

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **WEDNESDAY 20<sup>TH</sup> FEBRUARY 2013**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **048610 - FULL APPLICATION – ERECTION OF 20 NO. SEMI-DETACHED DWELLINGS, PART RECONFIGURATION OF EXISTING (UNADOPTED) ROAD AND EXTENDING TO FORM NEW ROAD LAYOUT AT LAND OFF FAIR OAKS DRIVE, CONNAH'S QUAY**

**APPLICATION NUMBER:** **048610**

**APPLICANT:** **M.J. DAVIES LIMITED**

**SITE:** **LAND OFF FAIR OAKS DRIVE, CONNAH'S QUAY, FLINTSHIRE. CH5 4RR**

**APPLICATION VALID DATE:** **12<sup>TH</sup> MAY 2011**

**LOCAL MEMBERS:** **COUNCILLOR P. MACFARLANE**  
**COUNCILLOR P. SHOTTON**

**TOWN/COMMUNITY COUNCIL:** **CONNAHS' QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST, SIZE AND SCALE OF DEVELOPMENT AND REQUIREMENT FOR SECTION 106 AGREEMENT**

**SITE VISIT:** **ALREADY UNDERTAKEN ON 10<sup>TH</sup> DECEMBER 2012**

Members will recall that this application was deferred from the meeting on 16<sup>th</sup> January 2013 as officers were seeking further clarification and comments from the Valuation Office Agency in terms of the viability assessment. These comments have now been received. On the basis of this additional clarification and comments together with evidence and discussions with the applicant that it is the intention to develop the land to the north of the site as well, the recommendation has now been changed from approval to refusal. The reasons why are explained within this report.

**1.00 SUMMARY**

1.01 This is a full application for the erection of 20 no. semi-detached dwellings, part reconfiguration of existing (unadopted) road and

extending to form new road layout at land off Fair Oaks Drive, Connah's Quay. The site forms part of a much larger area of land allocated for residential development in the Flintshire Unitary Development Plan. During consideration of the application, issues in respect of design, layout, access, residential amenity and ecology have been negotiated and resolved.

- 1.02 However, in principle, in planning policy terms, as the applicant does have an interest and intends to develop the land to the north as well, both sites have to be considered as a whole. Therefore, these proposals are considered as piecemeal development and not providing the required community facilities in terms of public open space, affordable housing and educational contributions.

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

- 2.01 1. As the proposals only form part of the northern section of the housing allocation of HSG1(7) – Land adjacent to Fair Oaks Drive, Mold Road, Connah's Quay within the Flintshire Unitary Development Plan, the Local Planning Authority consider the development as being piecemeal, not providing the requisite community benefits in terms of public open space, affordable housing and educational contributions, thereby restricting the community's accessibility to these facilities, thereby contrary to Policies HSG1, STR1, SR5, HSG10 and IMP1 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 13 'Open Space Requirements' and Local Planning Guidance Note 9 'Affordable Housing'.

**3.00 CONSULTATIONS**

- 3.01 Local Members:

Councillor P. MacFarlane

Requests application be referred to Planning Committee as it is a significant development which will impact on the character of the existing houses. Requests site visit to see how proposals would alter and impact on the existing nature of the properties and likes to make the following observations:

- Since completion of the last phase, the road has yet to be adopted owing to the failure of the developer to complete the necessary work
- No further permissions should be considered on this site until the road is brought upto an adoptable standard.

Councillor P. Shotton

Requests that the application be referred to Planning Committee due to strong residents concerns.

Connah's Quay Town Council

Requests any further development should be in character and reflect the nature and types of existing development in the area. Therefore, request a site visit with local Members invited.

Head of Assets and Transportation

Recommends that any permission shall include suggested conditions.

Head of Public Protection

No adverse comments to make regarding the proposals.

