

FLINTSHIRE COUNTY COUNCIL

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

DATE: **9th SEPTEMBER 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 59 DWELLINGS, OPEN SPACE, ACCESS AND ASSOCIATED INFRASTRUCTURE AT ISSA FARM, MYNYDD ISA.**

APPLICATION NUMBER: **053208**

APPLICANT: **BLOOR HOMES**

SITE: **ISSA FARM, MYNYDD ISA**

APPLICATION VALID DATE: **03.02.15**

LOCAL MEMBERS: **COUNCILLOR A BRAGG**

TOWN/COMMUNITY COUNCIL: **ARGOED**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT AND S106 AGREEMENT AND LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application for 59 dwellings with onsite open space and associated infrastructure. The site is outside but adjacent to the defined settlement boundary for Mynydd Isa. It was previously allocated by the Council for residential use during the UDP process, therefore the principle of development was accepted by both Officers and Members. However, the UDP Inspector considered because of its location, shape, landscape and the surrounding topography, it was poorly related to the existing pattern of development and a significant incursion into the rural area and the site was de-allocated.

This application is therefore a departure from the adopted Flintshire Unitary Development Plan as it is outside any defined settlement boundary and is located within the open countryside.

The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise.

In this instance it is considered the need for a 5 year land supply is a material consideration which outweighs the fact the site is outside the settlement boundary and is a departure from the development plan. Furthermore the site is considered to be sustainable, viable and deliverable in order to come forward within the next 5 years to meet the supply.

In order to ensure that the site comes forward to meet the current shortfall a 2 year planning permission is proposed with a requirement for a phasing plan to ensure that the site is delivered in the short term.

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 £171,598 towards educational provision/improvements for Mynydd Isa Primary School and £184,690 towards educational provision/ improvements for Argoed High School
- b) Provision of a play area to be equipped to a specification provided by the Council, upon sale or occupation of 50% of the development. Should the developer require the Council to adopt the POS a commuted sum of 10 years maintenance to be provided to the Council on adoption
- c) affordable housing to be shared equity 70% market value in accordance with an agreed marketing strategy and qualification policy

- 1. Time commencement 2 years
- 2. Plans
- 3. Phasing plan
- 4. Drainage – foul conditions
- 5. Surface water drainage regulation system to existing greenfield rates
- 6. Detailed design of access
- 7. Provision of parking facilities and retention
- 8. Front of garages set back by a minimum distance of 5.5m behind back of footway or 4.3m from edge of the carriageway

9. Positive means to prevent surface water run off onto the highway
10. Improvement of bus stop facilities
11. No occupation of properties until bus stop improved
12. Construction Traffic Management Plan
13. Travel Plan and Transport Implementation Strategy
14. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
15. Landscaping detailing and implementation
16. Tree protection measures – method statement no- dig construction
17. Hedge removal/scrub clearance outside bird nesting season
18. Materials
19. Removal of permitted development rights – extensions
20. Finished floor levels
21. Land contamination assessment
22. No development shall commence unless and until a scheme has been submitted and approved in writing by the Local Planning Authority for reinforcement works to the Welsh Water/Dwr Cymru Park Issa pumping station have been undertaken which shall include the upgrading of the existing pumps or the installation of new pumps which will enable a pumped discharge rate of up to 6 litres/second. The development shall not be occupied until the scheme has been completed in full in accordance with the approved details.
23. The foul connection shall be made at Manhole SJ26641801
24. Recommendations as set out within the ecological report
25. Details of lighting scheme

If the Obligation pursuant to Section 106 of the Town and 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 A Bragg

Requests Committee determination, as the application is a departure from the UDP and has grave concerns over the volume of traffic that the development would produce. Also has concerns about the foul drainage proposals. Requests a Committee site visit for Members to see the location of the site and its situation outside the settlement boundary and due to the highways concerns.

Adjacent ward Member Councillor Hilary McGuill

Objects on the grounds of;

- Brownfield sites should be used before greenfield sites

- All the schools in Mynydd Isa are full and the Council does not have the money to expand them
- There are fewer facilities in the village than there were a year ago, no doctors, spar, no post office, reduction in library hours and bus services
- Sewage system is overloaded
- Bryn Lane is narrow in places and two cars have difficulty in passing
- There is another application already in for the village and the area would be overcrowded with 120 new homes
- Poor recreation facilities in the area

Argoed Community Council

Object on the grounds of;

- It's a greenfield site protected in the UDP
- Schools in the area are over-subscribed and this development would add to that
- Sewage system is unable to cope with existing housing and this would get worse
- The power system is inadequate and will not cope with the proposed number of houses
- Increase vehicular flow in the area by 120+ cars which will put additional strain on the highway
- S106 should include the development of a cycle/pedestrian path from the site to Buckley Common and a contribution to the sports and community facilities in Argoed

Highways Development Control Manager

No objections subject to conditions covering;

- Detailed design of access
- Provision of parking facilities and retention
- Front of garages set back by a minimum distance of 5.5m behind back of footway or 4.3m from edge of the carriageway
- Positive means to prevent surface water run off onto the highway
- Improvement of bus stop facilities
- No occupation of properties until bus stop improved
- Construction Traffic Management Plan
- Travel Plan and Transport Implementation Strategy

Pollution Control Manager

As the site was previously part of a farm there may be farm tips/ buried wastes at the site and chemicals may have been applied to the land. The site also overlies coal measures and coal workings. Shallow or unrecorded workings may be present. A land contamination condition is therefore required.

Welsh Water/Dwr Cymru

Welsh Water consider that foul flows from this site can be accommodated on the network subject to;

- the connection being at Manhole SJ26641801
- the developer funding an upgrade to the Park Isa pumping station.

