

FLINTSHIRE COUNTY COUNCIL

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

DATE: **6TH NOVEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – ERECTION OF 37 NO. DWELLINGS AND ASSOCIATED EXTERNAL/DRAINAGE WORKS AND PART-RECONFIGURATION OF EXISTING ROAD AT FAIR OAKS DRIVE, CONNAH’S QUAY.**

APPLICATION NUMBER: **051266**

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

SITE: **FAIR OAKS DRIVE, CONNAH’S QUAY.**

APPLICATION VALID DATE: **18TH SEPTEMBER 2013**

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

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

REASON FOR COMMITTEE: **MEMBER REQUEST & SIZE & SCALE OF DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the erection of 37 dwellings, on land off Fair Oaks Drive, Connaah’s Quay. The main issues for consideration in this application relate to the principle of development in planning policy terms, the provision of open space and affordable housing together with educational contributions, the effects of the development upon the character and appearance of the area, the impact upon adjoining residents, the adequacy of foul/surface drainage and flood risk, and the highway and ecological implications.

1.02 As the 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/Unilateral Undertaking to provide the following:-

- a. Payment of £110,313 towards educational provision/improvements at Wepre CP School. The timing of such payment to be agreed with the Director of Lifelong Learning.
- b. Control the provision, location and first and subsequent occupation of the proposed 8 affordable dwellings.
- c. A 10 year maintenance commuted sum payment for the Council to adopt the POS.
- 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. Payment of £800 for promotion, monitoring and evaluation of approved Travel Plan.

If the Obligation/Unilateral Undertaking (as outlined above) is not completed within 6 months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

The proposal is recommended for approval subject to the following conditions:-

Conditions

1. Time limit on commencement.
2. In accord with approved detail.
3. Samples of all external materials to be submitted and approved prior to commencement.
4. Detailed scheme of hard and soft landscaping to be further submitted and approved in writing prior to commencement.
5. Detailed layout, design, surface water drainage, street lighting and construction of the internal estate roads to be further submitted to and approved.

6. Siting, layout and design of the means of site access to be in accordance with details to be submitted to and approved.
7. Works associated with forming the means of the primary site access shall be kerbed and completed to carriageway base course layer up to the boundary between plots 5 & 6 prior to the commencement of any other site building operations.
8. Proposed amended private drive access at its junction with the proposed adopted road to have visibility splays of 2.4 m x 43 m measured along nearside kerb line.
9. Facilities to be provided and retained within the site for the parking, turning, loading and unloading of vehicles associated with the proposal and associated operations including bin storage.
10. Positive means to prevent the run off of surface water from any part of the site onto the highway shall be provided in accordance with details submitted to and approved by the Local Planning authority.
11. No development shall take place, including site clearance works, until a construction traffic management plan submitted and approved by the Local Planning Authority.
12. Full travel plan submitted to and approved in writing by the Local Planning Authority.
13. Foul water and surface water discharges derived separately from the site.
14. No surface water to connect, directly or indirectly to public sewerage system unless approved by the Local Planning Authority.
15. Land drainage run-off not permitted to discharge, directly or indirectly into public sewerage system.
16. No development to commence until developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and approved by the Local Planning Authority.
17. No buildings on the application site shall be brought into use earlier than 31st March 2014, unless upgrading of waste water treatment works completed.

18. Details of existing and proposed site levels and proposed finished floor levels submitted to and approved in writing by the Local Planning Authority.
19. Details of “design stage” assessment and related clarification to be further submitted to and approved by the Local Planning Authority.
20. Each dwelling to be constructed to achieve a minimum code for sustainable homes level 3 and achieve 1 credit under Category Ene1 in accordance with the requirements of Code for Sustainable Homes – Technical Guide April 2009.
21. No dwelling occupied until Code for Sustainable Homes “Post Construction Stage” Assessment has been carried out, a final certificate has been issued certifying Code Level 3 and 1 credit under Ene 1 have been achieved in writing by the Local Planning Authority.
22. Details of all boundary treatments to be submitted and approved.
23. Final dwelling not occupied until all roads and pavements completed to adoption standard.
24. Site investigation of the nature and extent of contamination to be carried out in accordance with the methodology to be further submitted to and approved in writing by the Local Planning Authority. Any contamination found, report specifying the remediation measures to be further submitted and approved by the Local Planning Authority.
25. Reasonable avoidance scheme for GCN to be further submitted and approved by the Local Planning Authority. Biosecurity Risk Assessment to be further submitted and approved and ecological compliance audit scheme to be further submitted and approved.
26. Submission of proposals to reduce or prevent the incidental capture or killing during and post construction for badgers.
27. Specification details of the type, location and amount of play equipment to be provided an open space to be further submitted to and agreed by the Local Planning Authority.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor A. Dunbobbin
No response received to date.