Director of Lifelong Learning

Impact of pupil numbers that proposed development will have, indicates that Wepre CP and Connah's Quay High Schools will have the greatest need for additional capacity. Therefore the financial contributions requested are £17,500 for Wepre CP and £10,500 for Connah's Quay High School.

Public Open Spaces Manager

Initial comments were that based on 20 units, an area of land measuring approximately 1,120 sq m was requested. Also requested that the open space would need to be enclosed, or equipped with childrens play equipment and landscaped to the satisfaction of the authority. Following comments from Council's Ecologist advises that unless a 4 m access way can be provided to create pedestrian and maintenance access way through the hedge to link this open space with the proposed open space from adjacent development it is considered that it would be difficult to create a quality play space. Unless an area of open space could be identified adjacent to the 3<sup>rd</sup> phase, authority may wish to consider seeking an off site capital payment in lieu of on site provision.

Housing Strategy Manager

Based on 20 units, 30% provision on site would be 6 units. Preferred options of delivery would be 6 units while mix would be 4 x 2 bed and 2 x 3 bed for affordable rental or 3 units to be sold at 50% market value or 4 commuted sum for £250,000.

Environment Agency Wales

Standard advice applies.

Welsh Water/Dwr Cymru

Requests that if minded to grant planning consent for the above development that suggested conditions and advisory notes are included within the consent. Proposed development would overload the existing waste water treatment works. Improvements are planned for completion by 31<sup>st</sup> March 2013. Suggests imposition of Grampian condition.

Countryside Council for Wales

No objection to the suggested proposals.

Clwyd Badger Group

Setts located in proximity to the site. Badgers not being able to extend their territory. Development site is a foraging area, without it, badgers will not be able to get their food.

SP Energy Networks

Have plant and apparatus within area. Developer be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the electrical apparatus.

National Grid

No response received to date.

Wales & West Utilities

The developer is to note the presence of intermediate/high pressure gas main(s) in proximity to the site. No excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation.

Airbus

Do not have any comment on this development as it is below the height required for CAA consultation purposes.

**4.00 PUBLICITY**

4.01 Press Notice, Site, Notice, Neighbour Notification

A petition with 130 signatures and 158 letters of objection received on original consultation. 117 letters of objection received upon the reconsultation of the amended plans. The grounds of objection are summarised below:-

- Existing road remains unadopted with no street lighting or pavements upon first phase
- Not in keeping with or considerate of existing homes
- Increase in anti social behaviour arising from proposed development
- Proposed parking likely to cause a problem as no area for visitors, which will lead to overspill causing a hazard to children, cyclists and other motorists
- Proposed development will be to the detriment to all families lives
- Loss of light and privacy upon adjoining occupiers
- Nuisance in terms of dust, noise and pollution whilst homes under construction
- Additional traffic and roadside parking will cause further traffic congestion, create a bottleneck of traffic and lead to safety hazards for pedestrians and motorists

- No play provision or affordable housing shown on the plans
- Exacerbate existing drainage problems
- Shouldn't be any homes built under power lines
- Local schools and other services are already full to capacity
- Detrimental impact on local wildlife
- Is there a need for this number of houses, given vast 650 houses on former RAF Sealand base.
- Already low voltage problems
- Don't want another Badgers Walk estate
- Standard of properties will not be maintained
- Already an abundance of cost effective housing
- Will lead to dogs being allowed to roam freely and leave excrement in area
- Applicant on forms says he has informed people on application but hasn't.
- Discrepancies on plans
- Increased risk of flooding.
- Numerous unoccupied properties in Deeside that would be occupied.
- Hedges are protected by law.

