

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**
DATE: **16TH JANUARY 2013**
REPORT BY: **HEAD OF PLANNING**
SUBJECT: **OUTLINE APPLICATION – DEMOLITION OF 2 NO. EXISTING BUNGALOWS AND ERECTION OF 5 NO. DWELLINGS ON LAND AT 85 – 87 WEPRE LANE, CONNAH’S QUAY.**
APPLICATION NUMBER: **048261**
APPLICANT: **MRS K. HUGHES**
SITE: **LAND AT 85/87 WEPRE LANE, CONNAH’S QUAY, DEESIDE.**
APPLICATION VALID DATE: **7TH SEPTEMBER 2011**
LOCAL MEMBERS: **COUNCILLOR I. DUNBAR**
COUNCILLOR I. SMITH
TOWN/COMMUNITY COUNCIL: **CONNAH’S QUAY TOWN COUNCIL**
REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN CONCERNS ABOUT OVERDEVELOPMENT AND ADEQUACY OF ACCESS**
SITE VISIT: **YES**

1.00 SUMMARY

1.01 This outline application proposes the demolition of 2 No. existing bungalows at 85/87 Wepre Lane, Connah’s Quay and redevelopment of the site and associated curtilages by the erection of 5 No. dwellings. All matters of detail are reserved for subsequent approval.

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

2.01 That subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of:-

- a. £1,100 per dwelling in lieu of on site play provision and

b. £2,500 per dwelling towards the management of the Deeside and Buckley Newts Special Area of Conservation (SAC) that planning permission be granted subject to the following conditions.

1. Outline – Reserved Matters
2. Outline – Time Limit
3. Materials to be submitted and approved
4. Siting, layout, design of site access to be submitted and approved.
5. Forming of site access not to commence until details have been approved.
6. Access to have a visibility splay of 2.4 m x 43 mm both directions.
7. Visibility splays to be kept free from obstructions during construction works.
8. Facilities to be provided and retained within the site for the parking and turning of vehicles.
9. Gradient of access for a minimum of 10 m to be 1:24 and a maximum of 1:15 thereafter.
10. Positive means to prevent run-off of surface water onto highway to be submitted and approved.
11. Foul and surface water to be drained separately.
12. No surface water to discharge into public sewerage system
13. No land drainage to discharge into public sewerage system.
14. Removal of permitted development rights.
15. Submission for approval of a compensation scheme and ecological mitigation statement prior to the commencement of development.
16. Details of bat roost to be submitted and approved with timescale for its provision.

3.00 CONSULTATIONS

3.01 Local Member

Councillor I. Dunbar

Requests site visit and planning committee determination given concerns about adequacy of access and over-development of the site.

Councillor I. Smith

Requests site visit and planning committee determination given concerns about adequacy of access and overdevelopment of the site.

Connah's Quay Town Council

The Town Council objects to this proposal on highway safety grounds. The site will generate traffic flows for access/and egress which raises concerns about safety and visibility. There is also some concern as the nearby bus stop could pose an additional traffic hazard due to lack of visibility.

Head of Assets and Transportation

A development of 5 No. dwellings could be adequately served from a shared private driveway accessed from Wepre Lane by a dropped footway crossing. Request that any permission be subject to conditions in respect of access, visibility and parking.

Head of Public Protection

No adverse comments.

Welsh Water/Dwr Cymru

Recommend that any permission includes conditions in respect of foul, surface and land drainage.

Airbus

No aerodrome safeguarding objection.

Countryside Council for Wales

No objection subject to the payment of a financial contribution towards ecological mitigation. The proposal would not have any direct impact upon any protected species in the area.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

6 letters of objection received, the main points of which can be summarised as follows:-

- Increased traffic generation and impact on highway safety.
- Impact on existing infrastructure and services.
- Impact on ecology.
- Proposal will lead to further residential development at this location at a later stage.

5.00 SITE HISTORY

5.01 045983 – Outline – Demolition of existing dwellings and residential development of land – Refused 2nd April 2009.

047081 – Outline – Erection of 10 No. dwellings – Withdrawn 7th May 2010.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR8 – Built Environment.

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy WB1 – Species Protection.
Policy AC13 – Access & Traffic Impact.
Policy AC18 – Parking Provision & New Development.
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.
Policy HSG8 – Density of Development.

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline application proposes the demolition of 2 No. existing detached bungalows at 85/87 Wepre Lane, Connah's Quay and development of the site and associated residential curtilages by the erection of 5 No. dwellings. All matters are reserved for subsequent approval.

7.02 Site/Surroundings

The site the subject of this application amounts to approximately 0.2 hectares in area. It is located on the eastern side of Wepre Lane almost directly opposite its junction with Halkyn View and lies adjacent to the Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI). The character of the site/surroundings is predominantly of detached/semi-detached dwellings fronting onto Wepre Lane.

7.03 Background History

For Members information, there is a recent background of planning history at this location which is referred to in paragraph 5.00 of this report. In summary a previous outline planning application was refused under Code No. 045983 on the grounds that (a) part of the site was outside the settlement boundary of Connah's Quay at this location (b) the proposal would be detrimental to the character of the locality (c) the proposal would be likely to affect the Deeside and Buckley Newt Sites Special Area of Conservation and (d) there was insufficient information submitted to assess the impact of development from a highway perspective.

7.04 A subsequent outline planning application submitted under Code No. 047081 for the erection of 10 No. dwellings was withdrawn on 7th May 2010. This was primarily as a result of officer concerns that the erection of 10 No. dwellings would represent overdevelopment at this location.

7.05 Proposed Development

This current application has been re-submitted in order to seek to address the above. Although submitted in outline the application as initially submitted proposed the erection of 8 No. dwellings but has been amended and now proposes the erection of 5 No. dwellings. As a result a further round of publicity and consultation has been undertaken.

