

FLINTSHIRE COUNTY COUNCIL

DATE: **29TH APRIL 2020**

REPORT BY: **SENIOR PLANNING OFFICER MR M HARRIS TO
THE CHIEF OFFICER (PLANNING,
ENVIRONMENT AND ECONOMY)**

SUBJECT: **FULL APPLICATION – REGRADING OF
EXISTING AGRICULTURAL LAND AT NANT-Y-
GRO, GRONANT**

**APPLICATION
NUMBER:** **060782**

APPLICANT: **WATES CONSTRUCTION LTD**

SITE: **NANT-Y-GRO, GRONANT.**

**APPLICATION
VALID DATE:** **4TH DECEMBER 2019**

LOCAL MEMBERS: **COUNCILLOR MS S BRAUN**

**TOWN/COMMUNITY
COUNCIL:** **LLANASA COMMUNITY COUNCIL**

**REASON FOR
EMERGENCY
DECISION:** **SCALE OF DEVELOPMENT RELATIVE TO
DELEGATION SCHEME AND THE ECONOMIC
IMPACT TO THE DEVELOPER IF THE
APPLICATION IS NOT DETERMINED BY THE
CHIEF EXECUTIVE DELEGATING HIS POWERS
TO THE CHIEF OFFICER OF PEE**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This full planning application proposes the regrading of approximately 4.81 hectares of existing agricultural land at Nant –y- Gro, Gronant, utilising material that has been excavated from the adjacent site that is currently under construction for 41 No dwellings. This development was permitted under 058304 in August 2018 and forms part of the Council's (SHARP) Strategic Housing & Regeneration Programme

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

2.01 1. Time limit for commencement

2. In accordance with approved plans
3. Assessment of condition of recipient and donor site to be undertaken to secure adequate mitigation from pollution /contamination if necessary.
4. Construction Management Plan to ensure protection of construction workers, general public and neighbouring occupiers from airbourne pollution during the construction phase.
5. Construction Traffic Management Plan to be submitted and approved.
6. Regrading to be set back 3m from existing tree and hedgerow root systems
7. Method statement for protection of sewer crossing site

3.00 CONSULTATIONS

3.01 Local Member
Councillor Ms S Braun
No response received.

Llanasa Community Council
No response received

Highway Development Control
No objection subject to the imposition of a condition requiring the submission /approval of a Construction Traffic Management Plan.

Community and Business Protection
Recommend that an assessment of the condition of both the donor and recipient sites is needed to allow the potential effects upon human and animal health and the environment to be undertaken before development commences.

Natural Resources Wales
Protected Species – no objection.

Waste – it is noted the proposal proposes to bring earth material onto the site which will originate from an adjacent development site within the same ownership. In this case, the soil from the residential development would not be classed as waste as it is to be used within the whole site curtilage.

Welsh Water/Dwr Cymru
No objection in principle subject to the submission of a method statement /risk assessment for the protection of the structural condition of the public sewer crossing the site.

Council Ecologist
Ecologically the land is primarily agriculturally improved grassland and there is no objection to the regrading.

Council Forestry Officer

No objection subject to the regrading being offset from the hedges and tree canopies/root protection areas by 3m.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

3 No letters of objection received the main points of which can be summarised as follows:-

- potential risks of land contamination
- increased traffic generation
- impact on residents from noise disturbance

5.00 SITE HISTORY

5.01 058304 – Proposed erection of 41 No dwellings and associated gardens and car parking. Permitted 3/8/ 2018

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR7 – Natural Environment

Policy STR10 – Resources

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy TWH1 – Development Affecting Trees and Woodlands

Policy TWH2 – Protection of Hedgerows

Policy L1 – Landscape Character

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy RE1 – Protection of Agricultural Land

Policy EWP8 – Control of Waste Development and Operations

Policy EWP12 – Pollution

Policy EWP16 – Water Resources

Additional Guidance

Planning Policy Wales (PPW) – Edition 10

Environmental Protection Act 1990

PPG6 – Working at Construction and Demolition Sites

7.00 PLANNING APPRAISAL

7.01 Introduction

This full planning application proposes the regrading of approximately 4.81 hectares of existing agricultural land at Nant –y- Gro, Gronant. It is intended to utilise material that has been excavated from the adjacent site that is currently under construction for 41 No dwellings

permitted under 058304. This residential scheme forms part of the Council's (SHARP) Strategic Housing & Regeneration Programme

7.02 Site /Surroundings

The L-shaped site the subject of this application is located to the north of the residential scheme referenced, and currently under construction at Nant y Gro, to the east of Gronant Hill and south of residential properties at Mostyn Road. The site levels vary with there being a general incline to the north, with hedgerows/low fencing defining the site boundaries.