## **5.00 SITE HISTORY**

5.01 None relevant

5.02 Adjoining Site  
**34942**

Erection of 8 No. detached dwellings and estate road – granted 12<sup>th</sup> February 2003

**01/5/391**

Outline erection of 7 No. dwellings – granted 29th November 2001

## **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 D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy TWH1 – Development Affecting Trees and Woodlands

Policy TWH2 – Protection of Hedgerows

Policy L1 – Landscape Character

Policy WB1 – Species Protection

Policy WB2 – Sites of International Importance

Policy AC13 – Access and Traffic Impact  
Policy AC18 – Parking Provision and New Development  
Policy HSG1(7) – New Housing Proposals – Adj Fairoaks Drive, Mold Road, Connah’s Quay.  
Policy EWP12 – Pollution  
Policy EWP13 – Nuisance  
Policy HSG8 – Density of Development  
Policy HSG9 – Housing Mix and Type  
Policy HSG10 – Affordable Housing within Settlement Boundaries  
Policy SR5 – Outdoor Playing Space and New Residential Development.  
Policy IMP1 – Planning Conditions and Planning Obligations.

Local Planning Guidance Note2 – Space Around Dwellings  
Local Planning Guidance Note 13 – Open Space Requirements

6.02 National

Planning Policy Wales 2011

TAN2 – 2006 – Planning and Affordable Housing

TAN5 – 2009 – Nature Conservation and Planning

TAN11 – 1997 - Noise

TAN12 - 2009 – Design

TAN16 – 2009 – Sport, Recreation and Open space

TAN22 – 2010 – Sustainable Buildings

6.03

The site forms part of a larger area of land allocated for housing in the Flintshire Unitary Development Plan. It is also located within the settlement boundary for Connah’s Quay in the Flintshire Unitary Development Plan which is a Category ‘A’ settlement. In this context there is a clear policy framework supporting the principle of residential development on the site, subject to open space, affordable housing and educational contributions being provided. However, as the application only covers the southern piece of land of the northern section and not the whole of this part of the allocation, the proposals are considered as piecemeal development, not providing the necessary community facilities and therefore considered contrary to policies HSG1, STR1, STR4, SR5, HSG10 and IMP1 of the Flintshire Unitary Development Plan and Local Planning Guidance Notes 9 and 13.

**7.00 PLANNING APPRAISAL**

7.01 The site comprises 0.55ha of land forming part of a larger agricultural field. It is of an irregular shape, with its eastern boundary bordering onto an access road and rear gardens to residential dwellings, its northern, southern and western boundaries lie adjacent to fields and agricultural land bordered by fencing and hedgerows. There are no trees present within or on the boundary of the site. Electricity power lines are above the site to the east which run across in a north-south direction. The site is located in a predominantly rural area. To the

east, the site is located adjacent to a late 20<sup>th</sup> century housing estate and a small private residential development.

- 7.02 It is located upon the western limits of the built up area of Connah's Quay, off an unadopted estate road servicing a small residential development of Fair Oaks Drive. This in turn is served off Mold Road.
- 7.03 The development is for the erection of 20 No. semi-detached dwellings, of which 10 units will be 3 bedroomed with the other 10 units being 4 bedroomed. At present, there is no vehicular access onto the site. To the eastern boundary, an adopted highway, Fair Oaks Drive terminates at the boundary and an existing unadopted road continues from this point northwards to serve the 8 No. existing dwellings. It is proposed to reconfigure the section of the unadopted road that links Fair Oaks Drive to the proposed access road within the site and thus upgrading it to adoptable standards.
- 7.04 Issues  
The main issues to consider within the determination of this application are the principle of the development in planning policy terms, the provision of open space and affordable housing together with educational contributions, whether the site is viable, the highway implications and the effects of the development upon the character and appearance of the area, the amenities of adjoining residents, wildlife and drainage of the area
- 7.05 Background  
This site is part of a wider housing allocation – HSG1(7) land adjacent Fair Oaks Drive, Mold Road, Connah's Quay within the Flintshire Unitary Development Plan, nominally providing for 87 units at a ratio of 30 units per hectare.
- 7.06 Detailed pre-application discussions have taken place with the applicants that also included the application site and land to the north within the allocation for 44 units in total. The remaining part of the allocation lies to the south of the site and is for 43 units but is in another separate ownership. The requirements in terms of both on site public open space and affordable housing provision together with educational contributions were provided to the applicants. Despite these negotiations, no application was submitted for the larger site.
- 7.07 The current application was validated on 12<sup>th</sup> May 2011 for 20 units and does not include the northern part of the site. It is now evident that the applicant company does have an interest in this northern part of the site and do intend to develop this at a later stage.
- 7.08 Principle of Development  
The whole site forms part of a larger area of land allocated for housing in the Flintshire Unitary Development Plan (HSG1(7) – adj. Fair Oaks Drive, Mold Road, Connah's Quay.