Councillor P. Shotton

Requests application be referred to Planning Committee and that a site visit take place. The reasons being for Committee determination are that the dwellings be in character with existing properties, affordable as Council policy and community benefits accrue. The reasons for the site visit are so that Members can look at the reconfiguration of the roadway and the character and appearance of the dwellings.

Connah's Quay Town Council

Reiterates its previous comments. These being 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. Also asks close scrutiny be paid to the additional provisions now included in the proposal i.e., public open space, affordable housing, Section 106 and community benefits and that the dwellings are kept in character of the local environment. Some concern was expressed as to the narrowness, the access and express roadway.

Head of Assets and Transportation

Recommends any permission include suggested conditions. Drawings do not include details regarding vertical alignment of roads or street lighting. Drainage proposals are included but not supported by any ground investigation reports. Preference for soakaways situated outside of the highway, there would appear to be possibilities for siting at least some of the soakaways in the play area or landscaped areas. Proposals contain 8 No. 4 bedded properties each provided with 2 No. parking spaces, this is below guideline figure of 3 parking spaces. No justification has been provided and no opportunity to increase parking provision. Suggests requirement for a residential travel plan and a commuted sum (Section 106) to cover the Authority's cost in managing the plan. Sum of £100 per unit (total £800) required to promote, monitor and evaluate the travel plan.

Environment Directorate

(Rights of Way)

No affected public footpaths or bridleways in the immediate vicinity, therefore no observations to make.

Head of Public Protection

No objections in principle. However, site is in close proximity to former landfill. Recommends suggested condition is attached on any approval.

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

£110,313 for Wepre CP School.

Public Open Spaces Manager

No objections to the proposed P.O.S. provision subject to the Council agreeing the specification for the landscaping, fencing, boundary treatments and level of play equipment to be provided by the developer.

That the P.O.S. provision is completed upon 75% of sale or occupation of the development.

That should the development require the Council to adopt the P.O.S. a 10 year maintenance commuted sum payment be required upon formal adoption.

Also requires a 5 m gap in the hedgerow to provide a link with the southern piece of the allocation to provide pedestrian access and maintenance.

Housing Strategy Manager

Based on the current policy, 30% provision there is a requirement for 11 units to be delivered. However, as the developer is proposing to rent the units for affordable rental (80% of the market rent) purposes (at less than private rent and nomination to be made off the Council affordable home ownership register which is managed by Tai Clwyd) it has been agreed with the developer to provide 8 affordable rental properties.

Natural Resources Wales

In order to meet requirements of Section 8 of TAN15, recommends conditions be imposed on any planning permission in regard to drainage.

Mitigation proposals required for purposes of addressing direct and indirect on the SAC.

Not likely to be detrimental to the favourable conservation status of the great crested newt. Advise any consent subject to the imposition of planning conditions.

The North Wales Wildlife Trust

No response received to date.

North East Wales Wildlife

No response received to date.

Clwyd Badger Group

Object. Two badger setts on site – one main breeding sett and one subsidiary and surrounding land provides foraging for the badgers that occupy the setts. Reduction in number of houses will make no

difference to the badgers and will push them further west placing them in the territory of neighbouring badgers which would be totally unsatisfactory for both families and cause territorial fights. When badgers use gardens for foraging householders can become very irate when their lawns are dug up.

Welsh Water/Dwr Cymru

No response received to date.

Wales & West Utilities

No response received to date.

SP Energy Networks

No response received to date.

National Grid

No response received to date.

