

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 27 OCTOBER 2021**

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

SUBJECT: **OUTLINE APPLICATION FOR 28 DWELLINGS AT
LAND AT LLYS NEWYDD, RUTHIN ROAD,
GWERNYMYNYDD**

**APPLICATION
NUMBER:** **060696**

APPLICANT: **MRS AND MRS JANE AND CAROL JONES AND
HOULT**

SITE: **LAND AT LLYS NEWYDD, RUTHIN ROAD,
GWERNYMYNYDD**

**APPLICATION
VALID DATE:** **11th DECEMBER 2019**

LOCAL MEMBERS: **COUNCILLOR ANDY HUGHES**

**TOWN/COMMUNITY
COUNCIL:** **GWERNAMYNYDD COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is an Outline application for the residential development of 28 dwellings, with all matters reserved other than access at land at Llys Newydd, Ruthin Road, Gwernymynydd.

**2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION
FOR THE FOLLOWING REASONS**

2.01 1. The proposal would result in an inappropriate form of development in the open countryside which does not relate well to the existing pattern of development in the area, and would result in a uncharacteristic form of development which

does not integrate well with the existing built form and vernacular. As such the proposal represents an illogical and unsustainable extension to the settlement which would be contrary to Policies STR1, STR7, GEN1, GEN3 and HSG4 of the Flintshire Unitary Development Plan

2. In the opinion of the local planning authority insufficient information has been provided with regards to the access from the site to the A494 trunk road. It has not been demonstrated that it is possible to achieve a safe and satisfactory access to the site. As such the proposal is considered to be contrary to policies STR1, STR2, GEN1 and AC13 of the Flintshire Unitary Development Plan.
3. In the opinion of the local planning authority the proposal fails to maintain or enhance the natural beauty, wildlife and cultural heritage or preserve the natural tranquillity of the AONB and is therefore contrary to policy L2 of the Flintshire Unitary Development Plan.
4. In the opinion of the local planning authority, given the topography of the site and the amount of development proposed, the development is considered to be above a level that can sensibly be achieved. As such the proposal represents overdevelopment of the site which fails to reflect the characteristics of the locality and is therefore contrary to policies GEN1, D1 and HSG8 of the Flintshire Unitary Development Plan.
5. In the opinion of the local planning authority insufficient information has been submitted in order to demonstrate that the development would not lead to an increase in phosphate levels in the River Dee and Bala Lake SAC. As such it is considered that the development is contrary to policies WB2 and EWP16 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member: Councillor Andy Hughes

No response at time of writing

Gwernymynydd Community Council

The community council has no objection in principle to a proposed development on this site providing the said development is appropriate and in keeping with by design with the village and its topography. By satisfying these criteria any such development would then comply with the Gwernymynydd Village Development Plan, a document produced by full consultation and agreement with the respective community and Flintshire County Council.

The council consider that the application in its present form is not appropriate and it does not agree with what is required or needed in

Gwernymynydd. Therefore the members of the community council emphatically resolved to object to this proposal for the following reasons:

- Access/egress to site
- Surface water run off to neighbouring properties
- Potential contamination
- Potential overstretching of existing foul water drainage system
- Impact on fresh water well on site
- Impact upon public footpath
- Topography of site and its effect on design of houses, also its position outside settlement boundary.
- Ecological mitigation does not adequately resolve impact upon bats and birds.

Highways Development Control

The application is submitted in outline only with all matters reserved with the exception of access. Access is proposed direct to the A494 trunk road where Welsh Government are highway authority; comments regarding access should be sought from NMWTRA.

The planning agent submitted a PAC during October 2019 and although FCC highways were a consultee, the consultation was never received, hence no response was provided.

FCC Highway consideration is limited to the internal layout of the development, the adoptable roads and parking provision. Although the site layout is a reserved matter, the application is supported by a "Site Plan as Proposed". Albeit indicative, detail contained on the plan raises some concern to the extent that a recommendation of refusal would be made to a reserved matters consultation.

