersal route for GCN and provide for the long term prospects of the nearby wetland as terrestrial habitat, while enhancing local recreation through public right of way and local green space enhancements. It is considered that the assessments submitted are acceptable in principle, proposing appropriate reasonable avoidance measures. To further ensure the protection of the identified species, it is recommended that a suitably worded condition is imposed in order to require a detailed scheme for the reasonable avoidance measures and mitigation is submitted and approved prior to works commencing on site.

7.43 The assessments submitted conclude that there is no requirement for further surveys to be undertaken in respect of Badgers. Whilst the data set reveals badger records present 350m south of the site, the field is flat and no evidence was recorded during the survey period. It is considered there should be no long term effects of the development upon the badgers in the wider locality.

7.44 The existing hedgerows identified upon the boundaries of the site together with the mature oak trees located on the south western boundary will be retained, and therefore it is considered there will be no detrimental impact upon these habitats for bats or breeding birds.

Further to the above, it is considered reasonable to impose a condition which restricts works to felling trees and hedgerow removal during the bird nesting season.

Trees

7.45 An Arboricultural Tree Survey has been submitted in support of the application undertaken by Urban Forestry Group, dated April 2018. In addition to the assessment, an Arboricultural Method Statement and Tree Protection Plan has been prepared by the Applicant's appointed consultant, Urban Forestry Group. These statements have been informed by the recommendations of the comprehensive Tree Survey submitted.

7.46 The report concludes that all of the mature oak trees (11) and hedgerows along the north, north west and south western boundaries of the site are to be retained and appropriately protected in accordance with the Tree Protection Plan submitted. Such protection measures include fenced off areas to mark the root protection zone of each individual tree, ensuring the protection of the tree and any future growth of that tree. Further to the representation received which expressed concerns for the retention of the oak trees along this boundary, this has been confirmed and I therefore trust that this provides comfort in this respect.

7.47 A section of hedgerow along the road frontage will need to be removed in order to provide the vehicular access to the site and the required sightlines. Whilst this loss would equate to 50% of the identified Group 1 hedge along this boundary, it is considered the hedge can be transplanted in areas practicable to offset its loss, or be replaced by appropriate new planting as part of the soft landscaping works to be conditioned.

7.48 The report also identifies the loss of a group of trees (5) comprising 3 apple and 2 silver birch, next to the existing farmhouse and outbuildings. Whilst their loss is required to enable the development scheme, the trees have been considered in the survey to be of low quality and of no significant amenity value, and therefore not worthy of retention. The loss of these trees is not considered to cause any detriment in respect of the sensitive ecological constraint identified on this site. It is considered that like that of the loss of the hedgerow fronting Mold Road, an appropriate landscaping scheme could offset any negative effects. The application is supported by a detailed site layout plan which illustrates an indicative landscaping scheme. However, for the purposes of ensuring that the site is appropriately landscaped and the trees identified retained, a robust hard and soft landscaping scheme will be required. I therefore propose a condition to this effect.

Affordable Housing

The proposed development would make adequate provision for

7.49 affordable housing in accordance with UDP Policy HSG10 and SPGN no.9. The development is therefore proposing to deliver the necessary 30% which would equate to 9 no affordable dwellings as part of the residential scheme. The affordable units will be as follows:

- 2 no. 3 bedroomed homes and 2 no. 2 bedroomed homes for affordable rent, to be delivered by our partner Housing Associations who would acquire the units direct from the developer; and
- 3 no. 3 bedroomed homes and 2 no. 2 bedroomed homes for shared equity delivered in partnership with Grwp Cynefin Housing Association as the Council's nominated agent for affordable ownership.

7.50 Based on the support of the Housing Strategy Manager it is recommended that the proposals for affordable housing within the development are acceptable. The proposed Section 106 Agreement will ensure that the agreed arrangement is delivered.

Public Open Space Provision

7.51 Approximately 1,605m² of public open space will be provided as part of the proposed development. An area of 1,055m² located within the north-west corner is recognised as the formal POS for this site. This area has been carefully positioned alongside the POS that is to be laid out on the adjoining residential development currently under construction. As part of the consented scheme a gap in the hedge was created along the northern boundary, therefore by locating the POS in this location, utilises the gap for which it was intended, linking the proposed POS with the POS on the adjoining site, allowing greater opportunities for additional POS to be incorporated within the wider scheme and vision of the allocated site.

7.52 A further area of informal POS is located to the south of the site, fronting Mold Road. Whilst there are opportunities for this to be used as POS, this area also services as an additional purpose by means of accommodating the proposed surface water attenuation area. This area equates to 550m².

7.53 In accordance with Planning Guidance Note No. 13 POS provision, the development should provide play and recreation facilities. The Authority would require an area of POS to be in the region of 1,850m² of designated play and recreation space. It is acknowledged that 1,605m² is provided as the onsite provision, which is proportionately distributed as a formal open space area to the north of the site and an informal open space area to the south fronting the access and public highway, Mold Road. This equates to a shortfall of 245m², of which there is a need to provide off-site contribution in lieu of the reduced POS on this proposal. The applicant acknowledges the need for a commuted sum in this regard and it is referenced at paragraph 2.75 of the submitted Planning Statement.

7.54

7.55 Through consultation with the Council's Play Design Officer, it has been confirmed that the shortfall would equate to the equivalent of 5 no. properties. Therefore an off-site contribution would be required at 5 x £1,100.00 per dwelling, of which the payment would be used for the provision of teenager recreation at Hillside Avenue Play Area, Connah's Quay. The commuted sum will be secured by the proposed Section 106 agreement.

7.56 The applicant confirms that the proposed areas of POS are not envisaged to be adopted or maintained by the Council. Therefore as part of the proposed Section 106 Agreement, provision will be made to ensure the POS and landscaped areas are appropriately managed and maintained for the lifetime of the development.

S.106 Contributions & CIL Compliance

7.57 The infrastructure and monetary contributions that can be required from proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

1. Be necessary to make the development acceptable in planning terms;
2. Be directly related to the development; and
3. Be fairly and reasonably related in scale and kind to the development.

7.58 A payment of £98,056 is required for Wepre CP School which has been identified as having the greatest need for additional capacity due to the impact of the proposed development. The adopted Supplementary Planning Guidance Note No.23 Developer Contributions to Education sets out the formula for calculating contributions as follows:

School Capacity = 307 x 5% = 15.35 (15)

307 - 15 = 292

Trigger points for contributions is 292 pupils

(No. of units) 33 x 0.24 (Primary Formular Multiplier) = 7.92 (8) no. of pupils generated x £12,257 per pupil (Building Cost Multiplier) = **98,056**

Actual pupils 306 + 8 (from the multiplier) = 314 trigger met.

There have not been 5 contributions towards this project to date. It is considered that this meets the Regulation 122 tests.

7.59 A payment of £5,500.00 in lieu of sufficient onsite provision to provide teenager recreation facilities at Hillside Avenue Play Area, Connah's Quay. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where the necessary on site provision is not possible. There have not been 5 contributions towards this project to date. It is considered that this meets the Regulation 122 tests.

7.60 A payment of £40,000 is offered by the applicant as the site is in an area with known great crested newt records and has the potential to cause indirect impacts through increased recreational impacts on the SAC, a compensation scheme is required to offset these impacts. This approach is set out in the Supplementary Planning Guidance Note 8a Great Crested Newt Mitigation. The commuted sum will be spent on securing the long term maintenance of the GCN habitat surrounding the site including the enhancement works of the translocation site to be identified by the Council and for the avoidance of recreational impacts. It is considered that this meets the Regulation 122 tests.

8.00 CONCLUSION

The site forms the southern part of the housing allocation HSG1 (7) land adjacent Fairoaks Drive, Mold Road, Connah's Quay within the Flintshire Unitary Development Plan.