Airbus

Does not conflict with safeguarding criteria. Therefore, no safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

167 letters of objection received. The grounds of objection being:-

- Out of character with rest of houses in the immediate area. Could reduce the desirability of what is currently highly sought after location as reflected in Council's housing banding.
- Loss of amenities to existing occupiers in terms of overlooking, loss of light, obtrusiveness.
- Existing development not completed.
- Builder will not fulfil his planning commitments. Not done so far so why will be doing anything different this time.
- High brick/masonry walls will result in dark areas and could lead to crime and anti-social behaviour.
- Increase in traffic will lead to increase in accidents.
- Location and construction of the artificial badger sett is unsuitable and inappropriate. Reinforced by comments from the Clwyd Badger Group.
- Huge pumping station to be built on site. Problems with drains when existing houses built. Dispute over tapping into drainage

system. Raises questions of what effect it will have on environment and who will maintain it. May cause additional noise and smells.

- Absence of garages will lead to parking on roads which will lead to accidents.
- Further development of the fields adjacent are likely and place strain on infrastructure and services.
- No need for these properties given high number of developments in Flintshire. Evidence also of empty properties and brownfield areas in Connah's Quay and surrounding areas.
- Changes to road layout will leave some Fair Oaks residents without a "legal" right of way to their properties.
- Works already begun on site. Forgone conclusion that planning permission will be granted.
- Provision of a play area will encourage anti-social behaviour and noise pollution.
- Further development on greenspace. To plant trees on this development is no consolation.
- Impact of constructing the properties upon amenities of adjoining residents in terms of noise, dust, vibration and HGV's leaving mud on the road.
- Increased traffic chaos during winter.
- Adjoining wetland will not be able to cope with drainage from the adjoining development.
- Is the proposed public open space an adequate size, including complying with Policy? Developer poor at completing works – would the public open space ever become useable and the play equipment ever be installed? Commuted sum for maintenance should be agreed before any planning permission is considered to ensure it does not fall into a state of disrepair.
- Affordable units will not be available to first time buyers.
- High voltage overhead lines will cause a health & safety danger to the occupiers of the proposed development.
- No indication of any street lighting which will lead to an increase in crime.

- Given past history of the developer, the void area of land between No. 26 and new highway will not be maintained.
- Pile of dumped tarmac on the site has not been removed.
- Proposed development is over-bearing and out of scale in appearance compared with existing homes in the vicinity.
- Building of a den for badgers to relocate them above ground on a site which has got decking style walkways which people regularly use will be very disturbing for them.
- Three public rights of way will be affected as a result of the development.
- Questions whether or not builder has consulted the correct environmental/conservation agencies with regard to wildlife/hedgerows/trees on the development site?
- Concerns over the construction of the wall.
- Implications of gas main running through the development need to be understood of diverting or moving the pipeline.
- Independent survey of the effect upon the badgers needs to be undertaken.
- Fair Oaks Drive cannot accommodate more than 20 extra houses.

5.00 SITE HISTORY

5.01 **050800** – Erection of 42 No. dwellings – Withdrawn 18th September 2013.

048610 – Erection of 20 No. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout – Refused 25th February 2013.

Adjoining Site

034942 – Erection of 8 No. detached dwellings and estate road – Granted 12th 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 & Layout.
Policy D2 – Design.
Policy D3 – Landscaping.
Policy TWH1 – Development Affecting Trees & Woodlands.
Policy TWH2 – Protection of Hedgerows.
Policy L1 – Landscape Character.
Policy WB1 – Species Protection.
Policy WB2 – Sites of International Importance.
Policy AC13 – Access & Traffic Impact.
Policy AC18 – Parking Provision & New Development.
Policy HSG1 (7) – New Housing Proposals – Adj. Fair Oaks Drive, Mold Road, Connah’s Quay.
Policy EWP12 – Pollution.
Policy EWP13 – Nuisance.
Policy HSG8 – Density of Development.
Policy HSG9 – Housing Mix & Type.
Policy HSG10 – Affordable Housing within Settlement Boundaries.
Policy SR5 – Outdoor Playing Space & New Residential Development.
Policy IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2 – Space Around Dwellings.
Local Planning Guidance Note 13 – Open Space Requirements.
Local Planning Guidance Note 22 – Planning Obligations.
Adopted Supplementary Planning Guidance 23 – Developer Contributions to Education.

National

Planning Policy Wales Edition 5, November 2012
Technical Advice Note (TAN) 2: Planning & Affordable Housing.
Technical Advice Note 5, Nature Conservation & Planning (2009).
Technical Advice Note (TAN) 11: Noise (1997).
Technical Advice Note (TAN) 12: Design (2009).
Technical Advice Note 16: Sport, Recreation & Open Space (2009).
Technical Advice Note 22: Sustainable Buildings (2010).