The improvements would be secured through a Grampian condition and through S106 agreement. The condition would state that there shall be no beneficial use of the development until reinforcement works to the Welsh Water/Dwr Cymru Park Issa pumping station have been undertaken which shall include the upgrading of the existing pumps or the installation of new pumps which will enable a pumped discharge rate of up to 6 litres/second.

Head of Housing Strategy

Is satisfied with the affordable housing mix. The rationale for this is that there is a high sales demand in Mynydd Isa and a predominance of 3 bedroom properties, therefore a higher number of 2 bedroom properties was requested and this has been amended accordingly. Rates of existing affordable housing provision in Mynydd Isa are amongst the lowest in the County and the demand is generally higher for smaller properties.

Head of Play Unit

In accordance with Planning Guidance Note 13 on site play provision is required of 3342m². This should include free kick about space and an equipped children's play area. We would prefer the equipped play area to be located in the centre of the development to minimise disturbance to residents. The SUDS area could be used for informal ball games and should be designed to accommodate this.

The play area should be equipped by the developer to the Council's specification. Should the developer require the Council to adopt any P.O.S a 10 years commuted maintenance sum upon adoption. Leisure Services would not adopt the area of the SUDS scheme.

Head of Lifelong Learning

The placement of the estimated 14 pupils from the proposed development using the pupil formula will increase the pressure on Mynydd Isa Primary School, which currently has 5.65% surplus capacity. The pupils generated from the development would take the capacity of the school below 5% so a contribution is required of £171,598.

The placement of the estimated 10 pupils from the proposed development, will increase the pressure on Argoed High School which only has 0.17% surplus capacity. As the school already has less than 5% surplus places a contribution of £184,690 is required as the development would give rise to an additional 10 pupils.

Natural Resources Wales

The site lies within Zone A as defined by TAN15 Development and Flood Risk and shown on the Welsh Government Development Advice Maps. No objections subject to condition for surface water management. We are satisfied that the proposed point of discharge has been shown to be an existing ditch alongside the site which drains to a system discharging into Alltami Brook.

Wales and West Utilities

No objections however they have apparatus in the area which may be at risk during construction and they should be contacted by the developer.

National Grid UK

Details of equipment in area provided.

Welsh Government Land Use Planning Unit

The survey has been completed in accordance with the 1988 MAFF ALC Guidelines. The soil types and grading stated match the background information and adjoining survey work completed in 1989 by ADAS. The survey therefore reliably reflects the agricultural land quality of the site.

Airbus

No safeguarding objection.

Campaign for the Protection of Rural Wales

Object as no justification can be found for the loss of open countryside that will result in a departure from policy. The application site is not allocated for development and is outside a settlement boundary. It is poorly related to the existing settlement and projects into the open countryside. It is contrary to GEN3 as it does not meet the exceptions for development in the open countryside. Contrary to STR1 also and HSG4.

ALC report is a desk based exercise. Policy RE1 protects agricultural land and GEN1. A detailed assessment should be undertaken.

Community Safety Officer

The following principles should be adopted;

- All parking areas and pedestrian routes are overlooked
- Secure rear gardens should be provided with 1.8 metre secure walling and fencing and 2.1 metres adjacent to public footpaths or public open space
- Lighting to public areas
- Roads designs to reduce vehicle speeds to 20mph

The Coal Authority

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The application was advertised as a departure from the development plan.

5 Letters of support on the grounds of;

- Mynydd Isa/Bryn y Baal needs more homes
- There is a lack of 4 bedroom properties
- Traffic flow would not be unacceptable
- As long as there is a footpath along Bryn Road
- Want to stay in the area but need a bigger house
- There is a shortage of starter homes in the area and affordable properties

Observations from Flintshire Land Use Needs Care 'FLUNC'

- Safety is vital to the people of Flintshire on a public highway, particularly on foot and a pavement is needed on Bryn Road which should be funded by the developer
- Problems relating to sewage and flooding occur due to the rapid expansion of housing in the 1960's and 70's and inadequate infrastructure being provided. If this is the case here then the developer should fund improvements to the drainage in the area
- The UDP Planning Inspector stated that growth levels should not be regarded as prescriptive and there will be occasions when growth is below the indicative levels

BRAND (Bryn Residents Against New Development) object on the grounds of;

- Not a sustainable location
- The roads are congested
- The drainage system has major problems
- The schools are full
- The doctors surgery has closed and the future of the pharmacy is in doubt
- The pub closed many years ago
- UDP Inspector dismissed the site as it was poorly related to the existing pattern of development and a significant incursion into the rural area
- Departure from the UDP, STR1, GEN1, GEN3

- Long history of foul and surface water problems in Bryn y Baal
- When people responded to the consultation exercise they were unclear were the site was

30 individual objections on the grounds of;

- My public consultation document was not part of the submissions so are they a true record
- Previously rejected by UDP Inspector
- It is a greenfield site and there is abundant brownfield land in Flintshire more suitable for development
- Housing demand will reduce in the future and Flintshire has enough committed housing sites
- Some houses are very small with no storage and they don't all have garages, so cars will be parked on the road
- No facilities in Bryn-y-Baal
- It is a north facing slope so the houses will have little daylight and there is the wind chill factor
- The TA was carried out on one day only and missed the busy hour 7 – 8am and missed the school closure which is the busiest time of day, afternoon peak is 1500-1545
- It's not well connected to public transport, would be car reliant
- There are more birds than shown on the ecological survey, bats and badgers have been seen in the area
- Due to all the development Mynydd Isa/Bryn y Baal and Buckley are merging and there is overdevelopment in the area
- Its open countryside
- Outside the settlement boundary
- Visual impact of the development
- Increase in traffic opposite a school
- Impact on wildlife
- Impact on drainage system foul system is at capacity
- Would urbanise this semi-rural area
- Impact on the character of the area
- Change in the hierarchy of roads
- Too many cars in Llys Gwynant so people park on the road,
- Additional traffic will lead to accidents
- Impact on infrastructure and public services
- No consultation with residents
- Llys Gwynant is not suitable for construction traffic
- Impact of construction on residents
- Access should be off Bryn Road to reduce impact on residents
- Mews/town houses and semi-detached houses are not in keeping with the area
- Open plan soakaway is not acceptable and would be an increased safety risk to young children
- Cycleway/footway link is on to a private road and close to electric gates
- Detrimental impact on residential amenity and loss of privacy,