It is also located within the settlement boundary of Connah's Quay in the Flintshire Unitary Development Plan, which is a Category 'A' settlement with an array of facilities and services, as the site's allocation for residential development reflects both the strategy of the Flintshire Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context therefore, there is a clear policy framework supporting the principle of residential development on the site. This comprehensive report details in full the areas that required scrutiny, this being the impact on occupiers both existing and new, the character and appearance, the identified ecology and tree implications, highways and drainage, and the requisite developer contributions. It is considered that these matters have been satisfied, and I therefore recommend that planning permission is granted subject to conditions and the completion of a legal agreement as set out within paragraph 2.01 of this report.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the

Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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

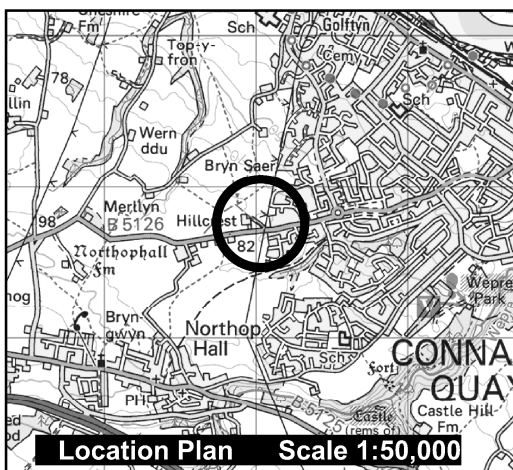
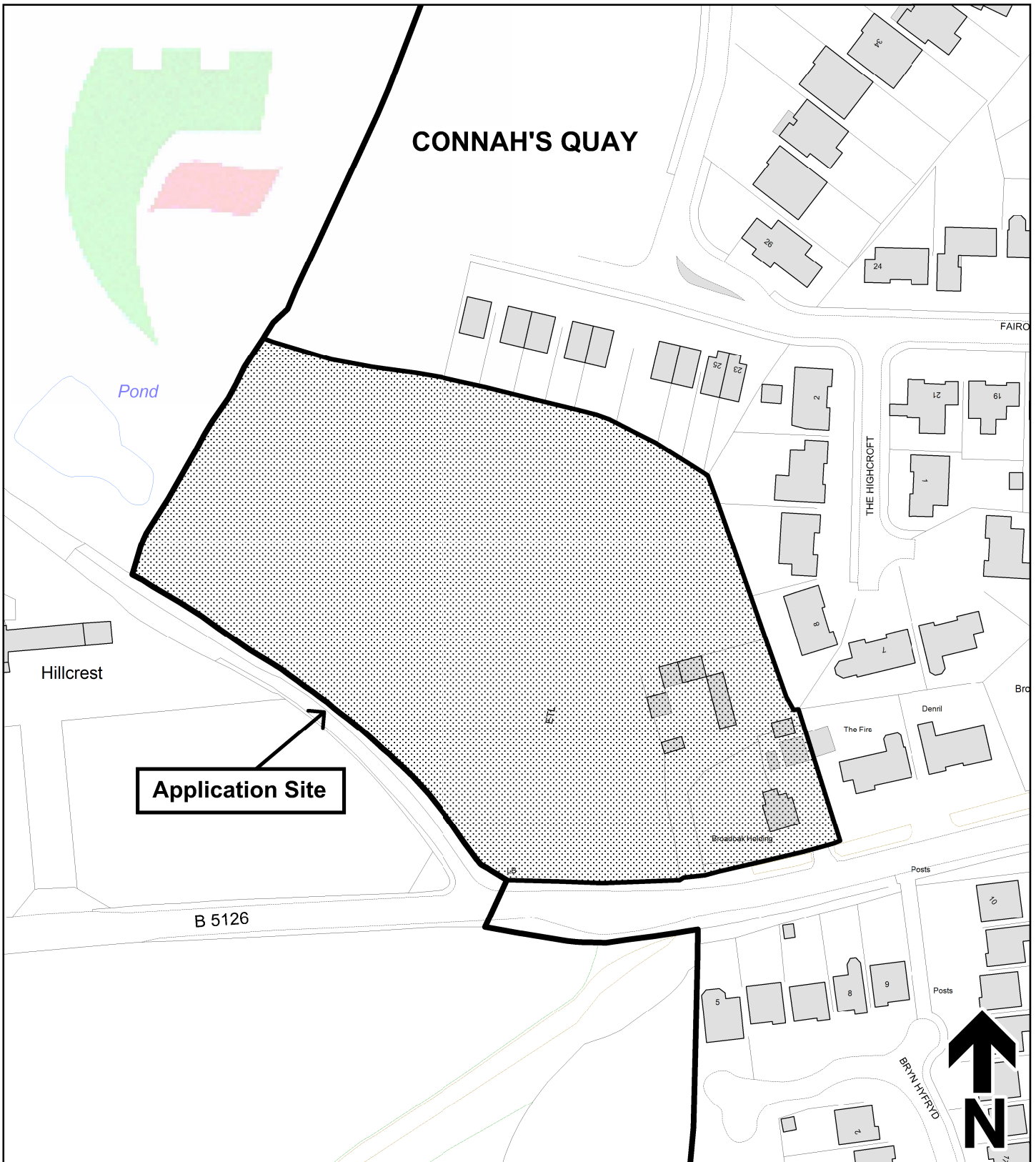
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Katie H Jones
Telephone: (01352) 703257
Email: katie.h.jones@flintshire.gov.uk



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2868

Planning Application **58583**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH MARCH 2019**

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

SUBJECT: **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH DETAILS OF ACCESS AT PANDY GARAGE, CHESTER ROAD, OAKENHOLT**

APPLICATION NUMBER: **054077**

SITE: **PANDY GARAGE, CHESTER ROAD, OAKENHOLT**

APPLICANT: **MR. FAULKNER**

APPLICATION VALID DATE: **23.10.18**

LOCAL MEMBERS: **COUNCILLOR MS R JOHNSON**

TOWN/COMMUNITY COUNCIL: **FLINT TOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an outline planning application for the use of a 0.45ha site for residential development. Details of the access have been provided with all other matters reserved for future consideration.

Members will previously recall this application, as it was reported to the Planning Committee on the 23rd March 2016 with a recommendation to grant planning permission, subject to the Applicant entering into a Section 106 agreement. Members resolved to grant planning permission in line with officer's recommendation. Whilst the Section 106 remains incomplete, the Applicant has made an attempt to progress matters. However, during the preparation it

transpired that there was a minor difference between the ownership claimed by the Applicant and the boundary of the adjoining land, which is owned by Flintshire County Council. The Applicant has therefore sought to amend the application site area, to only include land within their ownership. Whilst this remains in outline form, the amendment to the site area has resulted in a minor reduction in the potential number of units that could be accommodated within the site, reducing from 17 to 16 units. The amendment has also required the proposed access to be revised. In all other matters, the application remains unaltered, with the details to come forward as part of a reserved matters application.

The principle of residential development is acceptable within a Category A Settlement and complies with the key principles of PPW10. Further investigations are required with regard to the archaeology on the site, in order to inform the detailed layout of the site at reserved matters stage. Flood risk can be appropriately managed subject to finished floor levels, and it is considered that the detailed layout and design can mitigate any impacts on the amenity of existing residents.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:

- a) Contribution of £1,100 per dwelling in lieu of on-site open space provision to fund enhancements to toddler play provision at Albert Avenue Play Area, Flint.
1. Outline time commencement – 3 years to submit reserved matters
 2. In accordance with Plans
 3. Contaminated land investigation
 4. Drainage – foul flows from the site shall be allowed discharge to the public sewerage system and this discharge shall be made at or beyond manhole reference no. SJ25725104
 5. Surface water drainage scheme
 6. Prior to the reserved matters submission an archaeological investigation shall be undertaken to inform the layout.
 7. Siting layout and design of means of access
 8. Formation and construction of means of access to be approved by the Local Planning Authority
 9. Details of culvert/ditch to water course
 10. Extent of adopted highway shown on site
 11. Access kerbed and completed to carriageway base course prior to other site operations

12. Closure of existing access and reinstatement
13. Visibility splay of 2.4m x 43m
14. No obstructions in visibility splay
15. Parking and turning facilities to be provided on-site
16. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
17. Lighting columns to be relocated
18. Construction Traffic management Plan
19. Site levels across whole site
20. Finished floor levels of dwellings to be 8.99m

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Ms R Johnson
 No response at the time of writing.

