

FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

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

SUBJECT: **OUTLINE APPLICATION – ERECTION OF 5 NO. DWELLINGS AT LAND ADJACENT TO WITHEN COTTAGE, ALLTAMI ROAD, BUCKLEY.**

APPLICATION NUMBER: **051567**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **AT LAND ADJACENT TO WITHEN COTTAGE, ALLTAMI ROAD, BUCKLEY.**

APPLICATION VALID DATE: **12/12/13**

LOCAL MEMBERS: **COUNCILLOR C ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST & S106 AGREEMENT FOR EDUCATION CONTRIBUTION**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is an outline application for the erection of 5 dwellings. All matters are reserved for future consideration. The main issues are access over Common land, ecological impacts, mining legacy of the site and the archaeological implications. It has been demonstrated that these matters can be overcome subject to the imposition of suitable conditions and through the S106 agreement. The details of the siting and design of the dwellings will be determined at reserved matters stage.

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

- 2.01 The applicant entering into a S106 or unilateral undertaking covering;
- £12,257 to Mountain Lane School
 - £1,100 off site recreational provision
 - £2,500 indirect impacts due to recreational pressures on SAC

Conditions

1. Time commencement – outline
2. Submission of reserved matters
3. Land drainage run-off
4. Surface water connection
5. Foul and surface water to be drained separately
6. Visibility of 2.4 x 43m
7. Access to standard detail for residential
8. Parking facilities to be provided
9. Reserved matters siting to account for conclusions of mining report
10. Reasonable Avoidance measures GCN
11. Recommendations of ecological report Retention of hedge along southern boundary as part of reserved matters
12. Translocation of devil's bit scabious

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor C Ellis

Requests Committee determination and site visit due to impacts on common land.

Buckley Town Council

Should be refused on grounds of;

- Impact on wildlife
- Impact on Common land
- Noise nuisance
- Additional vehicle movements across Common land
- Adverse impact on surrounding properties

Highways Development Control

No objections subject to conditions covering;

- Visibility of 2.4 x 43m
- Access to standard detail for residential
- Parking facilities to be provided

Environmental Protection Manager

No adverse comments to make.

Welsh Water/Dwr Cymru

No objections subject to standard conditions relating to connections to surface and foul water drainage.

Natural Resources Wales

No objections. The proposal is not likely to significantly affect any of the listed interests;

- Deeside and Buckley Newt Sites Special Area of Conservation (SAC)
- Buckley Claypits and Commons Site of Special Scientific Interest (SSSI)
- Great crested newts

Chief Officer (Education and Youth)

The proposed development would generate 1 Secondary School pupil and 1 Primary School pupil. There is sufficient capacity at Elfed High school which would be the Secondary School which would serve the development. Mountain Lane Primary School has only 2.2% surplus places and therefore a contribution of £12, 257 is requested.

Clwyd Powys Archaeological Trust

The development will be located immediately east of the former Charles Price Pottery. While the main buildings and kiln lie just outside the development area to the west, the plot for the westernmost dwelling will potentially overlie an area containing waste material from the kiln which would be of high archaeological value in terms of dating the period of use of the pottery and the variety of products it made. A pre-determination assessment of this area was therefore requested.

The Coal Authority

Records show within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application. A Coal Mining Risk Assessment was required and an objection is raised to the application.

The Mining Investigation Report subsequently submitted concludes that shallow mine working do not affect the proposed development. The recorded mine entry within the site was fully treated to NCB specification in 1975. The report recommends that the area over the shaft plug should not be built on. The Coal Authority is pleased to note that the indicative revised layout plan submitted in support of this application acknowledges the recorded position of the mine entry and seeks to avoid locating any of the new dwellings too close to this feature. Incorporating an appropriate 'no build zone' around the mine entry in the finalised layout to accord with our adopted policy.

The Coal Authority considers that the content and conclusions of the mining Investigation Report are sufficient for the purposes of the planning system and the requirements of PPW in demonstrating that the application site is, or can be made safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development, however more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

4 objections on the grounds of;

- Environmental impact on common land, loss of flora
- Land is a haven for wild animals such as foxes, bats, badgers, polecats, field mice, squirrels, goshawks, moorhens, water rail, sparrow hawk, magpies, garden birds, toads and newts.
- Putting an access road across the Common will cause problems with flooding in the area as the site is wet.
- Potential of overlooking
- Plan inaccurately shows our boundary
- Common land should be protected from any development even an access
- Alltami Road is already overdeveloped
- Increase in traffic particularly in view of the health centre which is being built
- Who would want to live next to an all weather pitch

Support on the grounds that;

- The new development might provide opportunity for rear access to my property

5.00 SITE HISTORY

5.01 None

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development
HSG3 - Housing on Unallocated Sites within Settlement Boundaries
HSG8 - Density of Development
SR5 - Outdoor Playing Space and New Residential Development
EWP3 - Renewable energy in New Development
EWP14 - Derelict and Contaminated Lane
EWP17 - Flood Risk

The proposal is in accordance with the above development plan policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline application for the erection of 5 dwellings. All matters are reserved for future consideration.