- 7.09 It is also located within the settlement boundary for 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 would normally be a clear policy framework supporting the principle of residential development on the site, subject to the requisite open space, affordable housing and educational contributions as detailed below being provided.
- 7.10 However, this is based on the whole allocation being developed on a comprehensive basis. It is acknowledged, that part of the allocation to the south of the site is not within the control of the applicant company but it has now been established that it does have an interest and intends to develop the land to the north. Therefore, the whole of this northern allocation needs to be planned on a comprehensive basis and not in a piecemeal way without the provision of the requisite community facilities.
- 7.11 Recreation and Public Open Space Provision  
Initial consultation with the Head of Play Unit indicated, that based on 20 units, an area of land measuring approximately 1,120sqm was requested be provided on site which has to be located to the south of the site adjacent to the proposed open space, being provided by the developers of the southern section of the allocation. The open space would need to be enclosed, equipped with children's play equipment and landscaped to the satisfaction of the authority.
- 7.12 These requirements are based upon the guidance within the Local Planning Guidance Note 13 Open Space Requirements and Policy SR5 which is calculated upon 56.65 sq m per dwelling given that the open space is required to be provided on site given the lack of open space nearby.
- 7.13 However, 4m of the southern boundary hedgerow has to be removed for pedestrian and maintenance linkage with the proposed southern part of the allocation. This is deemed unacceptable by the Council's Ecologist upon the loss of part of a wildlife habitat for birds and bats.
- 7.14 The Head of Play Unit subsequently indicates that if this pedestrian and maintenance access way cannot be provided then it would be difficult to create a quality play space for this development at this location. It is also indicated that unless an area of open space could be identified adjacent to the 3<sup>rd</sup> phase of the development site, the Authority may wish to request seeking an off site capital payment in lieu of on site provision for this application.
- 7.15 Affordable Housing



Based on 20 units and 30% provision on site the Housing Strategy Manager requests 6 units. The preferred options of delivery being 6 units, where the mix would be 4 x 2 bed and 2 x 3 bed for affordable rental or 3 units to be sold at 50% market value or a commuted sum for £250,000.

- 7.16 Where there is a local need for affordable housing, Policy HSG10 requires the provision of affordable housing as part of land allocated for residential developments within settlements, namely those for 25 or more units or occupying one hectare or more. Where this need exists, the Council will negotiate with developers to provide 30% affordable housing in suitable appropriate schemes within defined settlement boundaries. Strictly, if the land subject of this application were considered to be a site in its own right, these provisions do not apply for this planning application as those thresholds stated within Policy HSG10 are not exceeded.
- 7.17 Educational Contributions  
Consultation with the Director of Lifelong Learning indicates that based on a scheme of 20 units, the impact on pupil numbers that this development will have, indicates that Wepre CP and Connah's Quay High Schools will have the greatest need for additional capacity. Therefore the financial contributions requested are £17,500 for Wepre CP and £10,500 for Connah's Quay High Schools. These requirements reflect the approach within Policy IMP1 of the adopted Flintshire Unitary Development Plan and Local Planning Guidance Note 23.
- 7.18 Viability  
The application has been the subject of lengthy and detailed negotiations in relation to the viability of the site in terms of its ability to yield the level of planning obligations identified above in accordance with the provisions of the Flintshire Unitary Development Plan. For clarity these relate to public open space, affordable housing and education provision.
- 7.19 Studies undertaken by the developer have been the subject of independent assessment by the Valuation Office Agency (VOA). This assessment originally confirmed that the viability assessment was accurate and did indicate that, as a combination of the small size of the site, the current economic situation and the abnormal cost associated with the development of the site (diversion of the high pressure gas main), the profits arising from this scheme would not reasonably allow for the provision of the planning obligations identified in paragraph 7.18 and therefore in strict accordance with the requirements of the Flintshire Unitary Development Plan policies.
- 7.20 Consultation with Wales and West Utilities indicates that an intermediate/high pressure gas main runs across the site in an east-west direction to the south of the site. To accommodate the southern