Flint Town Council
 No response at the time of writing.

Highways Development Control
 No objections subject to conditions covering;

- Siting layout and design of means of access
- Details of culvert/ditch to water course
- Extent of adopted highway shown on site
- Access kerbed and completed to carriageway base course prior to other site operations
- Closure of existing access and reinstatement
- Visibility splay of 2.4m x 43m
- No obstructions in visibility splay
- Parking and turning facilities to be provided on-site
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- Lighting columns to be relocated
- Construction Traffic management Plan

Community and Business Protection

The development site has a long industrial history as such there is some justification that contamination could be present in all or part of the site. Additionally the proposed development which includes residential accommodation could be particularly vulnerable to the

presence of contamination. Therefore, I would recommend that a Contaminated Land Investigation condition is attached to any approval you may grant.

Welsh Government - CADW

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled ancient monument Pentre Bridge Roman Site (FL 131).

The amended plans show that the area of the scheduled monument previously included in the application site area has been removed from the application. The application area already contains a number of buildings and whilst the proposed development will increase their number, it is unlikely that the proposed development will have any additional impact on the setting of the scheduled monument FL 131.

Welsh Water/Dwr Cymru

Welsh Water have reviewed the proposal and note that the developer proposes to dispose of foul flows via the public sewerage system and discharge surface water run-off into an existing watercourse. We would advise that foul flows should be discharged to the 150mm diameter foul public sewer at or beyond manhole reference SJ25725104.

In light of the above, Welsh Water raise no objection to the proposed methods of drainage, however request the imposition of suitably worded conditions to specify the connection to the above referenced manhole and to prevent the direct and in-direct connection into the public sewerage network for the drainage of surface and land water.

Natural Resources Wales

Flood Risk

No objection subject to the imposition of conditions covering;

- Finished floor levels to be set at 8.99mAOD

Protected Sites

The application site is located approximately 160m away from the boundaries of the Dee Estuary RAMSAR site, the Dee Estuary Site of Special Scientific Interest (SSSI) and Dee Estuary Special Area of Conservation (SAC). From the information provided NRW does consider that the proposed development will not adversely affect the protected sites listed above.

Clwyd-Powys Archaeological Trust

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of high archaeological sensitivity.

The plot originally contained the Pandy Mill (PRN 103998) with the

place name suggesting a fulling mill that may have medieval origins. The mill was later converted into a flour mill and this is represented on the first edition OS mapping. The mill pool and dam have subsequently been landscaped on the western edge of the plot. The flour mill has been demolished, but remnant stone walls up to two metres high are thought to be incorporated into later buildings at the rear of the plot.

The plot also lies immediately south of the scheduled monument known as Pentre Bridge Roman Site (SAM FI 131) and appears the proposed open space may be included. As there may be an impact on the scheduled monument from landscaping or boundary creation activity within the open space area the applicant would need to approach Cadw to determine whether scheduled monument consent is required.

There is an unquantified potential for additional Roman period archaeology outside the scheduled area and across the rest of the development plot. The Roman road through the settlement at Croes Atti and Oakenholt is known to run past the plot on the north side and archaeology related to the nearby industrial or burial activity alongside the road may be present here at sub-surface levels. The proposed development may disturb any such remains surviving here, but from present knowledge it is difficult to estimate how damaging this might be, and thus to frame an appropriate archaeological response a condition to require an appropriate site investigation prior to reserved matters would satisfy any such concerns.

Play Unit

Would request a contribution of £1,100 per dwelling in lieu of formal on-site play provision towards enhancements to toddler play provision at Albert Avenue Play Area, Flint.

Airbus

Airbus confirm that there is no aerodrome safeguarding objection to the proposal based on the information given.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

1 letter of objection has been received, raising the following:

- Increases the risk elsewhere
- Out of date FCA
- Insufficient information in respect of Archaeology
- Increase in traffic and its impact on highway safety on the A548
- Speed of traffic
- Insufficient drainage capacity

- Pedestrian safety due to narrow existing pavements

As this is an amended scheme I consider it prudent to reiterate the previous objections received in 2016.

8 letters of objection, raising the following:

- Sufficient housing in Oakenholt at Cros Atti and in Flint
- Increase in traffic on an already busy road the A548
- Would make access to adjacent property of Rubern difficult
- It's in a flood risk area
- There is a stream running through the site
- Impact of two storey properties next to a bungalow
- Loss of light and privacy
- Impact on adjacent beauty spot

5.00 SITE HISTORY

5.01 3/FL/60/82 Change of use to shop - Approved 23.03.82

739/83 Outline erection of 7 lock up garages for industrial use -
Refused 04.05.84

585/85 Extension to form workshop - Approved 09.04.86

00/85 Façade to form conservatory showroom - Approved 04.10.00

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

STR8 – Built Environment

STR10 – Resources

GEN1 – General Requirements for Development

GEN2 – Development Inside Settlement Boundaries

D1 – Design Quality, Location and Layout

D2 – Design

D3 – Landscaping

WB1 – Species Protection

AC13 – Access and Traffic Impact

AC18 – Parking Provision and New Development

HSG3 – New Dwellings Inside Settlement Boundaries

HSG8 – Density of Development

HSG9 – Housing Mix and Type

HE6 – Scheduled Ancient Monuments and other Nationally Important
Archaeological Sites

HE7 – Other Sites of Lesser Archaeological Significance

HE8 – Recording of Historic Features

SR5 – Outdoor Play Space and New Residential Development

EWP14 – Derelict and Contaminated Land
EWP16 – Water Resources
EWP17 – Flood Risk

SPGN no. 28 Archaeology
PGN no. 13 Open Space Requirements

Planning Policy Wales Edition 10 (December 2018)
TAN1 Joint Housing Land Availability Studies
TAN11 Noise
TAN15 Development and Flood Risk
TAN24 The Historic Environment

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline application for the principle of residential development on land at Pandy Garage, Oakenholt. Details of the access have been provided with all other matters reserved for future consideration.

7.02 Site Description

The application site extends for 0.45ha and is currently occupied by a number of buildings, housing commercial premises namely, Delyn Windows and second hand car sales along with a number of storage buildings, associated car parking and hardstanding. The site is accessed off Chester Road.

7.03 The site is bounded to the south by the residential property of Rubern, a dormer bungalow. To the north of the site is a further residential property of New House. To the north west of the site is a bowling green and play area. To the west lies a pond, which is fed by a stream that travels through the site. There are residential properties in the form of terraced housing along Chester Road, opposite the application site.

7.04 Proposed Development

This is an outline application with all matters reserved except for access. This application seeks the principle of residential development for the erection of 16 dwellings. An indicative layout has been submitted with the application which illustrates a development proposal capable of providing 16 dwellings in the form of two storey 2 and 3 bedroomed semi-detached and terraced properties with an indicative height parameter of 7.3m to the ridge. It is envisaged that all 16 dwellings will be provided with private amenity space and car parking. Access to the site is proposed from a central point off Chester Road. The existing stream is included within an area proposed to be open space.

7.05 Issues

The main issues to consider are the archaeological implications of the development, flood risk and highways.

7.06 Principle of Development

The application site is within the settlement of Flint which is a main town, Category A Settlement within the Flintshire Unitary Development Plan. It is therefore a focus for growth and residential development. The site is brownfield land with a mixture of uses and is not fully utilised at present. The site is within a predominantly residential area and is not allocated for employment use. It is considered that the proposed residential use of the site would be more compatible with the adjoining uses, and has the potential to improve the character and appearance of the street scene along Chester Road, subject to the agreement of the detailed design.

7.07 The proposed site is considered to comply with the key principles of Planning Policy Wales 10 (PPW10) in terms of the presumption in favour of sustainable development, and the sequential approach taken to the re-use of previously developed land in preference to greenfield sites. In accordance with paragraph 3.51 of PPW10, land within settlements should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints identified can be overcome.