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 and educational contributions being provided.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises 1.12 ha of gently sloping land. 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 bordered by fencing and hedgerows. Electricity power lines are above the site to the east which runs across in a north-south direction with a gas main below ground to the south which runs in an east-west direction. The site is located in a predominantly rural area. To the east, the site is located adjacent to a late 20th century housing estate and a small private residential development. Adjoining the application site to the north is the Connah's Quay wetland nature reserve, which is located to the rear of Ffordd Llanarth.

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 37 No. detached and semi-detached dwellings, of which 29 units will be 3 bed roomed with the remaining 8 units being 4 bed roomed. Of the 3 bed roomed units, 8 are proposed to be for affordable rental, spread throughout the development. 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.

7.04 The proposals also include the provision of a pumping station within the north east corner of the site, near the head of the existing cul-de-sac. This is the only practicable way of draining the site properly. The alternative of a gravity-fed system crossing the adjoining nature reserve would not be appropriate. An equipped area of public open space equating to approximately 1050 m² will be provided within the south western corner of the site.

7.05 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, the effects of the development upon the character and appearance of the area, the impact upon adjoining residents, the adequacy of foul/surface drainage and flood risk, and the highway and ecological implications.

7.06 Background

The site forms the northern part of the 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.

- 7.07 Members will recall that planning application 048610 on the southern part of this current application site for 20 semi-detached dwellings was refused permission at the Planning & Development Control Committee on 20th February 2013, as the proposals only formed part of the northern section of the housing allocation where it was considered as piecemeal development 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.
- 7.08 Planning Application 50800 was later submitted for the whole of the northern section of the housing allocation under the joint control of the applicant companies seeking to overcome the reason for refusal on 048610. However, this was later withdrawn as again it was considered that the requisite community benefits were not being provided.
- 7.09 This current application, now for 37 dwellings, has been submitted for the whole of the northern section of the housing allocation with the applicant providing what is considered as the requisite community benefits in terms of both on site public open space and affordable housing and educational contributions.
- 7.10 Principle of Development
The site forms the whole of the northern part of the housing allocation HSG1 (7) land adjacent Fairoaks Drive, Mold Road, Connah's Quay within the Flintshire Unitary Development Plan.
- 7.11 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 and educational contributions being provided.
- 7.12 Recreation & Public Open Space Provision
Approximately 1050 m² of public open space will be provided within the south western corner of the site which will also be fully equipped by the applicant to a specification agreed by the Council in terms of landscaping, fencing, boundary treatments and level of play equipment.
- 7.13 The Guidance within Policy SR5 and Local Planning Guidance Note 13 'Open Space Requirements' states that approximately 2,096 m² would have to be provided. However, given that the developer is providing other contributions in terms of education, affordable housing, promotion, monitoring and evaluation of a travel plan and

enhancement and maintenance of the adjacent area for wildlife and informal recreation, despite upon previous applications the case of non-viability of the schemes being proven, it is considered that this amount is considered acceptable.

7.14 The Public Open Spaces Manager has no objections to either this amount of provision or its location.

7.15 In relation to the location, this is away from the overhead power lines and adjacent to where another area of public open space is to be possibly sited in relation to the development of the southern half of the housing allocation. The Public Open Spaces Manager requires 5 metres of the southern hedgerow to be removed to provide a link and maintenance with the possible adjoining open space. However, as the applicant does not own this hedgerow, this will be addressed with any future application for this southern part of the allocation.

7.16 Affordable Housing Provision

The applicant is providing 8 No., 3 bedroom affordable rental homes, to be integrated within the scheme.

7.17 In policy terms, the affordable housing requirement based on 37 units, 30% affordable provision, would be 11 no. affordable units on site.

7.18 However, given that the proposals would address the vast majority of the need for affordable rental in Connah's Quay – currently there are 9 applicants registered for affordable rental, of which 7 are couples with children and 2 are single applicants with children, the Housing Strategy Manager raises no objections to the affordable provision proposed as part of this development.