7.02 Site description

The site is an area of undeveloped land off Alltami Road, Buckley. The site is surrounded by residential properties to the west and east. To the north is an area of Common land and to the south is the playing pitches associated with Elfed High School. The site is relatively flat and is made up of scrub vegetation and small trees.

7.03 Proposal

This is an outline application for 5 dwellings. All matters are reserved for future consideration. The indicative layout submitted with the application shows 5 dwellings with internal access and parking.

7.04 Principle of development

The application site is within the settlement boundary of Buckley which is a Category A settlement and focus for development within the Adopted Unitary Development Plan. The indicative layout shows that the site can accommodate 5 dwellings. The details of these will be agreed at the reserved matters stage.

7.05 Ground conditions

Following consultation with The Coal Authority, their records show within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application. The Coal Authority advised that 'A Coal Mining Risk Assessment' was required.

7.06 The Mining Investigation Report subsequently submitted concludes that shallow mine working do not affect the proposed development. The recorded mine entry within the site was fully treated to NCB specification in 1975. The report recommends that the area over the shaft plug should not be built on. The indicative layout plan was revised to take account of the recorded position of the mine entry and seeks to avoid locating any of the new dwellings too close to this

feature. The Coal Authority recommends incorporating an appropriate 'no build zone' around the mine entry in the finalised layout.

7.07 The Coal Authority considers that the content and conclusions of the Mining Investigation Report are sufficient for the purposes of the planning system and the requirements of PPW in demonstrating that the application site is, or can be made safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development, however more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application. The principle of development is therefore acceptable subject to suitable conditions.

7.08 Access

The proposed access to the site would be a single track hardcore access track as the access crosses Common Land. This therefore limits the number of dwellings to 5 as this will be a private drive and not to adoptable standard. The ecological impacts of the access across the Common land have been considered and mitigation measures will be put in place secured by condition.

7.09 Ecology

The application site is located adjacent and partly within the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI). The Deeside and Buckley Newt Sites Special Area of Conservation (SAC) is located 300m away and the site is 400m away from ponds containing great crested newts. These sites support a nationally important population of great crested newt and in the case of the SSSI an assemblage of amphibian species. The great crested newt has previously been recorded in the vicinity of the application site. This species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

7.10 The Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) is designated for the mosaic of acid, neutral and marshy grassland, wet heath and scrub on common land as well as the amphibian population.

7.11 The development of the 5 dwellings would have no direct impact on the SAC but the access does have a direct impact on the SSSI. There is also the potential for impacts on the great crested newt population through the loss of terrestrial habitat and effect on dispersal routes if hedgerows are lost and indirect effects due to potential increase in recreational pressures within the SAC when considered in conjunction with other developments.

7.12 The terrestrial habitat to be lost for housing is heavily grazed grassland and poor GCN habitat but the existing hedgerows provide a

useful wildlife corridor. The ecology assessment recommends the retention and long term protection of the hedgerow on the southern boundary to provide a minimum 5 m wide corridor securely fence along both sides.

7.13 The access track will cross the SSSI. It is proposed to translocate the Devil's bit scabious within the route of the new access to adjacent areas with lower botanical interest. This will benefit the area in the long term combine with long term management of the SSSI.

7.14 A report was submitted with the planning application by Perry Amphibian and Reptile Conservation. NRW have no objections to the application subject to the development being carried out in accordance with the recommendations of that report and reasonable avoidance measures during construction. The proposal is not likely to significantly effect on the designated sites or species. A S106 contribution of £2,500 per dwelling is required to off set the indirect effect on the SAC from recreational pressures.

7.15 Archaeology

The development will be located immediately east of the former Charles Price Pottery. While the main buildings and kiln lie just outside the development area to the west, the plot for the westernmost dwelling will potentially overlie an area containing waste material from the kiln which would be of high archaeological value in terms of dating the period of use of the pottery and the variety of products it made. A pre-determination assessment of this area was therefore requested by CPAT.

7.16 An Archaeological evaluation of the key areas was undertaken. Only fragments of pottery which were deemed to be waste material were uncovered. No evidence of pottery buildings were found.

7.17 S106 contributions

The proposed development would generate 1 Secondary School pupil and 1 Primary School pupil. There is sufficient capacity at Elfed High School (40% surplus) which would be the Secondary School which would serve the development. Mountain Lane Primary School has only 2.2% surplus places and therefore a contribution of £12, 257 is requested.

8.00 CONCLUSION

8.01 It has been demonstrated that the site is suitable for residential development and that the issues raised can be overcome subject to the imposition of suitable conditions and through the S106 agreement. The details of the siting and design of the dwellings will be determined at reserved matters stage.

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.

Contact Officer: Emma Hancock
Telephone: (01352) 703254
Email: emma.hancock@flintshire.gov.uk