Highways (Right of Way)

Public Footpath 37 crosses the site. The applicant must contact the Rights of Way Section before proceeding with any works. The legally defined public right of way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before commencement of any of the development. The surface of the right of way must not be disturbed without lawful permission and development over the line of the public right of way must not commence until any necessary diversion or extinguishment has been lawfully authorized under the appropriate legislation.

Community and Business Protection

No objections in principle to this application, however, the site is in an area with an extensive mining history and as such there is potential for the land to be contaminated with lead and other minerals/metals associated with mining operations. Therefore, it is recommended that

the Land Contamination and Noise conditions are attached to any approval you may grant.

Welsh Government Highways

Welsh Government as Highway Authority for the A494 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must submit revised access drawings making best use of road space available on the A494 trunk road. The proposal must avoid conflicting vehicle movements with existing and permitted development. The revised drawing must incorporate the following aspects:-

- a) Visibility Splays in either direction from a suitable set-back.
- b) Gradient of the access road and the A494 trunk road carriageway
- c) Access width and radii dimensions
- d) Access surfacing type along with depth and width dimensions

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB).

CPAT

Information retained within the Historic Environment Record indicated that the proposed new dwellings may impact a former hollow way track (PRN 98674) running along the southern boundary of the northern plot and an undated well on the same southern boundary which is marked on the first edition OS mapping.

Any remains of the well revealed by the watching brief will need to be fully excavated if they cannot be preserved in situ. A cut across the width of the hollow way will be required to record a profile of this feature for the watching brief.

It is therefore recommend that appropriate archaeological monitoring should take place so that any archaeology identified can be fully recorded.

Welsh Water/Dwr Cymru

In principle it would advised that foul flows can be accommodated within the public sewerage system. Accordingly if you are minded to grant planning permission for the above development we would request the following conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment.

Natural Resources Wales

NRW have significant concerns with the proposed development as submitted. They recommend that planning permission should only be

granted if the following conditions are attached to the permission. They also recommend that a number of identified documents are included within the condition identifying approved plans and documents on the decision notice. Otherwise we would object to this planning application.

Area of Outstanding Natural Beauty Joint Advisory Committee

Although just outside the AONB the Joint Committee considers that the site is within the protected landscape and is disappointed that the Supporting Statement accompanying the application does not consider this as an issue. The site is outside the defined settlement boundary of Gwernymynydd in the current UDP and the emerging replacement LDP for Flintshire and its development is clearly contrary to current and proposed local planning policy. Furthermore the scale of development proposed appears to be an overdevelopment of the site and the indicative layout fails to take account of the need to respect and retain the rural character of the locality. In addition, no reference is made to the need to provide affordable housing for local people as part of the application.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

22 Letters of objection received

- Access and traffic issues
- Overdevelopment/ over urbanisation of village
- Land drainage issues
- Site contamination
- Overbearing impact of development
- Impact upon historic features- especially historic well
- Impact upon public footpath

5.00 SITE HISTORY

5.01 037375- Outline- Residential development- Refused 15/03/2006

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy GEN1 – General Requirements for Development

Policy GEN3 – Development Outside Settlement Boundaries

Policy D2 – Design, Location and Layout

Policy L2- Areas of Outstanding Natural Beauty

Policy HE8 Recording of Historic Features

Policy AC2 – Pedestrian Provision and Public Rights of Way

Policy AC13 – Access and Traffic Impact
Policy AC18 – Parking Provision and New Development
Policy HSG4 – New Dwellings Outside Settlement Boundaries
Policy HSG8 – Density of Development
Policy HSG9 – Housing Mix and Type
Policy HSG11- Affordable Housing in Rural Areas
Policy EWP13- Nuisance
Policy EWP14- Development of Contaminated Land

Local/Supplementary Planning Guidance Notes

- SPGN 2 - Space around dwellings
- SPGN 4 - Trees and Development
- SPGN 9 - Affordable Housing
- SPGN 11 - Parking Standards
- SPGN 13 - Open Space Requirements
- SPGN23- Developer Contributions to Education

National Planning Policies:

- Planning Policy Wales – Edition 11 (Feb.2021)
- Future Wales: The National Plan 2040 (FWP 2040)

It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation

7.00 PLANNING APPRAISAL

7.01 Proposal

This is an outline application for the residential development of 28 dwellings, with all matters reserved other than access.