7.19 The reason for the dispensation of the one unit not meeting the full housing need in this area is that the developer intends to provide affordable rental whereby the units have to be built at the developer's cost and will be taking on a long term reduced rental income. Members will also be aware that on the earlier application the case regarding lack of viability presented by the applicant was largely accepted by the District Valuer. Although the circumstances here are not substantially different the applicant has agreed to provide the element of affordable housing at his own cost without requesting an independent appraisal of viability. As stated above, in the light of the previous assessment it is likely that such an appraisal would result in fewer affordable units than what is on offer. Based on the support of the Housing Strategy Manager it is recommended that the proposals for affordable housing within the development are acceptable.

7.20 Educational Contributions

Consultation with the Director of Lifelong Learning indicates the impact of pupil numbers that this development will have, indicates that Wepre CP School will have the greatest need for additional capacity.

Therefore, the financial contributions requested is £110,313 for Wepre CP School. These requirements reflect the approach within Policy IMP1 of the Flintshire Unitary Development Plan and adopted Supplementary Planning Guidance 23 'Developer Contributions to Education'.

- 7.21 The applicant is willing to pay the full contribution requested.
- 7.22 Character & Appearance
The site and areas to the west, north and south are predominantly rural in character. However, to the east lies residential development whereby the prevailing house types are large, detached and of two storey.
- 7.23 The development will be a mix of 2 – 2.5 storey predominantly semi-detached dwellings with pitched roofs and dormers. The external materials of which will be concrete tiled roofs with facing brick walls and soldier course detailing to window and door openings. This combination of varying 2 – 2.5 storey ridge heights, dormer roof details, brick opening details and porch features adds variation and interest to the development.
- 7.24 The site layout is conventional in style and it is considered reflects the general layout of surrounding roads and properties where the dwellings directly front onto the main access road.
- 7.25 The character and design of the proposed development has been informed in part by the pattern and appearance of the existing nearby 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 etc) but also to 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.
- 7.26 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.
- 7.27 The density of development equates to approximately 33 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.

7.28 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 the western, northern, and southern boundaries will be retained. 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 eastern and south western corners of the site will add to the rural feel of the development.

7.29 Impact Upon Adjoining Residents

The site is set at a higher level than those adjoining properties to the east on Fairoaks Drive. Plot Nos 12 – 23 will back onto the front of the properties Nos. 26 – 34 Fairoaks Drive. The proposed dwellings on these plot numbers will also be a mix of 2 – 2.5 storeys in height. However, the separation distances between the proposed and the existing dwellings will vary between 29 – 45 m. Given these separation distances, it is considered that there will be no significant detrimental impact upon these existing properties on Fairoaks Drive in terms of loss of privacy, overshadowing etc.

7.30 Those existing properties considered most affected by the proposals are Nos. 26 & 28 Fairoaks 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 in this location is approximately 2 m high from No. 26 Fairoaks Drive to Plots 1 & 2. Plot Nos 1 – 4 will be two storey at the front.

7.31 The separation distance between the front first floor windows of plots 1 & 2 and the front windows of No. 26 Fairoaks Drive is approximately 25 m with the distance between the side of proposed plot 1 and No. 2 The Highcroft being approximately 13 m away. The rear of both plots 17 & 18 will be approximately 37 m away from the front of No. 26 with the rear of both plots 19 & 20 being located approximately 34 m away from the side of No. 26.

7.32 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 paragraphs 7.29 & 7.30 above.

7.33 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.

7.34 In terms of the size of the proposed garden areas, separation distances between the proposed dwellings etc these also meet the

guidelines within the Local Planning Guidance Note 2 'Space Around Dwellings'.

7.35 Adequacy of Foul/Surface Drainage & 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. No response has yet been received from them but previously they have advised that in relation to foul drainage that a programme of system improvements are planned and are expected to be completed by 1st April 2014.

7.36 Accordingly, they requested that a Grampian style condition restricting the occupation of the proposed dwellings to a point not earlier than the 1st April 2014. 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. It is proposed to pump into the foul sewer but such an arrangement is not unusual and was previously acceptable to Dwr Cymru/Welsh Water.

7.37 The site lies outside of any flood zone but consultation has been undertaken with Natural Resources Wales, who accordingly advise that they raise no objection on these grounds. However, they note that surface water will be drained via individual soakaways of undetermined size and that soakaway tests and drainage calculations have yet to be carried out. They also note that the site adjoins a wetland nature reserve and that the proposed artificial badger sett is to be constructed above current ground level as the site can be wet underfoot. In view of this soakaway systems may not be appropriate and alternative means of attenuation may need to be considered. They suggest a condition be placed upon any consent granted requiring a detailed scheme of the provision and implementation of a surface water regulation system to be submitted and approved by the Local Planning Authority prior to the commencement of the development.