overlooking of rear garden, noise and disturbance

- No footpath on Bryn road and it is poorly lit
- Llys Gwynant does not seem wide enough to be a carriageway for 2 cars with a footway on either side
- Contrary to Human Rights Act and the right to peaceful enjoyment of all their possessions and Article 8
- Sufficient houses on the market in the area and a vast number being built near to this area
- Ecology survey was undertaken at the wrong time of year
- EIA is required as per Mold Road Mynydd Isa
- Site is Grade 3 agricultural land

A petition of 209 signatures has been submitted by the campaign group BRAND (Bryn Residents Against New Development). This local action group was formed to oppose any new development in the Bryn-y-Baal/Mynydd Isa Area. The petition opposes any new residential development. It does not state any reasons why such development is opposed.

BRAND object to the development as the site is not a sustainable location. The area cannot cope with any more demands on its infrastructure, in particular the schools, roads, foul drains and doctors;

- Schools – 2 schools in the area; Argoed and Mynydd Isa Primary schools are at capacity. The new development will push children who live in the area to other schools as the newcomers in the proposed development will be closer.
- Roads – Bryn Road is extremely busy at most times of day and at the nearest junction it is very congested and dangerous. There would be conflict with construction traffic and then domestic vehicles and accidents will ensue.
- Foul Drainage – the main foul drainage cannot cope with any extra demand. It is only 150mm diameter and installed before extensive housing growth. Consider a new drain with additional capacity is required.
- Doctors- the Roseneath doctors surgery in Mynydd Isa has now closed and patients have to travel to Buckley to the new health centre which has led to an increase in traffic on Bryn Road and makes it more difficult without your own transport.

BRAND also object on the grounds of;

- Departure from the UDP policies STR1, GEN1, GEN3 and does not comply with policies HSG4, HSG5 and HSG7
- UDP policies are still valid although it has technically expired and should be applied
- Development should be plan led
- Brownfield sites should be considered before greenfield sites
- UDP Inspector did not consider it was a suitable site and reference is made to the Inspectors comments
- An EIA should have been submitted as for Rose Lane Mynydd

Isa due to proximity to SSSI and SAC

- The Greenhill Avenue site in Ewloe was not dismissed outright unlike this one by the UDP Inspector. Each application should be considered on its own merit and the Greenhill Avenue decision should not set a precedent.
- Past completions method should be used. The JHLAS 2013 which referred to a 4.1 year supply should be treated with caution as other factors have not been considered such as; the availability of existing properties in the area on the market; the number of properties which would come on the market if more bungalows were built so people could downsize; and the likelihood of more housing coming forward in west Cheshire following the change in policy to increase land availability.
- Landscape and Visual Impact; photos were taken when the trees were in full bloom and did not represent the worst case scenario; no photos were taken from properties which adjoin the development; should be deferred until more is done to mitigate impacts on views from existing properties as no contact has been made with these affected local residents and to address the comments of the Council's appointed landscape architect.
- Transport – There are 26 properties not 8 adjoining the site with the 59 new ones will be 85 properties, with 2 cars per property is 170 vehicle movements. Since the traffic survey there has been a new doctors surgery which has increased car journeys down Bryn Road. No guarantee that a footpath will be created on Bryn Road. No buses pass the site and the train station is 5 miles away.
- Traffic Impact Analysis – TA traffic surveys were on one day only. HGV units were not considered. No speed survey was undertaken. No reference to the dangers of parked cars on Bryn Road at school drop off and pick up. Peak hours in traffic survey did not recognise school hours. BRAND undertook their own traffic count/speed survey on Bryn Road for 6 days in April with a vehicle counter positioned to the left of Park Issa entrance by Cyfrifau Cymru Traffic Data Services. The total number of vehicles surveyed was 19,860 with 47% in excess of 30mph and 97% in excess of 20mph advisory limit.

2 further individual objections following re-consultation on the grounds of;

- Inappropriate and inconsiderate to locate a play area on the periphery of the development and adjacent to properties on other development as it is likely to create noise and nuisance, it should be central to the proposed development
- Number of houses should be reduced with a wide buffer between the existing houses and the new properties, with no new houses backing onto existing properties
- Should be some low rise bungalows for people wanting to downsize

- Only 109 car parking spaces for 59 dwellings when it should be 118 for 2 cars per house
- How will waste and recycling be accommodated in the 'affordable houses' which are very small and would have no storage space
- The Transport Assessment is impossible for a lay person to understand

5.00 SITE HISTORY

5.01 None.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN2 - Development Inside Settlement Boundaries

GEN3 - Development Outside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG8 - Density of Development

HSG9 - Housing Mix and Type

HSG10 - Affordable Housing within Settlement Boundaries

SR5 - Outdoor Play Space and New Residential Development

EWP3 - Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

RE1 - Protection of Agricultural Land

Planning Policy Wales Edition 7 July 2014

TAN 1 Joint Housing Availability Studies 2015

The proposal accords with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for 59 dwellings, including affordable housing, public open space, access, drainage and other associated infrastructure on land at Issa Farm, Mynydd Isa.