7.02 Site

The site is located in an area of open countryside adjacent to but outside the settlement boundary of Gwernymynydd. The site is located to the south of the A494 Mold to Ruthin road. The site covers an area of 1.53 hectares of unmanaged grassland and it is characterized by its steep rise in elevation from the highway. It is currently screened by trees to the site frontage. Public footpath 37 runs across the site.

7.03 Main Issues

In determining this proposal it is necessary to establish whether the proposal represents sustainable development and the weight to be attached to increasing housing land delivery. In other words, are there material planning considerations which warrant development contrary to the adopted development plan.

7.04

Whilst the application is made in outline an indicative layout has been provided and it is possible to consider likely impacts of the development upon the character and amenity of the locality, albeit mindful of the indicative nature of the details provided.

7.05

The main issues are therefore considered to be:

- Principle of Development
- Housing Delivery
- Access and Highways
- Character and Appearance
- Drainage

Principle of Development

7.06

The site is located outside the settlement of Gwernymyndd. In areas outside of recognized settlement boundaries there is a presumption against such a form of development, in accordance with policy HSG4 of the Flintshire Unitary Development Plan. However, appeal decisions have established that with the time expired UDP, and the lack of a 5 year housing land supply, existing settlement boundaries should carry limited weight.

7.07

In the adopted UDP Gwernymyndd is a category B settlement and in principle is a sustainable location for development. Although Gwernymyndd did not have a housing allocation, the settlement boundary included several large parcels within it which were designated as 'white land'. Category B settlements had an indicative growth band of 8-15% but this does not represent a target or quota and it is not the case that every settlement had to achieve growth over the Plan period. By the end of the Plan period (April 2015) Gwernymyndd had only achieved 2% growth. However, this must be compared with the present situation during the early part of the LDP period, where there are several planning permissions within the settlement and one under construction. The site at the Rainbow Inn has planning permission for 17 units and is under construction, with some units completed. Outline planning permission also exists for 10 dwellings at Siglen Uchaf and for 3 units on an adjacent site at Fernleigh.

7.08

In the emerging LDP Gwernymyndd is identified in the 5 tier settlement hierarchy as a tier 4 Defined Village where new housing allocations will not be made. Rather, the role of the settlement is to

facilitate development which delivers local needs affordable housing through windfalls and small sites of a scale related to the settlement. The preceding paragraph demonstrated that there already is growth occurring in the settlement and further potential exists through planning permissions. The settlement hierarchy is based on detailed settlement audits which were prepared at an earlier point in the Plans preparation. These settlement audits looked at the location, size, form, character and role of each settlement and its sustainability in terms of accessibility and services and facilities. Despite its proximity to Mold, Gwernymymydd was not considered to have the services and facilities to warrant its positioning higher up the settlement hierarchy. The sustainability of this location will be looked at further into this report.

7.09 Given the above there does not appear to be an argument in favour of supporting this speculative development outside of a settlement boundary. The development does not comply with policies GEN1, GEN3 and HSG4 of the Flintshire Unitary Development Plan.

7.10 Housing Delivery and LDP

With the permanent revocation of TAN1 there is no longer a requirement to maintain a 5 year supply of housing land. Instead, housing delivery for each authority will be measured against the trajectory of the adopted LDP. For those authorities who adopt a Plan following the publication of the revised Development Plan Manual guidance, applicable to Flintshire, the Anticipated Annual Build Rate (AABR) method will be used.