7.08 Flood Risk

The application site lies entirely within Zone C1 as defined in TAN15 Development and Flood Risk (2004) and shown on the Natural Resource Wales Development Advice Map. This is confirmed by Natural Resource Wales (NRW) which confirms the site is within the 0.1% AEP fluvial flood outline and that parts of the site lie within the 1% AEP fluvial flood outline associated with Nant Ffwrndan, an ordinary watercourse, which flows through the site. The current site levels range from 13.3m AOD in the west and 7.7m AOD on Chester Road to the east.

7.09 New development, to include highly vulnerable development (house) should only be permitted within zone C1 if determined by the Local Planning Authority to be justified in that location. TAN15 justification criteria states that development will only be justified if it can be demonstrated that;

- i. Should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1 of the DAM) **AND**
- ii. Its location is necessary to assist a local authority regeneration initiative or strategy (Development Plan), or contribute to key employment objectives, necessary to sustain an existing settlement or region **AND**
- iii. The site meets the definition of previously developed land (i.e. it is not a Greenfield site) and concurs with the aims of

Planning Policy Wales (i.e. the presumption in favour of sustainable development). **AND**

- iv. A Flood Consequence Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood event (1 in 1000 chance of occurring in any year) have been considered and meet the criteria in order to be considered acceptable.

7.10 In terms of justifying the development, the site has been identified as being within flood risk zone C1. In accordance with TAN15 (fig.1) zone C1 are areas of floodplain which are developed and served by significant infrastructure, including flood defences. The development would therefore accord with criterion (i) above.

7.11 The site is located within the settlement boundary of Flint in the Flintshire Unitary Development Plan. Flint is a Category A settlement as defined in the UDP strategy and is a main town within which to focus growth. It is therefore considered that this development would assist in sustaining the existing settlement in accordance with criteria (ii).

7.12 In terms of meeting with the aims of PPW, the site is brownfield land. It is considered that the site falls within the definition of previously developed land, as the site has been subject to previous built development, and this is demonstrated by the site's current use with the existence of buildings and fixed surface infrastructure. This therefore meets with criterion (iii).

7.13 In terms of criterion (iv) the application is supported by a revised Flood Consequence Assessment (FCA) undertaken by Waterco, for which updated detailed flood modelling has been carried out for the Nant Ffwrndan, which indicates that these designations may not accurately reflect the flood risks to the site. The site is not affected by the present-day tidal flood outlines. Parts of the site are shown to be at risk of surface water flooding in NRW's Flood Map for Surface Water.

7.14 NRW have reviewed and are satisfied with the hydrological and modelling for this site used to inform the submitted FCA. The FCA shows that the proposed residential development will remain dry in the 1% AEP + climate change event, including a blockage event of the culverts on the site, in compliance with A1.14 of TAN15. NRW therefore have no objection to the proposed development.

7.15 The FCA shows that, while there may be some shallow flooding, of the site in the 0.1% AEP event with blockage, depths and velocities are within the thresholds of A1.15 of TAN15. A safe access and egress route to be used in the event of an emergency is available from Chester Road.

While there will be some displacement of floodwater in a 0.1% AEP

7.16 with blockage scenario, in this instance the applicant's consultant has calculated that this volume would be 'less than 1m³' and therefore the potential effect elsewhere will be minimal. NRW therefore raise no objection subject to the imposition of a condition stating the finished floor levels would be set no lower than 8.99m AOD.

7.17 This will involve some land raising or design solution which would be detailed as part of the reserved matters submission. The FCA indicates that this is required only for properties on the eastern part of the site, which would provide a 300mm freeboard above surrounding ground levels. Finished floor levels of other properties should be set at 150mm above ground levels. This can be covered by condition to be considered as part of the reserved matters.

Highways

7.18 There are currently two points of access to the site. One to the south of the site frontage between the former Delyn Windows building and the residential property of Ruebern, and one to the north of the building associated with the garage and car sales.

7.19 It is proposed to create one access point within the centre of the site frontage to serve the proposed residential development. Ruebern is set back from the road and has a parking area to the front of the property.

7.20 During the previous determination of this application, residents raised concerns about the level of traffic generation from the proposed residential use of the site. There is already a level of traffic generation associated with the existing businesses on site. The exact number of dwellings would be determined at reserved matters stage. Highways therefore raise no objection to this subject to the imposition of conditions.

Ecology

7.21 The application site is located approximately 160m away from the boundaries of the Dee Estuary RAMSAR site, the Dee Estuary Site of Special Scientific Importance (SSSI) and the Dee Estuary Special Area of Conservation (SAC). From the information provided, it is considered that the proposed development will not adversely affect the protected sites listed above.

7.22 Although there are buildings on the site, due to the location of the site in a built up area and the nature of the buildings, it is considered that a bat survey would not be required. There are therefore no ecological implications for the proposed development.

Archaeology

7.23 Clwyd Powys Archaeological Trust advises that information retained within the Regional Historic Environment Record indicates that this application falls in an area of high archaeological sensitivity.

7.24 The plot originally contained the Pandy Mill (PRN 103998) with the place name suggesting a fulling mill that may have medieval origins. The mill was later converted into a flour mill and this is represented on the first edition OS mapping. The mill pool and dam have subsequently been landscaped on the western edge of the plot. The flour mill has been demolished, but remnant stone walls up to two metres high are thought to be incorporated into later buildings at the rear of the plot.

7.25 There is an unquantified potential for additional Roman period archaeology outside the scheduled area and across the rest of the development plot. The Roman road through the settlement at Croes Atti and Oakenholt is known to run past the plot on the north side and archaeology related to the nearby industrial or burial activity alongside the road may be present here at sub-surface levels. The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. CPAT advise that there is insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision.

7.26 The applicant commissioned a desk based archaeological assessment which was undertaken by CPAT which outlines the needs for further investigation as set out above. However, this is a brownfield site which has been the subject of numerous uses including a petrol filling station with associated underground tanks and buildings. The site is predominately covered in hardstanding. A new building was erected in 1986 and trial trenching was undertaken as part of that development. This was following a previous earlier excavation in 1934. This recorded some 'industrial activity' and has been recorded accordingly. CPAT has suggested two trench locations for the evaluation, one in the north west boundary in an L shape which is in the indicative proposed open space and one in the south west of the site.

7.27 It is considered that due to the brownfield nature of the site, the presence of existing businesses operating on site and the previous excavations that it would be reasonable to condition any archaeological investigations to form part of the reserved matters submission in order to inform the proposed layout. The outline application put forward for consideration only proposes an indicative set number of dwellings and layout, therefore the principle of development could be accepted with the exact number and detail to be determined following further investigatory work.

Impact on Scheduled Ancient Monument

7.28 The development site lies immediately south of the scheduled monument known as Pentre Bridge Roman Site (FL 131). CADW

have been consulted as part of this application and have carefully considered the information provided. CADW confirms that there are no objections to the impact of the proposed development on the scheduled monument Pentre Bridge Roman Site FL 131.

- 7.29 The amended plans show that the area of the scheduled monument previously included in the application site area has been removed from the application. The application area already contains a number of buildings and whilst the proposed development will increase their number, it is unlikely that the proposed development will have any additional impact on the setting of the scheduled monument FL 131.

Drainage

- 7.30 Previously, Welsh Water objected to a new connection in this location due to there being insufficient capacity in the existing network, this position was taken in 2016. However, Welsh Water now confirm that they would have no objection to a foul connection via the public sewerage system and the discharge of surface water into an existing watercourse. Welsh Water advise that the foul flows should be discharged to the 150mm diameter foul public sewer at or beyond manhole reference SJ25725104. In order to control this, Welsh Water request the imposition of a condition. Welsh Water also request a condition in relation to preventing the direct or indirect connection to the public sewerage network for the disposal of surface and land water.

Impact on residential amenity

- 7.31 There is an adjacent dwelling, Rubern which is set back from the road. This is a dormer bungalow with parking at the front. Any detailed layout would need to take into account this dwelling, to ensure that there is no detrimental impacts in terms of overlooking and to achieve a layout and design that is in scale with the adjacent property.

S106 and CIL Compliance

- 7.32 The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

Although open space is shown on the plan this would be informal in

nature due to the potential archaeology issues, impact on the Scheduled Ancient Monument and stream running through the site.