7.06 The indicative site layout proposes:-

- The erection of a pair of semi-detached dwellings along the site frontage onto Wepre Lane.
- The erection of 3 No. detached dwellings at the rear of the pair of semi-detached dwellings at 90° to Wepre Lane.
- The formation of a new vehicular access into the site at 90° from Wepre Lane.

7.07 Main Planning Issues

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

- a. Principle of development have regard to the planning policy framework and background of planning history.
- b. Proposed scale of development and impact on character of site/surroundings.
- c. Adequacy of access to serve the development.
- d. Impact on ecology.

7.08 Planning Policy

The proposed dwellings are located within the settlement boundary of Connah's Quay as defined in the adopted Flintshire Unitary Development Plan. Within the UDP Connah's Quay is defined as a category A settlement where general residential development proposals are considered to be acceptable in principle subject to the safeguarding of relevant amenity considerations.

7.09 Scale of Development

The amended plans submitted as part of this application propose the demolition of 2 No. existing detached bungalows and the redevelopment of the site and associated residential curtilages by the erection of 5 No. dwellings. This is a substantial reduction in the scale of development from that for 10 No. dwellings proposed under Code No. 047081 and the 8 No. dwellings initially proposed as part of this current application.

7.10 It is my view that the scale of development now proposed would help to maintain the form of the existing frontage development at this location and a better balanced to those properties proposed at the rear. This would not in my view represent overdevelopment and would be comparative to the scale of existing development along Wepre Lane.

7.11 Adequacy of Access

Consultation on the application has been undertaken with the Head of Assets & Transportation in order to assess on the basis of the indicative layout submitted, whether satisfactory access arrangements can be secured to serve the scale of development proposed. The

Head of Assets & Transportation has advised that a development of 5 No. dwellings could be adequately served from a shared private driveway off Wepre Lane but access would require a visibility splay of 2.4 x 43 m to be provided in both directions with conditions in respect of access and visibility, which can be addressed at reserved matters stage.

7.12 Ecological Issues

The application site is located within 100 m of the Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) which is designated as a Great Crested Newt Habitat.

7.13 Whilst the proposal for residential development will have no direct effect on the SAC, there is a need to ensure that there are no long term effects on the Great Crested Newt population through agreed avoidance and mitigation measures. The habitat present within the application site is largely garden which is poor GCN habitat although the effects associated with increased recreation pressure from additional housing, especially when considered in conjunction with other developments in the Deeside and Buckley area could have significant environmental effects.

7.14 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.15 The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and a licensing system administered by the Welsh Ministers.

7.16 Planning Policy Wales Edition 5 – November 2012 paragraph 5.5.11 advises Local Planning Authorities that “The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its Habitats”.

7.17 Technical Advice Note 5 - Nature Conservation and Planning (2009) states at paragraph 6.3.6:- “Regulation 3(4) of the Habitats Regulations requires all local planning authorities, in the exercise of

their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by the exercise of those functions. Consequently, the Directive's provisions are relevant in reaching planning decisions where a European protected species may be affected and it is therefore important that such planning decisions are reached in a manner that takes account of, and is consistent with, the Directive's requirements. Those requirements include a system of strict protection for European protected species, with derogations from this strict protection being allowed only in certain limited circumstances and subject to certain tests being met these requirements are transposed by the provisions of the Habitats Regulations. The issues of whether development could give rise to a breach of the Regulations' requirements, and whether there may be a potential need for a licence to avoid such a breach, are therefore a material consideration in a relevant planning decision, and where a licence may be needed, the three licensing 'tests' required by the Directive should be considered by the local planning authority. Paragraph 6.3.7 then states:- "It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) licence are likely to be satisfied".

7.18 In this case it is considered that mitigation measures would compensate for any adverse impacts arising from the increase in human activity from the development of this site in this location. These include:

1. Reasonable avoidance measures being undertaken to include temporary amphibian fencing prior to the commencement of development and provision of amphibian friendly road drains, gutters and kerbs.
2. The creation of a terrestrial habitat buffer between the development and the SAC corridor.
3. A financial mitigation sum in lieu of the provision of mitigation land to be used to alleviate potential indirect effects arising from increased recreational activity as a whole.

7.19 The proposed development and mitigation proposals have been assessed and it is considered that the development is not likely to have a significant effect on protected species or the adjacent SAC. It is considered that this application satisfies the three tests required by the Habitats Directive. It is considered that, in needing to ensure that the requirement to maintain the favourable conservation status of the species, whilst having due regard to the issues of public need and no satisfactory alternative, an appropriately worded condition to address and secure the suggested mitigation is proposed to be imposed. In addition, the issue of financial contribution can be addressed via the

applicant entering into an appropriately formed Section 106 Obligation.

- 7.20 In addition to the above and as the proposal involves the demolition of two existing bungalows on the site, a bat survey has been undertaken in order to assess whether any protected species may be present within the roofspace(s) of the building(s). The survey confirms that there is no evidence of the presence of bats within either of the buildings but given the proximity of the site to Wepre Wood, it is proposed that a bat roost is provided within the site curtilage. This can be covered by the imposition of a condition if Members are mindful to grant planning permission for the development.

8.00 CONCLUSION

- 8.01 In conclusion, it is my view that the proposed scale/form of development as currently proposed would be sympathetic to the character of the site and its surroundings. Although submitted in outline form with all matters reserved for subsequent approval, some minor modifications to the indicative site layout submitted would ensure that the requirements of the Head of Assets & Transportation and Countryside Council for Wales, are included by the imposition of conditions and implemented at the detailed planning stage. I therefore recommend accordingly.
- 8.02 In considering this planning application 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.

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