7.11 Welsh Government have confirmed that in relation to the new approach to measuring housing provision against the LDP trajectory, that whilst the LDP is not yet adopted the use of the draft LDP trajectory is a material consideration in assessing speculative applications such as this proposal. In terms of present LDP performance in enabling the delivery of housing, in the first 4 years of the LDP Plan period, the County has seen annual completions of 662 (2016), 421 (2017), 608 (2018), 454 (2019) and 464 (2020) which gives a total of 2,609 completions or an average of 521 units per annum. This is in excess of the Plan requirement of 6950 dwellings (or 463 units per annum) and is very close to the Plan's overall housing provision of 7,950 dwellings (or 530 units per annum). The LDP is therefore on track to deliver not only the amount of housing it is required to meet, but also the rate provided in the Plan taking account of the flexibility allowance of 18.1%.

7.12 The evidence base alongside the Deposit LDP clearly demonstrates that the Plan has and will continue to deliver its housing requirement. In the context of the new arrangements for monitoring housing

provision, notwithstanding that the LDP is not yet adopted, evidence of actual housing provision in the first four years of the plan period demonstrates that the plan is in line with its draft trajectory, which is a material consideration in determining this application for speculative development on a site outside a defined settlement boundary and not allocated in the UDP or emerging LDP. It is also important to mention that Welsh Government, in their formal representations on the Deposit Plan have no fundamental concerns about the soundness of the Plan. In their covering letter Welsh Government states '*The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect*'. In the supporting document the Welsh Government 'support in principle' the scale and location of homes and jobs. This formal response does not suggest that there are concerns about the Plan 'not delivering' or being unsound.

7.13 The site is close to Mold, which is a category A settlement in the UDP and a Tier 1 Main Service Centre in the Deposit LDP. Mold saw actual growth of 10.1% over the UDP period and is presently seeing development at Broncoed (86 units) and Maes Gwern (160 dwellings). In the Deposit LDP a new allocation has been made on land between Denbigh Rd and Gwernaffield Rd for 246 units. The application site lies only 1.5km from the Maes Gwern site.

7.14 In the context of Gwernymynydd, where there is still land within the settlement boundary for development, and Mold where provision exists for a significant amount of housing (some of which is close to the application site) it is not clear what the justification is for the erection of 28 dwellings on a site outside the settlement boundary. Whereas the UDP spatial strategy distributed growth across all three categories of settlements, the Deposit LDP takes a more focused approach where growth is focused on only in the top three tiers of the settlement hierarchy.

Sustainability Considerations

7.15 Gwernymynydd no longer has a shop, but has a primary school, village hall and pub. The nearest shop would be Loggerheads PFS, some 2.4km to the west. The settlement is served by bus services between Ruthin and Mold (eleven services of which two services per day continue on to Chester) and Mold and Pantymwyn (10 services per day). For most services and facilities it will be necessary to travel into Mold or further afield, and despite the bus services, this is likely to be largely car based travel. Given the distance of the site from The Cross in the centre of Mold at 2.4km, this is beyond reasonable walking distance for most people.

7.16 Despite the supporting statement quoting PPW in relation to affordable housing, there is no reference as to what proportion / type

of affordable housing will be provided on the site. Given that the number of units is 28 units then the threshold in HSG10 is triggered in terms of a requirement for 30% affordable housing. This would equate to 8 units.

- 7.17 Development is taking place in Gwernymynydd and further consented development can also take place on appropriate/suitable sites. At a County wide level housing completions are being delivered at a rate which is above what the LDP is seeking to achieve. The Deposit LDP has set out how it seeks to meet its housing requirement and more specifically, development of 160 units is presently taking place in Mold, only a short distance from the site. In this context it is not considered that there is justification for a housing development outside the existing settlement boundary of Gwernymynydd. This is also qualified by the need for the proposed development to demonstrate more fully that it does represent sustainable development in terms of its location relative to services and facilities and whether it represents a logical extension to the settlement, or loss of open countryside, to the detriment of the character and appearance of the locality. In this case it is not considered that the proposal has sufficiently demonstrated that weight should be attached to increasing housing land delivery, or robustly demonstrated its sustainable credentials as required by the relevant policies.