part of the development this is having to be diverted, so that it is now located approximately 5 m away from the proposed dwellings to the south of the site. Consultation with Wales and West Utilities indicates that this is now acceptable. The applicants in their viability appraisal estimate the cost of this diversion is £237,500. The VOA has concluded that “this figure is supported by documentation and that this is a significant sum for such a small development and directly impacts on the overall viability”.

- 7.21 Further discussions with the VOA however indicate that if the gas diversion costs were spread over a larger scheme (and no other abnormal costs were to be incurred) then the scheme would be improved and would expect that planning contributions (at a level to be determined) could be made without making such a scheme now viable.
- 7.22 The applicant has declined to withdraw this application and submit an application which includes the northern part, along with an amended viability assessment. However the comments from the VOA referred to in the paragraph above have to be considered in that the larger scheme is viable and that the requisite planning obligations would have to be provided, based on a rigorous appraisal of the revised viability assessment to inform the exact type, level and detail of obligations
- 7.23 Highways  
The main access to the site is proposed off the unadopted road serving the existing development of 8 houses off Fair Oaks Drive to the south east of the site. The existing road will be reconfigured to allow access to both the proposed development and the existing residential properties. This will, in part leave a piece of land in front of No. 26 Fair Oaks Drive ‘vacant’ and still in the ownership of the applicant who has indicated that this will be landscaped as part of the development. Internal roads are also proposed within the site serving the proposed houses, with two proposed car parking spaces per unit coming off them.
- 7.24 The Head of Assets & Transportation considers these arrangements to be acceptable subject to appropriately worded conditions. The existing road and footways serving the existing small development is still unadopted. Condition No. 8 attached to planning application 34942 required these roads and footways be brought up to an adoptable standard upon occupation of the final dwelling on the development. This has been clearly breached and as a result, action has been taken by the enforcement section. The developer had completed these works and an inspection had taken place on 15<sup>th</sup> January 2013. However the footway has not been completed to an acceptable standard. The developer has been advised of the works necessary to bring the footway up to adoptable standard by our Highways Department which will be done as soon as possible.

- 7.25 Character and Appearance of Area  
The site and the areas to the west, north and south are predominately rural in character. However, to the east lies residential development whereby the prevailing house types are detached and of two storey.
- 7.26 The development will be a mix of 2-3 storey semi-detached dwellings with pitched roofs and dormers. The external materials of which will be of concrete tiled roofs with facing brick walls and soldier course detailing to window and door openings. This combination of varying 2-3 storey ridge heights, dormer roof details, brick opening details and porch features adds variation and interest to the development.
- 7.27 The site layout is conventional in style and it is considered reflects the general layout of surrounding roads and properties where the properties directly front onto the main access road.
- 7.28 The density of development equates to approximately 36 dwellings per hectare. 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 hectare. This is a minimum figure, with the density of development upon this site being actually lower compared to other developments in the vicinity e.g., Machynlleth Way and Coniston Close where the density is approximately 47 dwellings per hectare.
- 7.29 A landscaping scheme is proposed which 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 both the western and southern boundaries will be retained and additional shrubbery and a mixture of trees to front gardens will add to the rural feel of the development.
- 7.30 Impact Upon Adjoining Residents  
Those existing properties most affected by the proposals are Nos 26 & 28 Fair Oaks Drive and Nos 2 & 4 The Highcroft which lie immediately adjacent to the site, to the north-east and east of the development respectively. The site is also at a higher level than those on Fair Oaks Drive. It is approximately 2 m higher from No. 26 Fair Oaks Drive to Plots 1 & 2.
- 7.31 Due to concerns from residents in terms of the loss of their potential amenities (overlooking, loss of light, obtrusiveness etc), the applicants have revised the layout of the proposed development which now shows that the proposed dwellings of plots 1 – 4 which face No. 26 Fair Oaks Drive and side onto No. 2 The Highcroft are now 2 storey instead of 3 storey, with those 3 storey dwellings being moved further away from the existing properties within the scheme.
- 7.32 The separation distance between the front first floor windows 1 & 2