7.02 Site Description

The application site is 3 hectares and is located to the north of Mynydd Isa, to the north of Bryn Road in an area known as Bryn y Baal. The settlement of Buckley is situated to the east of Bryn- y Baal accessed via Bryn Road. The site is bounded to the north west and east by agricultural land and to the south west and south east by existing residential development. The site is bounded by existing hedgerows with established trees. The topography of the site slopes down from the south to the north of the site. There is a manege located in the south eastern corner of the site and the site is currently used for horse grazing. Current access to the site is via Issa Farm Courtyard.

7.03 Proposed Development

This is a full planning application for 59 dwellings, including affordable housing, public open space, access, drainage and other associated infrastructure on land at Issa Farm, Mynydd Isa. The application was accompanied by;

- Planning Statement by Boyer
- Design and Access Statement by Boyer
- Ecological Assessment by TEP
- Transport Assessment by Croft Transport Solutions
- Flood Consequences Assessment by Lees Roxburgh
- Landscape and Visual Impact Assessment by TPM Landscape Ltd
- Statement of Community Engagement and feedback responses by Bloor homes
- Arboricultural Impact Assessment and Method Statement by Tree Solutions Ltd
- Agricultural Land Classification and Soil Resources Report by Reading Agricultural Consultants Ltd

7.04 The proposed dwellings are all two storey in nature and are a mixture of size and types with; 14 two bedroom mews/semi-detached houses, 14 three bedroom mews/semi-detached houses, 9 three bedroom detached houses and 21 four bedroom detached houses. The proposed layout provides for 30% affordable housing constituting 18 properties of which 14 are two bed properties and 4 are three bed properties.

7.05 The proposed development would be accessed from Llys Gwynant via Parc Issa from Bryn Road, with a proposed pedestrian/cycle way connecting the site with Llys y Graig. A network of green spaces is

proposed within the development creating visual links to the wider countryside context with additional structural landscaping around the site's perimeter. A formal equipped play area is proposed along with the creation of more informal areas and an attenuation area in the north west corner of the site as part of the surface water drainage scheme. A foul pumping station is also required due to the topography of the site. This is situated in the north eastern corner near to the attenuation area.

7.06 Planning history

The site was put forward by the Council at the deposit stage of the UDP as an allocation for residential development, however this was rejected by the UDP Inspector because of its location, shape, landscape and the surrounding topography. She stated that *"it was poorly related to the existing pattern of development and a significant incursion into the rural area"*. The Inspector considered whether the allocation be deleted and removed from the settlement boundary and whether it should be designated as green barrier.

7.07 Her conclusion on other allocations/omission sites meant that the deletion of this component of the housing supply would not result in an inadequate supply of land in the County. Although completions, commitments and the allocation together at that time of the UDP Inquiry gave Mynydd Isa a Category B settlement a 6% growth rate. The other allocated site at that time was Rose Lane, Mynydd Isa, which has not come forward within the plan period and is the subject of a current appeal.

7.08 The UDP Inspector did not consider it was necessary to extend the adjacent green barrier designation to include the site as she considered that the existing countryside, wildlife and landscape policies were robust enough to offer sufficient protection from development and therefore the coalescence of settlements was unlikely to occur. She therefore deleted the allocation and recommended that the settlement boundary was redrawn to exclude the site.

7.09 The Inspector in her report stated *"Whilst I appreciate objectors concerns about the necessary infrastructure, the information I have seen does not support the view that these matters would necessarily preclude the allocation. In the Flintshire context the size, level of services and accessibility of the settlement make it a sustainable location to accommodate more growth. That said it cannot be disputed that drainage is a perennial problem. However there are policies in the plan such as GEN1(h) and EWP15(c) (d) which would ensure that development **"has regard to the adequacy of existing public services, would enhance the existing water treatment and supply"** and would have access to **"adequate sewerage and sewage treatment facilities"**. The provision of SUDS would also ensure potential flooding is taken into account. If these policies are*

rigorously applied, the allocation would at the worst, not exacerbate the current situation."

- 7.10 In respect of other matters the Inspector noted *"The Council's highways officer has looked at potential traffic flows, road capacity, and configuration and access arrangements and despite the proximity of the school and its inevitably high level of activity at peak times, is satisfied that the network is capable of accommodating the proposed development in a satisfactory manner. Similarly where there are issues about school capacity the local education authority consider the matter can be adequately addressed by a financial obligation. This is not an unusual circumstance."*
- 7.11 Taking into account her views on the impact of the site and her reasons for de-allocating the site, it is not clear from the Inspector's comments as to whether the development at Llys y Graig was complete or not at the time of her visit to the site and the area, however from considering the evidence available it is likely to have been under construction. The Council's housing land availability data shows that the site was under construction during the 12 months prior to 31st March 2007. The UDP Inquiry was from September to December 2007 with the Inquiry closing in August 2008. We do not have specific dates when the Inspector made her site visits but due to these timeframes it is likely that the apartments were under construction, however at what stage is unknown and whether she investigated the nature of the consented development.
- 7.12 Principle of development
The site is located outside the settlement boundary for Mynydd Isa in the adopted UDP. Mynydd Isa is a category B settlement with a growth threshold of 15% (beyond which any additional development would have to be justified on the grounds of housing need). As at April 2014 the settlement had a theoretical growth rate of 7.2% over the Plan period (which is below the indicative growth band of 8-15% for a category B settlement, which informed the Plan). The monitoring of growth over a 15 year period as required by HSG3 ended on 1st April 2015. Although final growth rates as at 1st April 2015 are yet to be published it is clear with the Rose Lane housing allocation yet to receive a planning permission, this level of growth will not be achieved, with the growth rate being in the region of 4.3% which is based on completions and a small number of commitments.
- 7.13 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.