7.33 There is also a play area adjacent to the site and it is requested that a contribution of £1,100 per dwelling in lieu of formal on-site play provision is made towards enhancements to toddler play provision at Albert Avenue Play Area, Flint. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off site open space contributions where sufficient on site provision is not possible. There have not been 5 contributions towards this project to date.

It is considered that the contribution required meets the Regulation 122 tests.

7.34

8.00 CONCLUSION

The application site is within the settlement of Flint which is a main town, Category A Settlement within the Flintshire Unitary Development Plan. It is therefore a focus for growth and residential development. The site is brownfield land with a mixture of uses and is not fully utilised at present. The site is within a predominantly residential area and is not allocated for employment use. It is considered that the proposed residential use of the site would be more compatible with the adjoining uses, and has the potential to improve the character and appearance of the street scene along Chester Road, subject to the agreement of the detailed design.

Further investigations are required with regard to the archaeology on the site in order to inform the detailed layout of the site at reserved matters. The matter of flood risk is considered capable of being adequately managed subject to finished floor levels informed by the FCA submitted with this application. The necessary finished floor levels will be controlled by condition on this permission, requiring the development to be designed and built out to this requirement. Further, it is considered that as part of the reserved matters, the detailed layout and design can mitigate any impacts on residential amenity.

It is considered that the proposal complies with planning policy. Accordingly, I recommend that planning permission is granted subject to conditions as set out within paragraph 2.01 of this report.

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

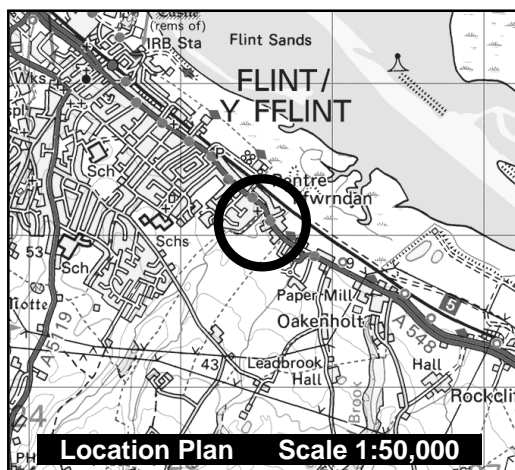
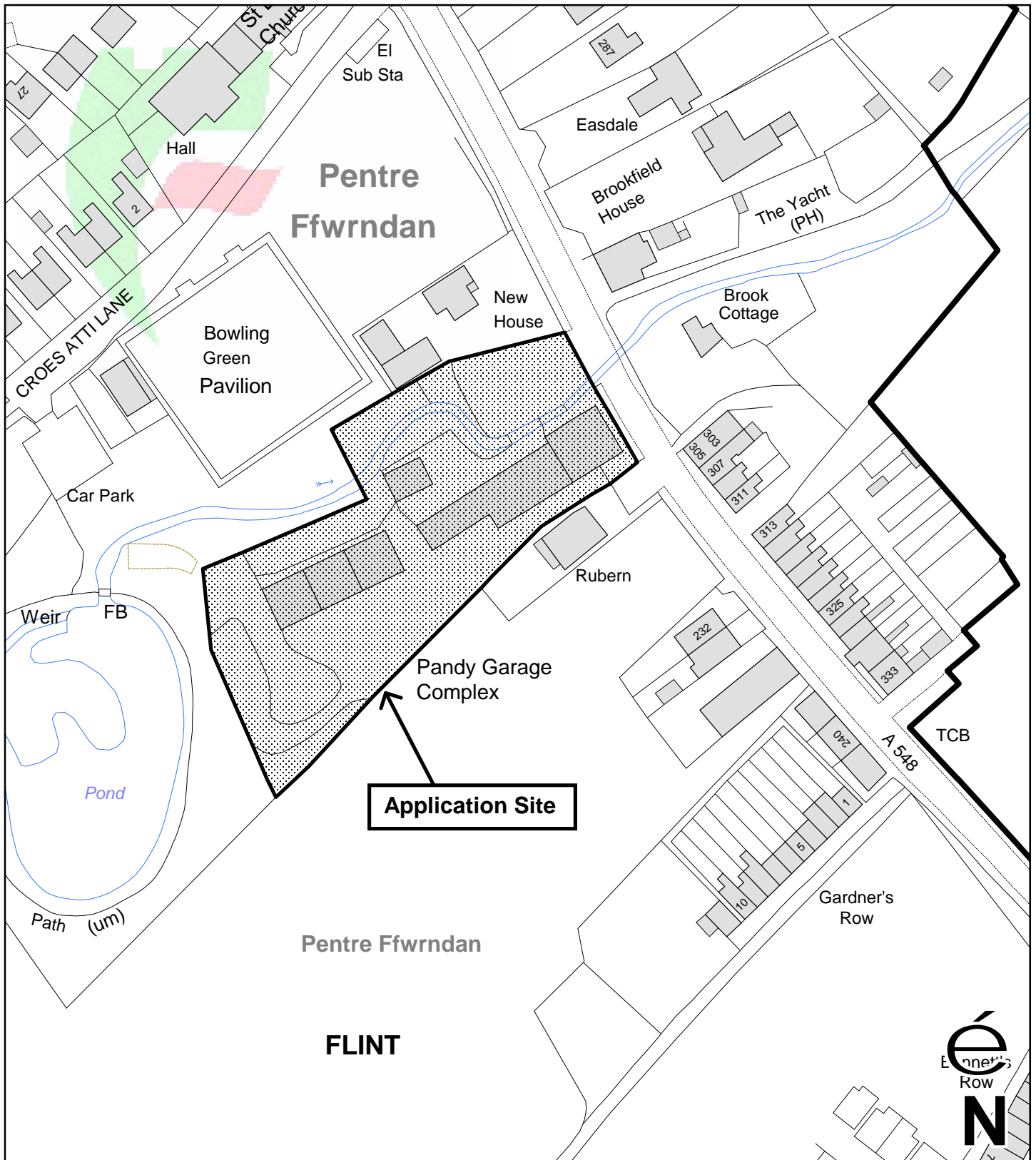
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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	Planning & Environment, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow						
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<p>Legend</p> <ul style="list-style-type: none"> Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary 	<table border="1"> <tr> <td>Map Scale</td> <td>1:1250</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 2572</td> </tr> <tr> <td>Planning Application</td> <td>54077</td> </tr> </table>	Map Scale	1:1250	OS Map ref	SJ 2572	Planning Application	54077
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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH MARCH 2019**

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

SUBJECT: **APPEAL BY MR S BANKS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE OF LAND FOR THE TEMPORARY STORAGE OF CARS AND VANS ON LAND AT WOOD FARM, DEESIDE LANE, SEALAND – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 057737

2.00 SITE

2.01 Wood Farm, Deeside Lane, Sealand, CH1 6BP

3.00 APPLICATION VALID DATE

3.01 28 May 2017

4.00 PURPOSE OF REPORT

4.01 To inform Members of a decision in respect of an appeal, following the decision of the Local Planning Authority, under delegated powers, to refuse to grant planning permission for the change of use of land for temporary storage of cars and vans on land at Wood Farm, Deeside Lane, Sealand.

The appointed Planning Inspector was Hywel Wyn Jones. The appeal was determined via the Hearing method and was DISMISSED

5.00 REPORT

Main Issues

5.01 The Local Planning Authority refused the application upon grounds of flood risk and impact upon green barrier. Accordingly the Inspector considered the mains issues to be;

- i. whether the development is inappropriate development within the green barrier for the purpose of local and national planning policy;
- ii. the effect of the scheme on the openness of the green barrier and the purposes of including land within it;
- iii. if the scheme is inappropriate development, whether the harm by reason of inappropriateness, together with any other harm to the green barrier, is clearly outweighed by other considerations, so as to amount to the very exceptional circumstances necessary to justify the harm to the green barrier; and
- iv. whether the proposed development is acceptable within a floodplain, having regard to local and national planning policy

Green Barrier

5.02 The Council acknowledged that the visual impact of the scheme is relatively modest. It is screened by a large earth mound from most of a nearby lane and public right of way. Buildings and vegetation screen it from most other potential vantage points other than from adjacent fields to the east. However, Notwithstanding the limited visual impact, the Inspected noted that the storage of cars and the cabins along with the perimeter fence has an appreciable harmful effect on the openness of the area.

