

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 22 JUNE 2016**

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

SUBJECT: **GENERAL MATTERS - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 40 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS AND ALL OTHER MATTERS RESERVED AT RHOS ROAD, PENYFFORDD**

1.00 APPLICATION NUMBER

1.01 053656

2.00 APPLICANT

2.01 WHITE ACRE ESTATES

3.00 SITE

3.01 RHOS ROAD,
PENYFFORDD.

4.00 APPLICATION VALID DATE

4.01 06.05.15

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Council's current position in relation to an appeal against the refusal of planning permission and to seek a resolution to withdraw the current reason for refusal.

6.00 REPORT

6.01 Members resolved to refuse "Outline planning permission for the erection of 40 dwellings with associated access and all other matters reserved" at Rhos Road, Penyffordd in accordance with the officer recommendation at Planning and Development Control Committee on 20th January 2016. The reason was;

“There is no capacity in the existing foul drainage network to accommodate flows from the development and a solution to this lack of capacity has not been identified. The site is being promoted on the basis of the current shortfall in housing land supply but it has not been adequately demonstrated that it can come forward in the short term to address that need. There is therefore uncertainty in the deliverability of the site and the sustainability of the site has not been adequately justified to comply with Planning Policy Wales Edition 8 paragraph 4.2.2. It is therefore considered that the site is contrary to paragraph 6.2 of TAN1 as the application would not comply with the development plan and other national planning policies. The application is for residential development on a site located in the open countryside outside a defined settlement boundary and is therefore contrary to Policies STR1, GEN3, HSG4, EWP16 & GEN1.”

- 6.02 An appeal has now been submitted following the refusal of planning permission. The appeal is being dealt with by written representations with a start date of 3rd June. The Council has to submit a written statement by 15th July.
- 6.03 At the time of the committee resolution the applicant had commissioned a Hydraulic Modelling Assessment (HMA) through Welsh Water to assess the capacity issues in the foul network and whether there was a viable solution to this, however, the results of that modelling exercise had not been completed at that time. Therefore the Council did not have any information as to whether the site could be accommodated within the existing network and whether a solution was available and viable. The application was therefore refused on the above grounds.
- 6.04 Since the refusal of planning permission Welsh Water’s HMA has been completed. The purpose of the HMA it to quantify the effects in terms of network flooding and Combined Sewer Overflow that the development would have on the existing combined sewer network. It is proposed that surface water runoff would be dealt with separately from foul flows and would not be discharged into the existing combined sewer. The HMA therefore only deals with the proposed foul flows from the development. Surface water is to be discharged to a surface water sewer which discharges into a water course. Welsh Water have no objection to this element.
- 6.05 The HMA has been based on a foul connection into the network at a specific point in the network at SJ29618218 on Rhos Road. The developer has advised that the development flows would need to be pumped to this location via an onsite pumping station. The combined sewer overflow spill frequency and volume assessment has indicated that the development does not cause detriment at Penyffordd Transfer sewerage pumping station. The HMA has highlighted that the

development causes detriment with regard to model predicted flooding at and near the location of reported flooding. It is therefore deemed necessary for solutions to mitigate this detriment.

6.06 The HMA has therefore identified 3 solutions to resolve any potential detriment to the network. Welsh Water have also indicated the proposed costs of these solutions. Welsh Water prefer Options 1 or 2.

6.07 These are;

- Option 1 – Disconnection of surface water runoff from the roof of the Red Lion Public house at Corwen Road with storm flows to be diverted into the surface water system in the road. £149,000
- Option 2 - Disconnection of surface water runoff from the roof of the Millstone Public house at Hawarden Road with storm flows to be diverted into the surface water system in the road. £129,000
- Option 3 – Upsizing of a 47 metre section of the sewer from 300mm diameter to 375mm diameter to increase capacity in the existing foul network, along with an earth bund to prevent flooding at Black Brook as a result of this solution. £167,000

6.08 Welsh Water would now accept a condition to require the implementation of one of these solutions. They would request that the condition refers to the implementation of a solution prior to the commencement of development on site. They have indicated that any of the solutions could be implemented within 12 months either; with third party agreement and undertaken by the developer or through Welsh Water undertaking the works through their powers.

6.09 The applicant accepts the results of the HMA and is willing to undertake either solution and has stated that the cost of the solution would not affect the viability of the scheme. They would therefore accept a condition to secure the implementation.

6.10 It is therefore considered that the Council cannot substantiate the reason for refusal, as a solution to the capacity in the network is feasible and could be implemented within a reasonable timeframe. This therefore removes the uncertainty over the development of the site and as a solution can accommodate the foul flows within the network the site is now considered to be sustainable.

6.11 If the planning balance exercise is now reassessed it is considered that it has been demonstrated through the Hydraulic Modelling Assessment that the site can be developed in the short term. As this is an outline application the works required could be implemented while the reserved matters applications are under consideration, therefore the site could come forward to meet the current short fall in housing land supply. It is therefore considered that the development is

justified to comply with Planning Policy Wales Edition 8 paragraph 4.2.2 and complies with paragraph 6.2 of TAN1.

7.00 RECOMMENDATIONS

- 7.01 That, in light of the HMA, and given Welsh Water would now accept a condition requiring the implementation of the works to accommodate the foul flows in the network, the Council withdraws the reason for refusal in defence of the current appeal.
- 7.02 The suggested conditions to be put forward to the Inspector include the following:-
1. Submission of reserved matters within 12 months
 2. Two year permission
 3. No development shall commence unless a scheme to increase the capacity in the foul drainage network has been submitted to the Local Planning Authority and approved by them in writing and that scheme has been implemented in full to the satisfaction of Welsh Water and the Local Planning Authority.
- 7.03 The Council will seek the following S106 undertaking for the following (the requirement for this are referenced at paragraph 3 of the attached Committee report)
- An education contribution based on £18,469 per pupil to Castell Alun High School towards classroom extensions; and
 - Open space provision in the form of an extension within the development site to the existing adjacent children's equipped play area to the north of the site, to be equipped and enclosed to the satisfaction of the Council, along with the relevant maintenance contribution and a contribution of £1,100 per dwelling to provide a wheeled sports facility at Mill Stone recreation ground; and
 - To provide for a detailed scheme to be submitted at reserved matters stage to provide for affordable housing delivery in accordance with affordable housing policy requirements.

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