- 7.14 Given that the proposal is for 59 dwellings and does not fall within the scope of above policy framework, then the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan.
- 7.15 The applicant seeks to justify the development in terms of a broader policy context, having regard to the following points:
- The planning history of the site and the Inspector's comments following the UDP inquiry
 - The current housing land being below a 5 year supply
 - The present level of growth in Mynydd Isa being below 15% and the allocated site has not come forward within the plan period
 - The Ministerial statement by Carl Sergeant on 4th June 2014 about the need to increase the supply of housing throughout Wales in order to meet housing needs and to contribute to the economy of Wales
 - Site Sustainability and compliance with other plan policies
- 7.16 Housing Land Supply
PPW and TAN1 requires each local planning authority to maintain a 5 year supply of housing land. The latest published Joint Housing Land Availability Study for Flintshire 2014 shows a 3.7 year land supply using the residual method with a base date of April 2014. The Council is unlikely to be able to demonstrate a 5 year land supply until the LDP is adopted. This falls below the 5 year requirement.
- 7.17 The Council has previously argued in its submissions to PINS and Welsh Government that the residual method of calculation does not give a true picture of the actual amount of land available in the County and that the past completions method of calculation provides a more accurate measurement of land supply as it is measured against what the house building industry is actually delivering on the ground, rather than merely against what the Plan originally set out to provide.
- 7.18 The recent publication of the revised TAN1, which completely removes the use of the past completions method of calculation means the Council can no longer reasonably argue that it does not have a housing land shortfall. Furthermore, given that the TAN1 prevents the Council from undertaking a formal JHLAS once the UDP has expired, we will be unable to demonstrate a 5 year supply until such time as the LDP is adopted. In this context it is not possible to challenge the proposal in terms of housing land supply as the Authority did try in its defence of the refusal of planning permission for (051613) Old Hall Road/Greenhill Avenue, Ewloe application.
- 7.19 The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that "*The Welsh Government's letter to*

Chief Planning Officers of 19 January 2015 states that the residual methodology based on the housing requirements in an adopted LDP (or adopted UDP) will be the only methodology allowed for calculating housing land supply and the use of the past build rates methodology, which was based on the past performance of the building industry, will not be accepted. As a result, I give no weight to the Council's initial arguments in respect of past completions."

7.20 *Welsh Government Technical Advice Note 1 states that "The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study..... The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies."*

7.21 Welsh Government Advice and National Planning Policy
Planning Policy Wales Edition 7 July 2014 paragraph 4.2.4 states "A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2) Where;

- *There is no adopted development plan (see 2.6) or*
- *The relevant development plan policies are considered outdated or superseded (see 2.7) or*
- *Where there are no relevant policies (see 2.7)*

there is a presumption in favour of proposal in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes."

7.22 Paragraph 4.2.5 states "In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision."

7.23 The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that "There is a danger that the need to increase supply and lack of a 5-year housing land supply could be used to justify development in inappropriate locations."

- 7.24 It is therefore key in making the planning balance therefore to consider the sustainable development 'key principles' (see 4.3) and 'key policy objectives' (see 4.4) set out in PPW.
- 7.25 Mynydd Isa was considered by the Inspector to represent a sustainable location for development given that she recommended the allocation of land at Rose Lane. In para 4.47.7. the Inspector states *'Mynydd Isa is a large settlement (about 2000 dwellings) of relatively new housing with a range of facilities to serve its population. It lies between the category A settlements of Mold and Buckley with public transport links to the 2 giving access to their services and facilities. In principle it is a suitable location for some growth'* and in para 4.47.8 states *'The settlement strategy identifies Mynydd Isa as category B with an indicative growth band of 8-15%. In the first 5 years of the plan, growth has amounted to about 3% which I do not regard as overdevelopment of the settlement'*.
- 7.26 Mynydd Isa is the fourth largest category B settlement with 1920 dwellings as at 2000, with the largest being Ewloe with 2280. It has a range of facilities and services including primary and secondary school, sports centre and a local shopping centre. It also adjoins Buckley which has a greater range of facilities and services and is located close to Mold. With public transport and road links to nearby settlements and employment centres, it is considered to represent a settlement which is capable of accommodating further development in a sustainable manner. While objectors have stated that the range of facilities has declined since the UDP Inquiry the local centre is still fully occupied with a library, community centre, new dance and fitness studio (in place of the former convenience store and post office), a newsagent, take away, hairdressers, pharmacy and a small local supermarket. This provides a good range of facilities which reduces the need to travel. While the GP practice has relocated from the community building to the new health centre on Alltami Road this is not a significant distance from the site and provides improved facilities.
- 7.27 Due to the current land supply situation and the timeframe for the UDP housing strategy, in order to provide some clarity the Council has produced a Developer Guidance Note which was endorsed by the Council's Planning Strategy Group and Cabinet in June 2015. This application was submitted prior to the publication of this guidance. In brief it is set out below how the application meets the requirements;
1. Need for the development proposals
This has been argued in terms of the fact that Flintshire does not have a 5 year land supply. Mynydd Isa was a Category B settlement within the UDP which is referred to as a semi-urban village within the settlement hierarchy with a growth rate of 8-15%. Growth in the settlement at May 2014 with the UDP allocation was at 7.2% however Mynydd Isa's allocated site for 58 dwellings has not come forward within the UDP timeframe.