Access and Highways

- 7.18 Access is proposed directly from the A494 trunk road. Welsh Government Highways are the Highways Authority for the trunk road. They have raised concerns over this development, particularly in conjunction with planning permissions on the opposite side of the highway in this location. The juxtaposition of these new accesses onto the trunk road would create what would be in essence a crossroads in this location. The application has been delayed due to meeting being required between the applicant and Welsh Government Officers, which ultimately have not taken place as a result of Covid restrictions. It appears that there may be a solution, although this would require substantial intervention into the existing highway. To date the information required by Welsh Government has not been provided. Given the in principle objections to the scheme discussed in this report it is not considered that waiting for any more time is beneficial to any party.

- 7.19 As Welsh Government are the Highways Authority for the adjacent highways network, FCC Highway consideration is limited to the internal layout of the development, the adoptable roads and parking provision. Although the site layout is a reserved matter, the application is supported by a "Site Plan as Proposed". Albeit indicative, detail contained on the plan raises some concern to the extent that Highways have commented that a recommendation of refusal would be made to a reserved matters consultation.

Of prime concern are proposed road gradients, indicated to be up to 1 in 7. A standard FCC planning condition would limit the gradient of adoptable roads to 1:15 although, in difficult locations, gradients of up to 1 in 12 could be considered with the inclusion of additional measures. Due to the topography of the site and the indicative road layout, the steepest gradients are likely to be on the inside of the bends and not the road centerline.

7.20 The minimum acceptable road centerline radius is generally accepted as 30m (with localized road widening); the radii as drawn appear to be in the order of 20m. A swept path analysis indicating the passage of an 11.5m re-cycling truck will be required. Any changes that are required to the road layout, could have implications on the maximum number of building plots that could be accommodated on the site.

7.21 The number of properties served from the private drive at the end of the cul-de-sac appears excessive; 5 plots would be the usually accepted maximum although Manual For Streets does accept a greater number where the road is covered by some form of management agreement and covered by a Section 106 agreement.

7.22 The number of parking spaces is appropriate for the number and size of proposed dwellings. The provision of 3 spaces in tandem has been shown to be impracticable in operation where three cars are in frequent use; this tends to lead to increased levels of on-street parking. Whilst this can be accommodated in certain areas, the layout of Plot 8 causes concern where any on-street parking is likely to obstruct passage/visibility around the bend in the road.

7.23 The layout drawing indicates the provision of retaining structures; the design of any structure retaining the highway or land in the vicinity of the highway, will need to be submitted for full technical approval.

7.24 Although it is acknowledged that the layout drawings are indicative the fact that they do identify difficulties and unacceptable situations with regard to the road layout and parking arrangements indicates that the site constraints make the development of the site to the level indicated is inappropriate, and therefore contrary to policy.

7.25 Public Footpath 37 crosses the site. It is noted that the Public Rights of Way department have not objected to the scheme, although have commented that the definitive route of the public right of way should be protected and any alteration would have to be undertaken through a diversion application.

Character and Appearance

7.26 As with the access arrangements, the indicative layout identifies issues regarding the character and appearance of the site. Although

the plan is indicative, such a plan is the strongest indication of the developer intention of how they are likely to develop such a constrained site and therefore the Council are entitled to attach weight to the indicative design when considering the matter in the overall planning balance.

7.27 The site as proposed in the layout plan shows 6 plots on the site frontage, with 2 behind and then the remaining 20 plots further onto the site. The topographic survey plan shows that the southern portion of the site is located approximately 6 metres higher than the site where it lies adjacent to the highway. Not only does this mean that the internal roads will require supporting structures as part of their engineering, but the impact of the development as a whole will be far greater when viewed from the roadside. The site is currently screened almost completely from public view by trees located on the north western boundary of the site, along the boundary with the highway, but these are to be removed. Whilst some internal trees and hedges are to be retained to act as landscaping and screening I do not consider that this would adequately screen the development, which would completely alter the character of the streetscene.

