

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** PLANNING & DEVELOPMENT CONTROL  
COMMITTEE

**DATE:** WEDNESDAY, 16 JANUARY 2013

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** 050003 - GENERAL MATTERS - OUTLINE  
APPLICATION FOR ERECTION OF 12 DWELLINGS  
AT BANK FARM, LOWER MOUNTAIN ROAD,  
PENYFFORDD

**1.00 APPLICATION NUMBER**

1.01 050003

**2.00 APPLICANT**

2.01 HOLTS CONSERVATORIES LTD

**3.00 SITE**

3.01 BANK FARM, LOWER MOUNTAIN ROAD, PENYFFORDD.

**4.00 APPLICATION VALID DATE**

4.01 30<sup>TH</sup> JULY 2012

**5.00 PURPOSE OF REPORT**

5.01 To update members with regard to the processing of the above application following the resolution to grant outline planning permission at the committee meeting on 12<sup>th</sup> December, 2012. (My report to that committee is appended). Also to seek authorisation for a Section 106 Obligation to cover the commuted sum payments in respect of educational and leisure provision and the carrying out of off site highway works.

**6.00 REPORT**

6.01 Members will note from the minutes of the 12<sup>th</sup>. December committee meeting (Item 4 on this Agenda) that it was resolved to grant outline

planning permission for the erection of 12 dwellings at the former Bank Farm, subject to conditions to be determined by the Head of Planning. The minute also refers to the fact that as the application had been advertised as a departure from policy, consideration would be given to referring the decision to the Welsh Government, who might choose to call it in.

- 6.02 Members will have noted from my earlier report that a previous application for residential development on this site had been ‘called-in’ on the basis that it was a “departure which would materially conflict with, and prejudice, the implementation of policies and proposals contained within the approved Development Plan”. (That application was subsequently refused). Advice with regard to referrals of this nature has recently been revised and is now contained in The Town and Country Planning (Notification) (Wales) Direction 2012 (operative in respect of any application registered as valid on or after 30<sup>th</sup> July, 2012). This new Direction deletes the clause quoted above and replaces it with more clearly defined criteria covering the need for referral.
- 6.03 The advice from Welsh Government regarding the operation of the 2012 Direction makes it clear that it is still open to individuals to request that an application be ‘called-in’, but there is no longer a need to ‘refer’ an application for residential development which constitutes a departure from policy, unless it is for 150 dwellings or more, or involves more than 6 hectares of land. (There are other factors relating to flood risk areas which can apply to fewer dwellings, but these are not applicable in the circumstances of this application). In light of the revised notification direction above, it is therefore not appropriate to refer this application to Welsh Government.
- 6.04 It is therefore open to the Authority to continue to determine the application (unless Welsh Government directs that it be ‘called-in’ following a request from another party) and Members now need to consider the matters referred to in paragraph 5.01 above, which will be covered by a Section 106 Obligation. These are dealt with in turn. (It should be noted that the development falls below the threshold for providing an element of affordable housing, so unless this was to be offered voluntarily it does not constitute one of the requirements).
- 6.05 **Educational Contribution** Members will be aware that, where new residential development is proposed we now require the payment of a sum of money to enhance the educational provision in the locality which will result from the additional demand for school places. The Council’s Supplementary Planning Guidance Note No. 23 – Developer Contributions to Education, sets out the formulae for assessing the relevant sums of money, based on the advice received from the Head of Lifelong Learning. In this instance the advice is as follows :  
“Of the three Primary Schools in the Penymynydd / Penyffordd area, St. John the Baptist V.A. is already in deficit by 13 pupils, and

the small number of surplus places at Penyffordd Juniors and Abbots Lane Infants, are expected to be eliminated by the Wood Lane Farm, and White Lion, developments. (A total of 74 additional Primary pupils are anticipated from these two). At the nearest High School, Castell Alun, the number of pupils already exceeds its official capacity by 133”.

- 6.06 Consequently, this development will require Section 106 Contributions, as per the following calculations :-

Primary12 dwellings x 0.24 = 3 pupils x £12,257 (Building Costs Multiplier) = **£36,771**

Secondary12 dwellings x 0.174 = 2 pupils x £18,469 (Building Costs Multiplier) = **£36,938**

**Total Contribution £73,729**

- 6.07 **Play Provision**

This is covered by Local Planning Guidance Note No. 13 – Open Space Requirements. In this instance, considering the small number of dwellings proposed along with the rural location and the potential for reasonably spacious rear private gardens the provision of on site public open space and formal play provision would not be warranted. The current commuted sum requirement in lieu of on site provision is £1,100 per dwelling, giving a total of **£13,200**

- 6.08 **Footpath to Penyffordd**

The proposal presented to Committee on 12<sup>th</sup> December, 2012 included the construction of a footpath linking the site to the village of Penyffordd. Although there were no design details of this (being an outline application) it was presented as an enhancement to the sustainability of the development. Whereas such a footpath was not requested by Highway officers in their response to consultation, there would be a benefit to the future residents of the development from its construction and it is therefore recommended that this is also covered by the Section 106 Obligation.

- 6.09 One of the clauses of the Section 106 Obligation entered into in granting planning permission for the proposed Warren Hall Business Park in February 2008 required the construction of a cycleway from Warren Hall to Penyffordd, being the nearest train station, (and other settlements). As the route would pass Bank Farm it is recommended that the footpath to be constructed in connection with this residential development should be of sufficient width (3metres) to incorporate a cycleway. This will benefit the future residents in that it will provide an alternative means of transport both to places of work (via the railway station) and a route to the schools within the village.

- 6.10 Although the application site edged in red (shown on the accompanying plan) includes a strip of land between Bank Farm and

Penyffordd the provision of the proposed footpath needs to be covered by the Section 106 Obligation rather than a planning condition, as it may require works outside this area. It is believed that there is sufficient width within the highway verge to accommodate the construction of the footway up to the point where the speed restriction starts at the eastern end of the village but the detailed design will establish this.

## **7.00 RECOMMENDATION**

- 7.01 Subject to the completion of a Section 106 Obligation to cover the payment of commuted sums in respect of Education Provision (in accordance with the provisions of SPG 23), on site play provision (in accordance with the provisions of LPG 13) and the construction of a footpath link between the site and the village of Penyffordd, that outline 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 and design of site access to be in accordance with details to be submitted and approved, prior to the commencement of any site works.
  5. Forming and construction of means of site access shall not commence until detailed design has been approved.
  6. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads to be submitted and approved, prior to the commencement of any site works. Development to be undertaken in accordance with approved details.
  7. Foul and surface water to be drained separately.
  8. No surface water to connect, either directly or indirectly, to the public sewerage system.
  9. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
  10. Code for sustainable homes pre-commencement.
  11. Code for sustainable homes post construction.
  12. Details of hard/soft landscaping to be submitted and approved.
  13. Timescale for completion of landscaping scheme to be approved.
  14. Details of 3 m wide footpath/cycleway link from the site to Penyffordd to be submitted and approved.
  15. Footpath/cycleway link to be provided prior to the occupation of any dwellings.
  16. Removal of permitted development rights.
- 7.02 That the planning application not be referred to Welsh Government for the reasons set out in paragraphs 6.02 and 6.03 above.

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