There has been limited growth in the settlement in terms of windfall sites as the UDP Inspector acknowledged there is little scope for infill. In terms of a search sequence for identifying new sites for housing development PPW paragraph 9.2.8 refers to;

- Previously developed land and buildings within settlements;
- Settlement extension; and then
- New development around settlements with good public transport links.

There are no available sites which are previously developed land and buildings within the settlement and this would be a settlement extension.

2. Full application

The application is in full and accompanied by a suite of documents to address the key issues.

3. Sustainability Appraisal

The Planning Statement, TA and an additional letter submitted have attempted to demonstrate the sustainability of the site, although not through a formal Sustainability/Strategic Environmental Assessment. This refers to the public transport links and cycle footpath links that are proposed to be created. The development also provides for a mix of house types which will range from 2 – 4 bedroom houses. The choice of materials for construction and the design of the new dwellings aims to reduce the energy and decrease thermal energy loss. The layout has also been designed to leave sufficient space between buildings to attract solar gain. The scheme will provide appropriate space for the storage, disposal and collection of waste. There are a variety of types of amenity space to encourage a healthy community and to encourage an inclusive community.

4. Viability Assessment

The applicant is providing 30% affordable housing, education contributions, on site open space and improvements to the foul pumping station. No dispute has been raised in terms of these matters and therefore no viability assessment has been submitted. The viability of the site is therefore not questioned and the applicant is not seeking to depart from the planning obligation requirements.

5. Housing Delivery Statement

The applicant is a house builder (Bloor) who has a track record of delivering the sites they gain planning permission for within this authority and not land banking sites. Bloor Homes would exercise their option to purchase the land if permission is granted. A 2 year permission is therefore accepted. Subject to

planning permission being granted in the Autumn of 2015 it is their intention to start on site as soon as possible in spring 2016. With the annual completion rates being 9 in 2016, 25 in 2017 and 25 in 2018. The anticipated completion date of the development would be 2019.

7.28 Agricultural Land Classification

An Agricultural Land Classification Survey was requested following the submission of the planning application as from the data available it was not clear if the development site was subgrade Grade 3a or subgrade Grade 3b agricultural land. Subgrade 3a land is classed as Best and Most Versatile agricultural land and is protected by planning policy. Although surveys had been done for adjacent agricultural land for the bypass in 1989 by ADAS, the application site had not been included.

7.29 The initial report submitted undertaken by Rostons Land and Property Specialist's was a desk based report which did still not distinguish between subgrade 3a or 3b and simply claimed the site was Grade 3. A further report was therefore requested and submitted by Reading Agricultural Consultant's Ltd which undertook an on-site investigation of the soil. This concludes that the land is Grade 3b. Welsh Government Land Use Unit have confirmed that the survey has been completed in accordance with the 1988 MAFF ALC Guidelines. The soil types and grading stated match the background information and adjoining survey work completed in 1989 by ADAS. The survey therefore reliably reflects the agricultural land quality of the site. The site is therefore not Best and Most Versatile agricultural land.

7.30 Highways

The proposed vehicular access into the site is from Parc Issa and then Llys Gwynant via Bryn Road. Llys Gwynant is 5.5 metres in width and is deemed adequate to cater for the additional traffic generated by the proposed development. Llys Gwynant exits onto Bryn Road in close proximity to the access roads to the Argoed School. The Transport Assessment submitted with the application indicates that additional traffic generated from the development is unlikely to result in a significant impact on the operation of these junctions.

7.31 BRAND have submitted comments in relation to the highway impacts of the development. BRAND undertook their own traffic count/speed survey on Bryn Road for 6 days in April with a vehicle counter positioned to the left of Park Issa entrance by Cyfrifau Cymru Traffic Data Services. The total number of vehicles surveyed was 19,860 with 47% in excess of 30mph and 97% in excess of 20mph advisory limit. The Highways Development control manager has assessed their traffic count/speed survey data and concerns.

7.32 The Highway Development Control Manager considers in terms of the generation of vehicle movements it is wrong to assume that there will

be two cars associated with every new and existing property and that this will lead to 170 vehicle movements. The developer accessed the TRIC's database of traffic surveys, a recognised source of traffic data, which provides the evidence base for the submitted Transport Assessment. The Transport Assessment sets out the anticipated hourly vehicle movements associated with the proposed development as an average daily total of 5.324 trips per property. This also includes anticipated flows for the worst case scenario based on the maximum traffic generation of the proposed development with peak flows on the highway which was identified to be the 17.00-18.00 period. BRAND are concerned about the impact of additional traffic during the hours associated with school movements. The Construction Traffic Management Plan would enable control over deliveries and construction site traffic outside peak school traffic periods associated with pick-ups and drop offs.

- 7.33 BRAND have also questioned other aspects of the developer's Transport Assessment. They state that it fails to identify HGV movements, which is incorrect. The technical terminology used in a Transport Assessment refers to them as Passenger Car Unit (PCU's) which refers to both light and heavy goods vehicles and assumes a HGV is the equivalent of two light vehicles.
- 7.34 BRAND's traffic survey includes speed data. Speed surveys have not been submitted with the planning application by the applicant. The site is located within a 30mph zone, with a 20mph advisory for the school entrance. While it is acknowledged that all traffic will not adhere to the speed limit, the enforcement of this is for the police, as is the management of vehicles causing a danger or obstruction to the highway by parking. While the Council has powers to apply loading or waiting restrictions where necessary, this matter have been considered by the relevant department within the Council and it is not considered necessary to impose any restrictions in this instance.
- 7.35 A comparison of the results from the submitted BRAND traffic survey with the information provided by the applicants indicate similar levels of traffic flow on Bryn Road, showing it is a popular route but the levels of traffic flows are not considered exceptional. The Transport Assessment assesses the capacity of junctions using industry standard software adding traffic from the proposed development to existing flows with allowances for future traffic growth. The results show that the development will have an impact but the level of the impact would not be significant and the Highways and Development Control Manager raises no objection to the proposed development.
- 7.36 BRAND also refer to the fact that since the Transport Assessment was undertaken the doctor's surgery in Buckley has opened and this has increased the traffic along Bryn Road. Whilst it is acknowledged that some visitors to the surgery may use Bryn Road it is considered unlikely that additional traffic volumes will be significant. A Transport

Assessment was submitted in support of that development and did not identify any significant off site highway implications.