the proposed plots and the front windows of No. 26 Fair Oaks Drive is approximately 25 m with the distance between the side of proposed plot 1 and No. 2 The Highcroft being approximately 14 m away. The rear of both plots 17 & 18 will be approximately 38 m away from the front of No. 26 with the rear of both plots 19 & 20 being located approximately 32 m away from the side of No. 26.

- 7.33 The above distances meet the minimum distance separation guidelines outlined in Local Planning Guidance Note 2 'Space Around Dwellings' and also take into account the difference in levels as detailed in paragraph 7.30 above.
- 7.34 Given the above, it is considered that there will not be a significant detrimental impact upon either the amenities of the existing and proposed occupiers in terms of loss of light, privacy and obtrusiveness etc. In terms of the size of the private amenity spaces of the proposed dwellings these also meet the guidelines as stated within the guidance note.
- 7.35 Ecology  
The Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) designated for great crested newts (GCN) and known breeding sites occur within 500m to the south of the site.
- 7.36 European Protected Species (EPS) and their breeding sites and resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and under Article 12 of the EC Directive 92/43/EEC in the United Kingdom. Plans or projects that could affect EPS must satisfy the appropriate Article 16 derogation and two mandatory tests. Disturbance to an EPS whilst occupying a place of shelter and/or obstruction of access to a place of shelter are also prohibited under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).
- 7.37 Regulation 9 (1) and 9 (5) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to ensure compliance with and to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC). Consequently the Local Planning Authority decision making must be undertaken in accordance with the compliance of the Habitats Directive.
- 7.38 The Local Planning Authority must be satisfied that a proposal satisfies the appropriate Article 16 derogation and two mandatory tests as part of the planning decision process. The need is to consider this derogation is specifically identified in TAN5 and Regulation 53 of the Conservation and Habitats and Species Regulations 2010. In consideration of these requirements is it

considered that the proposals seek to establish the principle of the use of the site for the purposes of residential development. The site lies within the identified settlement boundary of Connah's Quay and is identified as part of a site specifically allocated for residential development. National Planning Policies seek to direct the majority of new development of this form to existing urban centres upon sites which, by virtue of their location in close proximity to existing infrastructure and services, would also satisfy the sustainability aims of national policy.

- 7.39 The application site comprises an area of land which is part of an allocation in the Flintshire Unitary Development Plan. First allocated in 2003 in the deposit plan, the site has been through the full scrutiny process associated with the plan including public consultation and public inquiry. The site and its circumstances have been judged against a number of sustainability criteria via the strategic environmental assessment carried out on sites in the plan. This noted the potential for EPS, in this case GCN and recognised the need to carry out appropriate surveys prior to development. Having assessed the site in this way, both the development plan process and public inquiry has allowed for alternative local sites to be both considered and evaluated with none having been found to be more suitable than the application site. The site was therefore retained within the plan as an allocated site, identified to meet both local and County wide housing needs.
- 7.40 Due to the proximity of the planned development to both the SAC and SSSI, and records of great crested newts within the site boundary in 2003, both the direct and indirect effects on great crested newts need to be considered. An extended Phase 1 Habitat Survey has been submitted with the application and has identified that no aquatic features will be directly affected by the development and there are no permanent ponds within 250m of the site. 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 these two designated sites.
- 7.41 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.
- 7.42 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. However, it is anticipated that amphibian trapping will not be necessary as the development site and adjoining land is currently