5.03 In line with PPW, given the harm that the Inspector identified to the green barrier, he consider whether very exceptional circumstances exist to justify the grant of planning permission on the basis that other considerations clearly outweigh the harm to the green barrier.

5.04 The appellant argued that the harm is limited because of the site's visual containment and the temporary and reversible nature of the development. It was suggested that this limited harm when set against the economic benefit of the proposal represents very exceptional circumstances.

5.05 The Inspector concluded that there are no considerations that clearly outweighed the harm that he identified to the green barrier. Thus, very exceptional circumstances to justify development in the green barrier do not exist. The scheme is contrary to PPW and UDP policy GEN3.

5.06 In addition, the inspector commended that the scheme is also contrary policy GEN4 as it does not fall within any of the identified exceptions to its restrictive approach to development in the countryside. It is also at odds with policy EM4 which deals with employment development and seeks to limit such development in the countryside to schemes that involve the conversion of suitable buildings or the redevelopment of suitable brownfield, underused or vacant land.

Flooding

- 5.07 The inspected noted that the appeal site falls within the extensive, flat floodplain of the nearby River Dee which occupies an elevated position to the south of the site. It falls within Zone C1 (areas of the floodplain which are developed and served by significant infrastructure, including flood defences) as defined in the development advice maps issued with TAN15: Development and Flood Risk.
- 5.08 He noted that, in relation to flood risk, PPW requires a precautionary approach to decision making. Section 6 of TAN15 provides that development in Zone C1 should only be permitted if it is justified in that location. It is required meet one of 2 criteria that are set out in sub-section 6.2. These are that it assists or is part of a local authority regeneration scheme or strategy to sustain an existing settlement or that it contributes to key employment objectives. He noted that it is evident that the scheme fails to satisfy either of these requirements. It also fails to meet a third criterion, which is that a scheme should meet the aims of PPW and meet the definition of previously developed land.
- 5.09 The final requirement of sub-section 6.2 is that the potential consequences of a flooding event are assessed and shown to be acceptable. The inspector noted that taking into account the comments of Natural Resources Wales (NRW), it has not been demonstrated that the flooding consequences would be acceptable. In addition he shared NRW's concerns that the storage of such valuable goods may well encourage efforts to remove the vehicles in response to a known flood warning which could pose dangers to operatives and others, including the emergency services. The potential to require a flood plan to be agreed does not overcome my concerns in this respect.
- 5.10 The Inspector concluded was clearly in conflict with the advice in TAN15. The identified flood risk means that it also conflicts with policies GEN1 and EWP17 of the UDP. Thus, on the final main issue, I find that there is no justification for siting the development within the floodplain.

6.00 CONCLUSION

- 6.01 The Inspector considered the proposal failed to accord with the identified UDP policies and national guidance in respect of both issues. Accordingly, because of this failure to comply with these policies, the weight derived from other policies which seek to facilitate benefits of the local economy does not outweigh the harm and policy conflicts identified. Accordingly he DISMISSED the appeal.

6.02 Following the receipt of the appeal decision, the site was cleared of vehicles and the breach of planning control on the land ceased.

LIST OF BACKGROUND DOCUMENTS

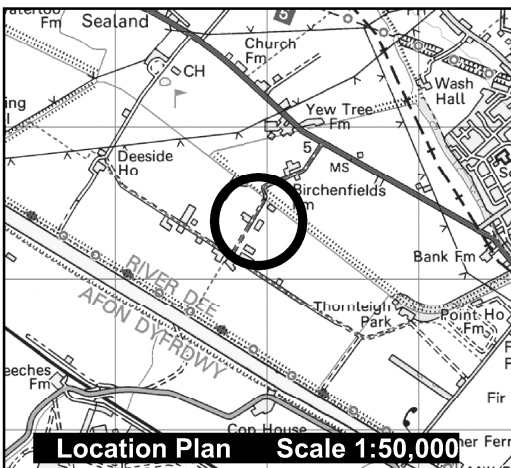
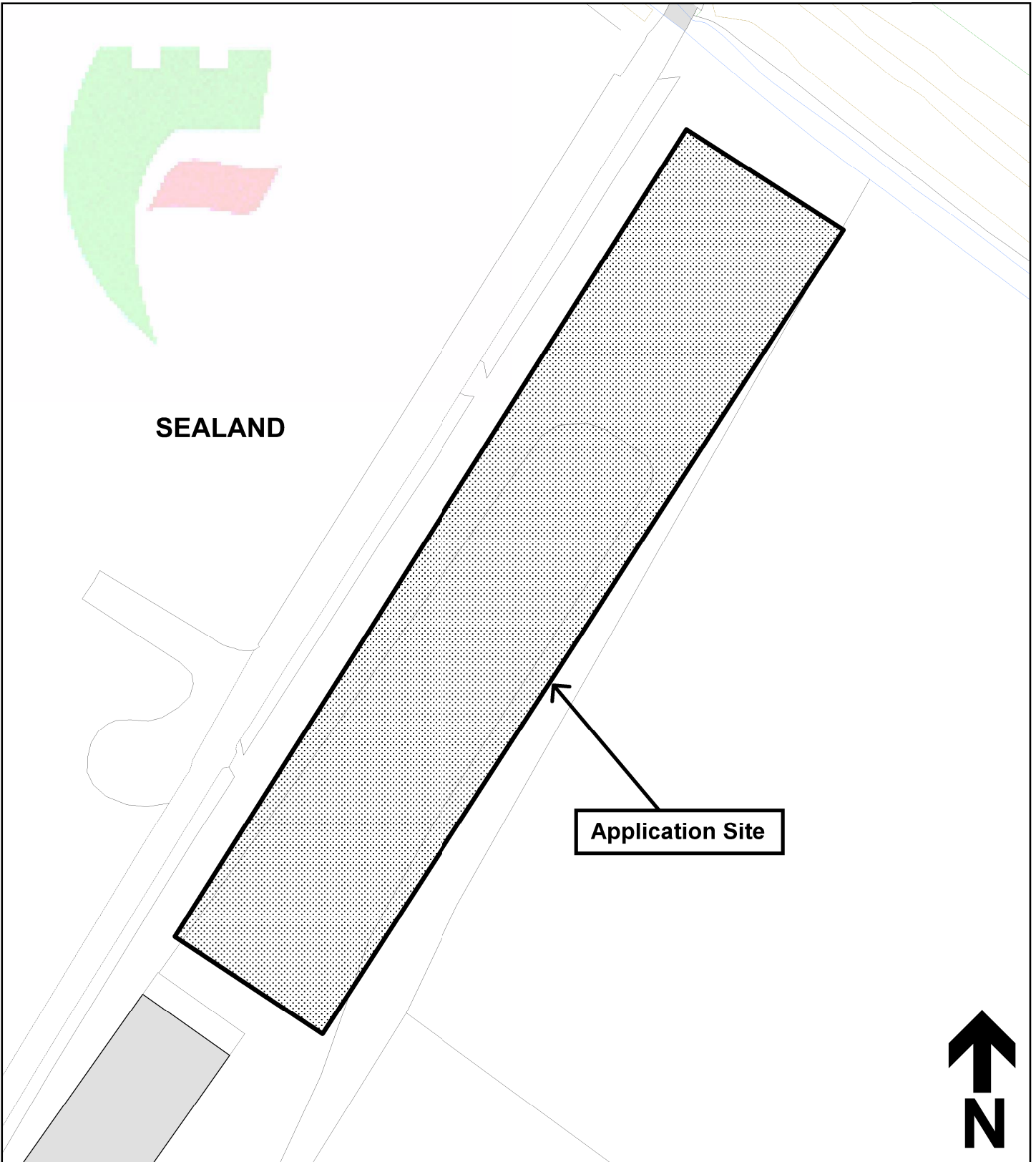
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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OS Map ref SJ 3567

Planning Application **57737**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6th MARCH 2019**

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

SUBJECT: **APPEAL BY MR. C. WALSH AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE AND EXTENSION TO DWELLING TO FORM HOUSE IN MULTIPLE OCCUPATION AT 46 GLADSTONE ROAD, BROUGHTON – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 058024

2.00 SITE

2.01 46 Gladstone Road, Broughton

3.00 APPLICATION VALID DATE

3.01 31st January 2018

4.00 PURPOSE OF REPORT

4.01 To inform Members of a decision in respect of an appeal, following the decision of the Local Planning Authority, by the Planning Committee, to refuse to grant planning permission for the change of use and extension to dwelling to form house in multiple occupation at 46 Gladstone Road, Broughton.