- 7.37 The Transport Assessment refers to a number of local amenities which are in close proximity to the site. Whilst it would be possible to walk to these facilities in reality it is considered that these facilities are likely to be accessed by the private car. However it is considered that any additional car trips are unlikely to have a significant impact on the operation of the highway network.
- 7.38 The nearest bus stops to the site are on Bryn Road near Cherry Drive, 300 metres from the site entrance and on Llewelyn Road. While the current level of bus services in the area and the location of bus stops is not ideal to serve the development, the provision of services is a commercial decision by the bus companies and this provision could increase if there are more potential service users. There are no shelters or raised boarding kerbs at these stops and therefore these facilities should be improved as part of this development. The Transport Assessment fails to recognise all of the bus services available in the area or mention the train stations at Buckley (3 miles away) or Shotton. A condition would be imposed requiring a Residential Travel Plan to be submitted which would need to make reference to all public transport options available to residents.
- 7.39 It is proposed to create a pedestrian/cycleway adjacent to the proposed open space connecting the site to the existing residential development in Llys y Graig. However Llys y Graig is a private drive at this point and is not adopted highway or within the control of the developer, therefore unless there is third party agreement to this linkage it is unlikely to come forward. This link would provide existing residents access to the new open space and would link the two developments, however without it the majority of travel distances would not be significantly increased and the sustainability of the site is not significantly comprised.
- 7.40 A new footway is to be provided linking the existing footpath on Bryn Road opposite the Argoed School, to the Buckley Common as part of a Welsh Governments 'Safe Routes in Communities' grant funded scheme. The funding for this has been secured by the Council and a tender process is currently under way to implement the scheme and it is expected to be delivered within the current financial year. Bloor Homes have offered to provide a Unilateral Undertaking to pay a contribution of £27,000 towards the proposed footpath improvements along Bryn Road, however this is not a planning or highways requirement and is not something that should be considered in the planning balance.

- 7.41 The development provides 115 car parking spaces and 27 garages of which 18 are detached and 9 integral. This provides adequate parking in associated with the Council's maximum parking standards as set out in Policy AC18.
- 7.42 Landscape and Visual Impacts
In light of the UDP Inspector's comments on the site the application was accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by TPM Landscape. The site has also been designed to reduce the impact on the landscape with this being a key factor in the design of the development. The site is 3 hectares and with the open space and sustainable drainage area the site is developed at 20 dwellings per hectare. This is therefore low density development.
- 7.43 The submitted LVIA has been reviewed for the Council by an independent Landscape Architect who considered that the approach taken is acceptable and follows current guidance.
- 7.44 The LVIA used an immediate study area of 1km extending to a limit of 5km which is considered adequate for residential development of this nature. This included assessments of the impact of the development from a range of viewpoints from both publically accessible locations and views from residential properties. There is a 15 metre difference in levels across the site. At the request of the Council's consultant a number of cross sections were submitted to show the proposed development in relation to the existing residential edge.
- 7.45 The LVIA was undertaken in September 2013 when the trees were in full leaf and did not therefore represent the worst case. The Council's appointed Landscape Architect visited the site, viewpoints in the LVIA, public footpath to the west and several locations to the residential edge including two rear gardens in February 2015 when the trees were not in leaf and hedges were trimmed. The Council's consultant considered that the eight viewpoints were a representative range of types and distances.
- 7.46 The LVIA includes a detailed character appraisal of the site in the context of the wider landscape and makes reference to the LANDMAP data. It falls within aspect area FLNTV S009 which relates to countryside on the edge of urban development where both unattractive and attractive elements are a feature and which has human settlement and activity which reduces the tranquillity of the landscape. The landscape in the vicinity of the site is assessed as ordinary landscape quality of low to moderate landscape value. The site has no landscape designations nor is it likely to have an effect on any designations such as the AONB to the west.

- 7.47 The visual summary concludes that the visual envelope of the site is quite limited and the only high visual impact would be for residents directly adjacent to the site. The visual effects would be substantial for properties on the edge of the site. The visual summary concludes that the other close views from the nearby public footpath are filtered by trees and would be less visible and obtrusive than the apartments to the ridgeline at Llys y Graig. The Council's consultant agreed with this view however she did not agree that any mid/longer distant views would be heavily filtered with urbanising elements such as electricity pylons and the apartments on the ridge line. She considered that the site is clearly visible below the ridgeline from land to the north east as it slopes in this direction from parts of Pinfold Lane and Buckley Common. No consideration has been given to the effect of lighting.
- 7.48 It is considered by the Council's consultant that the proposed planting to the site boundaries will mitigate any potential views of the site from the north and east. The topography, existing development and vegetation of the general area considerably restricts potential views of the proposed development.
- 7.49 The significant visual effects would be the loss of visual amenity and views from the existing residential properties to the south, however it is considered that the additional structural landscaping now proposed mitigates these impacts.
- 7.50 While the Council's Landscape consultant stated that she can understand the Inspector's concerns when looking at the proposals in plan form as it does appear to protrude into the rural area and the topography would potentially make the development visible from the north and north east. However due to the presence of the prominent apartments at Llys y Craig, any new two storey development would have less impact than the existing built form when viewed from the north. The rural boundaries of the site are well enclosed and when reinforced will help screen the proposed development without any unacceptable incursion into the rural area. The adjacent land to west which is within the green barrier provides a strong boundary to the west.
- 7.51 The Council's Landscape Consultant concluded that although the effects would be slightly greater in the winter months than assessed in the LVIA, she is satisfied that the site could accommodate new development with low landscape and visual impact to the open countryside due to the mitigation proposed.
- 7.52 Trees
The proposed layout does retain all the significant trees on the site. The only trees proposed to be removed are small insignificant groups of young trees to gain access to the site. During the course of the application the Council's Arboricultural Officer has visited the site and is in the process of serving a Tree Preservation Order on the 8 mature