7.03 Proposed Development

It is proposed that the existing agricultural land is regraded based on its current contouring, and will result in an overall and consistent increase in the land levels across the site by approximately 400mm, utilising material excavated from the adjacent site. It is proposed that the end use remains as existing for agricultural purposes.

7.04 Main Planning Considerations

It is considered that the main issues to be taken into account in determination of this application can be summarised as follows:-

- i) Principle of development
- ii) Impact on character of the landscape
- iii) Nature of operations
- iv) Adequacy of highways
- v) Impact on living conditions of occupiers of nearby properties
- vi) Impact on landscape features /ecology

7.05 Principle

The principle of the regrading of the existing landform to retain its agricultural use is acceptable in accordance with the planning policy framework referenced, subject to relevant development management considerations.

7.06 Impact on Character of Landscape

The proposed deposit of approximately 19,000m³ of material over approximately 4.81 hectares, would result in an increase in land levels by some 400mm over the total site area. It is considered that in visual terms this increase would be acceptable and can be assimilated into site/wider surroundings whilst maintaining the existing character. Subject to ensuring that the root systems of existing trees /hedgerows are safeguarded, the application can be supported.

7.07 Nature of Operations

Consultation has been undertaken with both Natural Resources Wales (NRW) and the Council's Contaminated Land Officer. It has been confirmed by NRW that they have no objection to the application on the basis of the details submitted.

7.08 The Council's Contaminated Land Officer does however have concerns regarding the need to ensure that the material to be deposited is inert and recommends that an assessment of the condition of both the donor and recipient sites is needed to allow the potential effects upon human and animal health and the environment to be undertaken before development commences. This can be secured by planning condition,

7.09 Highways

Consultation on the application has been undertaken with Highway Development Control. No objection to the proposal has been raised from a highway perspective as the proposal involves the movement of material onto an adjacent site. It is however recommended that any permission includes a condition to secure the submission /approval of a Construction Traffic Management Plan (CTMP), to control vehicle movements in the interests of highway safety.

7.10 Impact on Living Conditions

Of fundamental importance in consideration of this application is ensuring that the impact of development on the living conditions of the occupiers of nearby residential properties is safeguarded. This is particularly relevant in respect of avoiding any potential pollution of the site and managing construction traffic. A proposal for further testing of the soil is set out in paragraph 7.08 and a condition has been imposed. To manage construction traffic a construction traffic management plans is required. Whilst it is considered that this will address /control vehicle movements from a highway safety perspective and construction management plans is also required to allow the Council to control the days /hours of operation in order to minimise disturbance to residents at Mostyn Road, Gronant Hill and Nant y Gro respectively.

7.11 Impact on Ecology / Trees / Hedgerows

Consultation on the application has been undertaken with the Council's Ecologist and Forestry Officer. It has been confirmed that there is no objection to the development from an ecological perspective. It is however recommended that in order to safeguard existing trees /hedgerows on the site that regrading is offset from the hedges and tree canopies/root protection areas by 3m. This can be secured by the imposition of a planning condition.

7.12 Other Matters

Third parties have raised concerns regarding noise. Any noise generated by the development will be for a limited time and it would not be anticipated that this would exceed normal levels of noise generated by construction. Although noise generated by construction can cause some disturbance, this is normally minor and short-lived and does not outweigh the benefit that the provision of much needed new housing facilitated by this proposal.

8.00 CONCLUSION

In conclusion it is considered that the principle of development can be supported. This is however subject to the imposition of conditions to address pollution, highway, & amenity matters referenced and secure the health of existing trees hedgerows which form important landscape features at this location. I therefore recommend accordingly.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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