4.02 The appointed Planning Inspector was Mr Iwan Lloyd. The appeal was determined via the Written Representations method and was ALLOWED

5.00 REPORT

The Main Issues

5.01 The Inspector considered the mains issues to be the effect of the proposal on the character and appearance of the area, and the effect of the proposal on highway safety.

Character and appearance

- 5.02 The Inspector noted that given the variety of styles and ages of properties laid out in a suburban street pattern and the examples of similar extensions in the area, the character and appearance of the area is maintained by the proposed development. The scale and size of the extension is proportionate to the existing dwelling and would therefore protect the character and amenity of the locality. Given the variety of appearances of houses in the area there is no one distinctive character trait to follow. He concluded that the proposal would not conflict with the Flintshire Unitary Development Plan (UDP) Policy D2.
- 5.03 The residents and the Council were concerned about the intensification of the use given rise by the proposed physical works to the property. However, the Inspector noted that there is no specific reason for refusal on the nature and type of proposed use. He noted there is no specific policy in the UDP dealing with HMO developments and therefore there is no measure when individual and cumulative proposals of this type would start to undermine the social cohesion and the character of the area and its community. He noted that there is no evidence that there is an over-concentration of HMO uses in the area. The absence of a specific policy on this type of development results in the development falling to be considered against housing policies in the UDP which are in favour of the development. He therefore concluded for the reasons outlined above that the proposed use would not harm the character and social cohesion of the area.

Highway safety

- 5.04 The Inspector noted that there is no local parking standard applicable to HMOs. Parking standards are required to be applied as maximum standards as set out in national guidance. In the absence of a standard, he was aware that officers' of the local planning authority have used the Residential Car Parking Research publication (Department for Communities and Local Government 2007) in preceding cases and in this appeal case. The appellant refers to other appeal decisions where the evidenced based standard has been applied to HMO developments. This indicates that an HMO would generate 0.4 cars per flat equating to 3 spaces in this case. Representations from residents' note that as there would be 7 people occupying the premises there would be 7 cars at the site with 4 parked on the road.
- 5.05 Whilst the Inspector noted the residents and the Council's concerns, the street is a suburban estate road with unrestricted parking. The available evidence from the appellant indicated that the parking demand for the development would be met by on-site provision. The inspector noted that the site is in a sustainable location, and there's no compelling evidence to indicate that the parking demands would

not be met on site. The occupants of the development would be situated near to employment, shops, services, and public transport. The evidenced based case derived from the car parking research publication indicates a low demand by HMO occupants for car ownership and this is reflected in that standard and in the provision for parking in this appeal.

- 5.06 The inspector was not persuaded by the available evidence that there is a deficiency in the proposed on-site parking provision or that highway conflicts would arise from the proposal. He considered that the proposal would not conflict with UDP Policy AC18 and he concluded that the proposal would not harm highway safety.

Other Matters

- 5.07 The inspector also considered other matters from residents and the Member of Parliament which included impact on living conditions, bin storage, drainage, local infrastructure, and potential business uses.

6.00 CONCLUSION

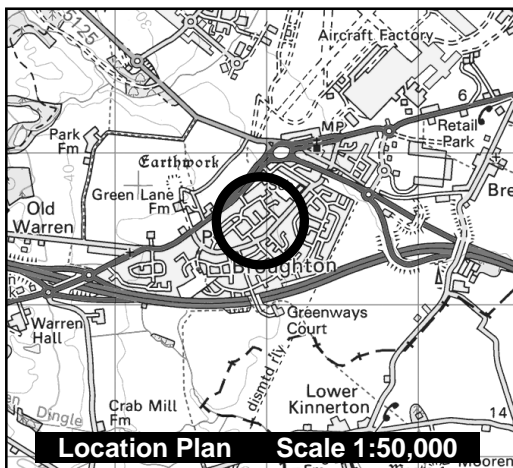
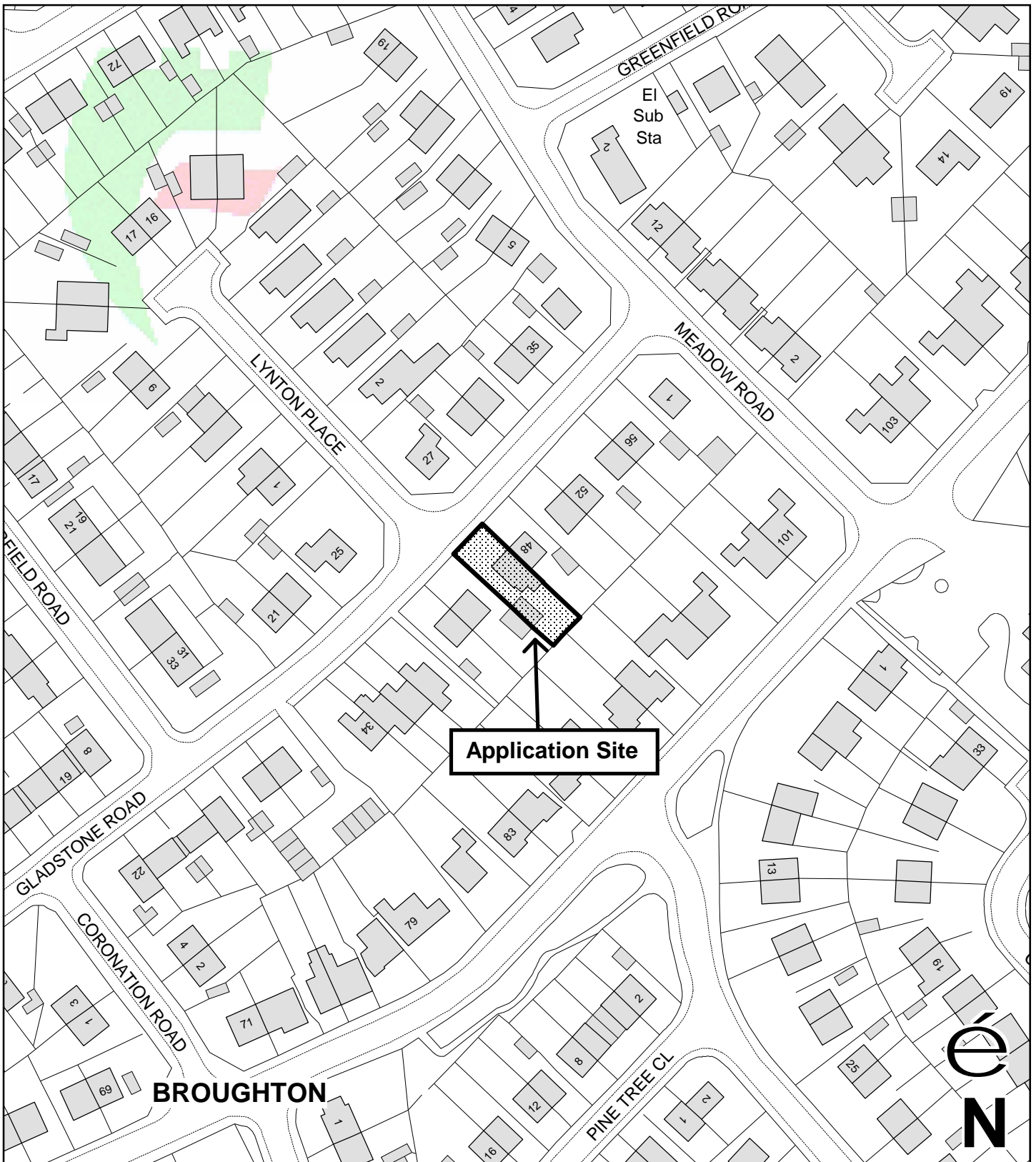
- 6.01 The Inspector considered the proposal accorded with the identified UDP policies and national guidance in respect of both main issues. Accordingly he ALLOWED the appeal subject to a number of conditions.