oak trees along the site's north western boundary. This will ensure this existing vegetation cover remains on this boundary which provides screening from the open countryside to the north.

7.53 Foul Drainage

Residents have raised concerns about the capacity of the foul drainage network in the area to accommodate flows from the development. Welsh Water consider that foul flows from this site can be accommodated on the network subject to the connection being at Manhole SJ26641801 and the developer funding an upgrade to the Park Issa sewage pumping station. This pumping station was designed to take flows from a much larger catchment area that it is currently dealing with and therefore has the ability to accommodate this development subject to the upgrading of the pumps. Welsh Water have agreed with Bloor Homes the scale and nature of the proposed work to the pumping station which would take 5 months to complete. This would be secured through a Grampian condition.

7.54 Surface Water

A Flood Consequences Assessment was submitted with the application. In terms of the TAN15 Development Advice Maps the site is within Zone A which is land deemed to be at the least risk of flooding. Surface water is going to be dealt with by a sustainable drainage system and there is a proposed SUDS pond in the northern corner making use of the natural land levels. This will then drain into the boundary watercourse system to the north. Flows from the development will be limited to existing greenfield rates into the ditch system. Natural Resources Wales have requested a condition to this effect.

7.55 Affordable Housing

The proposed layout provides for 30% affordable housing constituting 18 properties of which 14 are two bed properties and 4 are three bed properties. These would be made available on a shared equity basis sold at 70% market value with the 30% share retained by the Council. These would be sold to designated persons who qualify for the purchase of the units in terms of having a local connection and meeting other qualifying criteria as set out in the affordable housing statement. The Head of Housing Strategy is satisfied with the submitted level of provision and mix of dwellings types.

7.56 Open Space

The layout has been designed to minimise the impact on the landscape with a number of areas of open space of varying types, this equates to 6,128m² inclusive of the SUDS attenuation area. There is a proposed equipped play area to the western boundary of the site adjacent to the existing residential development with a proposed footpath/cycle link between the two developments. This area equates to 993m². There are also areas of informal open space within the development to reduce the impact on the landscape. These take the

form of wide margins between houses and the internal roads and are 452m², 815m² and 568m² respectively. The SUDS area would not take the form of a formal pond but a wet area depending on rainfall. This area is 3330m², 1420m² which would be dry and suitable space for informal play and kickabout space and 1880m² which would be the SUDS area but would remain unfenced.

- 7.57 This provides for 4248m² of formal and informal public open space. These areas would not be adopted by the Council but would be managed by a Management Company. The Council would consider the adoption of the equipped play area subject to it being equipped in accordance with the Councils standards and subject to maintenance payment. It is considered that the level of open space is therefore sufficient.

7.58 Ecology

An Ecological Report was submitted with the planning application undertaken by TEP which covers the habitat features and potential protected species issues. The site is approximately 1km from the Deeside and Buckley Newt SAC and over 500 metres from the nearest pond. The application site is a horse grazed pasture of limited ecological value with hedgerows and trees on 3 boundaries. The hedges are predominately hawthorn with holly, blackthorn, hazel and oak trees. These are the key features of the site and need to be retained and enhanced through future management. These offer foraging habitat for bats and are identified to have roosting potential. These trees are proposed to be retained, however if any work is required to be carried out to the trees for Health and Safety reasons then a more detailed survey of the trees will be required as recommended through the ecological report. This can be dealt with by condition.

- 7.59 A low level lighting scheme is recommended within the ecological report during both construction and post development is advised to ensure that the hedgerows remain as dark corridors. Any clearance works related to the removal of hedgerow for the access should be undertaken within the bird breeding season.

8.00 CONCLUSION

- 8.01 The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise. In this instance it is considered the need for a 5 year land supply is a material consideration which outweighs the fact the site is outside the settlement boundary and is a departure from the development plan. Furthermore the site is considered to be sustainable, viable and deliverable in order to come forward within the next 5 years to meet the supply. The matter of the upgrade to the foul pumping station has been costed out and the applicant is willing to undertake this work. This has been estimated to

take 5 months to complete and would be a prior to occupation requirement for the completion of the works, therefore this would not delay the implementation of the site.

In order to ensure that the site comes forward to meet the current shortfall a 2 year planning permission is proposed with a requirement for a phasing plan to ensure that the site is delivered in the short term

Although this application is a departure from the development plan and has been advertised as such, it would not need to be referred to Welsh Government under The Town and Country (Notification) (Wales) Direction 2012. The Direction requires local planning authorities to refer applications for 'significant residential development' where they are minded to grant planning permission for residential development of more than 150 residential units, or residential development on more than 6 hectares of land, which is not in accordance with one or more provisions of the development plan in force. The application does not fall within this definition.

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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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