7.38 Highways

The 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.

- 7.39 It is noted, however, that of the 37 properties, 8 are 4 bedded properties with the remainder being 3 bedded. Flintshire County Council's parking standards would be looking for a maximum of 2 parking spaces for the 3 bedded and 3 spaces for the 4 bedded. All properties are shown with 2 parking spaces, resulting in the 8 No. 4 bedded properties being one space short of the maximum.
- 7.40 However, the applicant will address this issue through the requirement to submit a travel plan together with the payment of a commuted sum to cover the Authority's cost to promote, monitor and evaluate it. The aim of this travel plan is to encourage the use of other modes of transport other than by car for the proposed residents, thereby reducing the number of car parking spaces.
- 7.41 The existing road and footways serving the exiting small development are still unadopted. Condition No. 8 attached to planning permission 34942 required these roads and footways be brought up to an adoptable standard upon occupation of the final dwelling on the development. This led to complaint and investigation by the Enforcement Section. The footway and the lighting columns have now, however, been completed up to the point of the proposed new access of the development to the satisfaction of the highway inspector. It is noted that some of the residents of the existing 8 houses have stated that they will not allow the realignment of the private road but this is not a factor to be taken into consideration in the determination of this application.
- 7.42 Ecology
The Deeside & 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 500 m to the south of the site.
- 7.43 The application site consists of semi-improved natural grassland bounded by mature hedgerows, an unmanaged wetland to the north and housing to the east. The unmanaged 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.
- 7.44 A well used badger sett occurs on the northern boundary of the site, with 7 entrances, 4 of which are located on the neighbouring land to the north. The sett is protected by the protection of Badgers Act 1992 and the Wildlife & Countryside Act 1981.
- 7.45 The application is accompanied by the relevant ecological assessments in relation to great crested newts and badgers.
- 7.46 There are hedgerows along the northern, southern and western

boundaries of the site. A mature oak tree is located also upon the northern boundary of the site.

- 7.47 Due to the proximity of the planned development to both the SAC and SSSI, records of smooth/palmate larvae in a pond 150 m of the north east of the site and records of GCN within the nearby SAC/SSSI, both the direct and indirect effects on great crested newts needs to be which included surveys of nearby ponds assessed. 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. 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.
- 7.48 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.
- 7.59 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 funding (£40,000) for the management, and enhancement works of the adjacent wetland and to provide a link to the existing public rights of way network. Therefore, any displacement caused by the development is locally offset by the improvement and access to it of this adjacent green space land.
- 7.50 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.
- 7.51 European Protected Species (EPS) such as GCN and their breeding sites and resting places are protected under Regulation 41 of the Conservation of Habitats & 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 a EPS whilst occupying a place of shelter and/or obstruction of access to a place or shelter are also prohibited under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000).
- 7.52 Regulation 9(1) and 9(5) of the Conservation of Habitats & 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.

- 7.53 The Local Planning Authority must be satisfied that a proposal satisfies that 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 & Habitats and Species Regulations 2010. In consideration to these requirements it is 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.
- 7.54 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.
- 7.55 A well used badger sett is located on the northern boundary of the development. Proposals have been put forward in consultation with the Clwyd Badger Group, Natural Resources Wales and the Council's Ecologist to maintain a corridor to the adjacent pasture land for foraging, temporary exclusion of badgers and the provision of an artificial sett within 50 m of the existing sett, and provision of badger fencing on the northern boundary of the development. Given these mitigation measures, it is considered there should be no long term effects of the development upon the badgers in this locality.
- 7.56 The existing hedgerows upon the boundaries of the site together with the mature oak tree located on the northern boundary will be retained and therefore there will be no detrimental impact upon these habitats for bats or breeding birds.

8.00 CONCLUSION

- 8.01 As the site forms part of a housing allocation within the Flintshire Unitary Development Plan, the principle of residential development is acceptable. Despite the lack of progress on recent applications and proposals it is now considered that all the detailed matters have been resolved satisfactorily, allowing the application to be recommended for approval.
- 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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