LIST OF BACKGROUND DOCUMENTS

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



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Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6th MARCH 2019**

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

SUBJECT: **APPEAL BY MR. & MRS C. PATRICK AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE FORMATION OF DORMER EXTENSIONS TO FRONT AND REAR OF DWELLING AT 13 MOORCROFT, NEW BRIGHTON – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 058147

2.00 SITE

2.01 13 Moorcroft, New Brighton

3.00 APPLICATION VALID DATE

3.01 28th February 2018

4.00 PURPOSE OF REPORT

4.01 To inform Members of a decision in respect of an appeal, following the decision of the Local Planning Authority, under delegated powers, to refuse to grant planning permission for the formation of dormer extensions to front and rear of dwelling at 13 Moorcroft, New Brighton.

The appointed Planning Inspector was Mr Iwan Lloyd. The appeal was determined via the Written Representations method and was DISMISSED

5.00 REPORT

Main Issues

5.01 The Inspector considered the main issues to be, the effect of the proposal on the street scene, and the effect on the living conditions of nearby residents in relation to privacy.

Street scene

- 5.02 The Inspector noted the context of the site and its surroundings. He notes the combination of these features, the dominant width of the dormer, its height and box-like appearance would be an uncharacteristic feature in the immediate area where no such feature is present. From the roadside the proposal would appear to cause imbalance to the pair of bungalows and would disrupt the horizontal design of the dwelling introducing an elongated flat roof feature high-up on the roof slope. As a result the proposal would appear incongruous and out of character with its immediate neighbours.
- 5.03 The Inspector notes the examples of other dormers put forward by the appellants as justification for the proposed development. However, he does not consider that these examples provide justification for the development which in itself is harmful to the character of the street scene immediately adjoining the appeal site, failing to harmonise with the site and surroundings.

Privacy

- 5.04 The inspector notes that the rear dormer would be positioned near the common boundary of the other half of the pair of semi-detached bungalows and the proximity of the windows and their height would overlook the rear garden of next door No. 14 Moorcroft. Whilst there is already an element of overlooking from the properties to the side of the appeal site the proposed rear windows of the dormer would have clear views of the rear garden of No. 14.
- 5.05 The Inspector considered a rear dormer could be erected on the property under permitted development rights and could cause a similar concern in relation to privacy. However he concluded that exercising of permitted development rights as a fall-back relies on the intention to carry that development out in accordance with the parameters of the regulations, and he had no compelling evidence to indicate that this would take place.
- 5.06 He therefore consider that the proposal is not acceptable, and conflicts with UDP Policy HSG12(c) as it would harm the living conditions of nearby residents in relation to privacy.

6.00 CONCLUSION

- 6.01 The Inspector considered the proposals failed to accord with the identified UDP policies and national guidance in respect of both issues. Accordingly he DISMISSED the appeal.

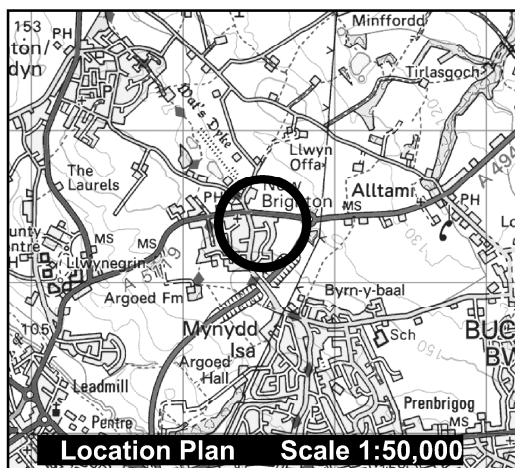
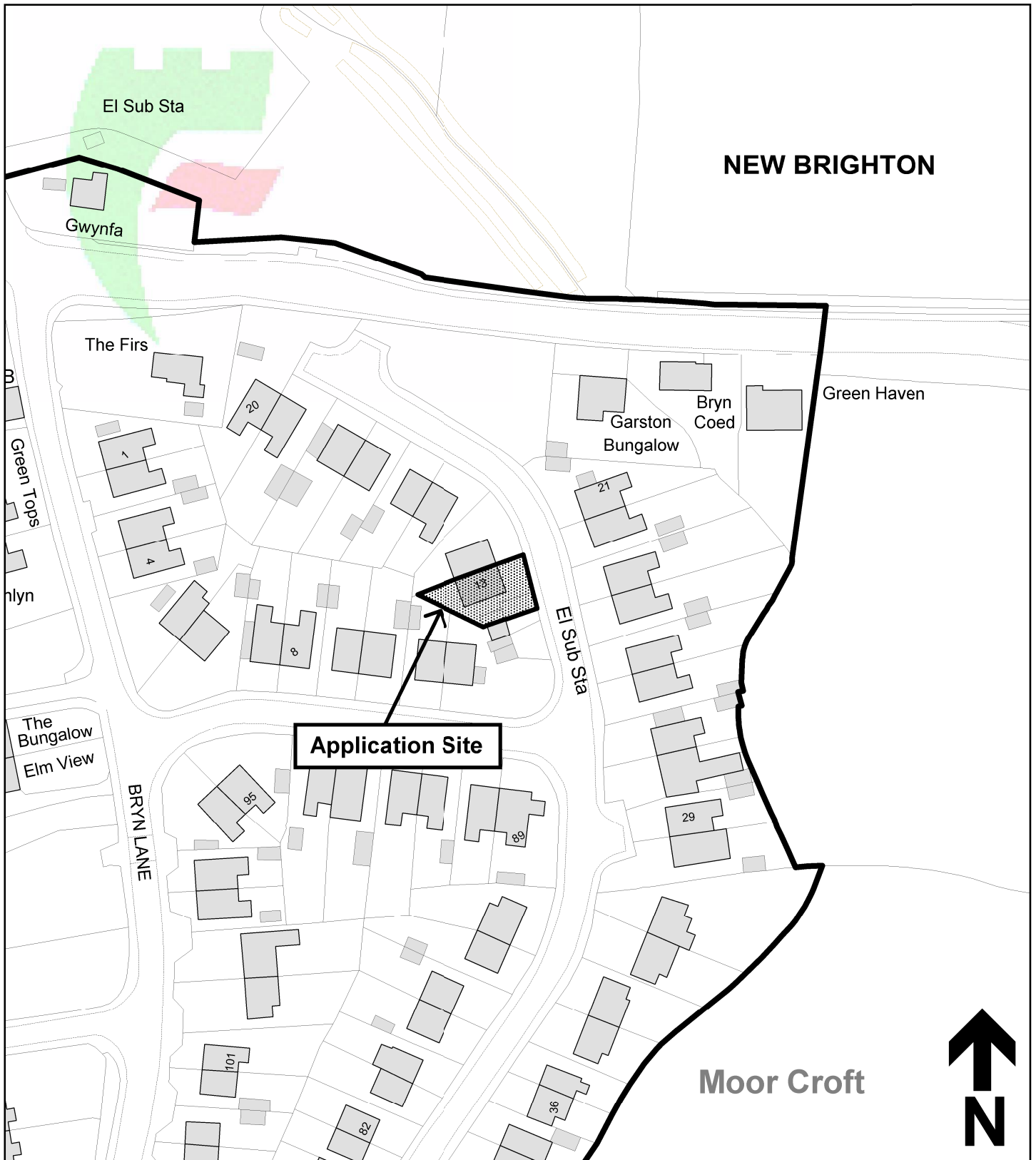
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National & Local Planning Policy

Responses to Consultation
Responses to Publicity

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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application **58147**

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