maintained as short grassland, with the grass being cut to a length less than 10cm. The developer also proposes to make a payment of £25,000 to the Council to cover the improvement and maintenance of the existing wildlife area to the north east of the site for 5 years. Improvement works include the opening up of unmaintained ditches, pond clearance, tree work and repair of fencing etc. Maintenance works will include path and vegetation control, litter clearance, repair and tree works. The developer is willing to pay this sum as it has been already negotiated with and agreed with the developer and the Council's Estates Section and is a contribution towards mitigating the development's impact. Therefore any displacement caused by the development is locally offset by the improvement of this adjacent green space land. In addition, a pedestrian access will be provided into this piece of land along the northern boundary of the adjacent piece of land to the north east. The precise location of which is to be further submitted and agreed.

- 7.43 Immediately adjacent to the northern boundary of the field – some 80m from the site, is wetland managed by Flintshire County Council as a 'natural greenspace'. This habitat offers potential terrestrial habitat for newts and other amphibians as well as informal recreation. The development will result in the change of an area of improved agricultural grassland to residential housing and gardens. There will be no negative effect on the hedgerows surrounding the development and no mature trees will be adversely affected as these features are beyond the development site boundary/outside the site.
- 7.44 Given the above, it is considered that the development will have no significant adverse impact upon the ecological value of the SAC or SSSI directly and that any indirect adverse effects can be adequately mitigated against.
- 7.45 The above proposals will avoid any significant adverse effects on the features and integrity of the Deeside & Buckley Newt SAC and SSSI.
- 7.46 In relation to badgers there are no known setts on the development site itself and the development will not result in a significant loss of foraging habitat.
- 7.47 The hedgerows upon the boundaries of the site will be retained and therefore there will be no detrimental impact upon this habitat for bats or breeding birds.
- 7.48 Adequacy of Foul/Surface Drainage and Flood Risk  
Representations have been made to the effect that the existing drainage infrastructure in the locality is inadequate to serve the proposed scale of the development. The proposals have been the subject of consultation with Dwr Cymru Welsh Water who advise that in relation to foul drainage that a programme of system improvements are planned and are expected to be completed by April 2013.

Accordingly, they request that a Grampian Style condition restricting the occupation of the proposed dwellings to a point not earlier than the 1<sup>st</sup> April 2013. Subject to the imposition of other conditions in respect of the submission, agreement and implementation of detailed drainage schemes, there is no objection to the proposal on drainage grounds.

- 7.49 The site lies outside of any flood zone but consultation has been undertaken with Environment Agency Wales, who accordingly advise that they raise no objection to the development on these grounds.
- 7.50 With regard to the points raised by the residents (within paragraph 4.01) in terms of the applicant stating at question 8 – Neighbour and Community Consultation on the planning application forms that neighbours and the community have been consulted on the application, this has been checked and the applicant had not in fact consulted the community on the application. The application forms have been subsequently amended.
- 7.51 In addition, the Design and Access Statement has been amended to rectify the discrepancy upon the number of bedrooms stated in the DAS and upon the layout plans for the Type C dwellings. This matter was also raised as a discrepancy by objectors at paragraph 4.01.

## **8.00 CONCLUSION**

- 8.01 As the site forms part of a housing allocation within the Flintshire Unitary Development Plan, the principle of residential is acceptable. However, this should not be in a piecemeal manner and without the requisite community facilities.
- 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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