7.28 It is worth noting that the topography of the site is a significant constraint and appears to inhibit its development. In a site of 1.53 hectares it is proposed that 28 houses be built, which equates to a density of 18 dwellings a hectare. Policy HSG8 identifies a density of 30 dwellings per hectare being desirable in a category B settlement.

7.29 The site is bounded by the settlement on three sides but detailed consideration needs to be given as to whether this represents a logical extension to the settlement. Gwernymynydd has a linear form with development strung out along the A494(T). In places, modern estate type development has taken place whereby blocks of development have extended away from the road. One such example is Minffordd Fields to the east of the site. The development is bounded though by a mature belt of trees and the dwellings are viewed against this green backdrop. At the other end of the site is a ribbon of development comprising four dwellings served by Paddock Way. However, these dwellings are set back from the road and screened by substantial trees and vegetation. When viewed along the frontage of the application site, there is a green corridor along the A494(T) for a considerable distance. As such it is my view that a development in the form of the proposal would not reflect the characteristics of its immediate vicinity, which is characterised by this linear or sporadic form of development. The proposal would represent a more suburban form of development that is out of character with its immediate surroundings.

7.30 Given the fact that the site is an unacceptable incursion into the open countryside, as already discussed, it will undoubtedly have a significant and adverse impact upon the character of the locality. This is compounded by the topographical prominence of the site and it is my view that the development is likely to have a pronounced visual impact upon the streetscene, failing to reflect the characteristics of the locality and contrary to policies GEN1, D1 and HSG8 of the Flintshire Unitary Development Plan.

7.31 Furthermore, the site is outside but in close proximity to the boundary of the designated Area of Outstanding Natural Beauty. It has been considered that the development of the site will have an impact upon this designated area. The Joint Advisory Committee of the AONB have objected to the scheme and consider that “the scale of development proposed appears to be an overdevelopment of the site and the indicative layout fails to take account of the need to respect and retain the rural character of the locality.” I consider that the development fails to maintain and enhance the natural beauty and cultural heritage of the AONB, and fails to meet the requirements of policy L2 of the Flintshire Unitary Development Plan.

7.32 Drainage

As this application has been submitted in Outline with the details of the site layout and other matters reserved till later there has been no full drainage scheme submitted. Dwr Cymru Welsh Water have confirmed that the proposal would not result in capacity issues at the waste water treatment plant that would service the site.

7.33 Natural Resources Wales has set new more stringent phosphate standards for the River Dee and Bala Lake SAC. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a Habitats Regulation Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC.

7.34 Dwr Cymru Welsh Water has not confirmed whether or not the relevant waste water treatment plant has the required phosphate license, which is information that would be required in order to be able to screen out the need for a HRA. As such it is not possible to demonstrate that the development would not adversely impact the river SACs by increasing phosphate levels.

Planning Obligations

7.35 The infrastructure and monetary contributions that can be required from a planning application through a S106 agreement have to be

assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.36 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following regulation 122 tests;

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

7.37 Members will be aware that where it is recommended that planning permission be granted, I would set out the consideration of this issue in relation to the CIL Regulations and its impact upon any suggested S.106 Agreement that would cover Education contributions, Public open space and secure the number and tenure of affordable homes to be provided by the development, in accordance with the relevant policies. However, in view of the recommendation that permission be refused, I have in this case refrained from doing so at this stage.

Other Matters

7.38 There are a number of matters that are not directly relevant to the recommendation but would be important considerations should the Planning committee consider that this application should be approved. They relate to various matters that it would be important to consider and, if necessary, condition.

7.39 Clwyd Powys Archaeological trust had advised that there are suspected archaeological remains of a hollow way track and a well upon the site. They have recommended that an archaeological watching brief is undertaken during the development of the site. This would need to be secured by a suitably worded condition.

7.40 Given the location of this proposed development in close proximity to a busy road it is considered that noise from this road may affect some of the proposed properties. Pollution control have recommended that any consent should include a condition requiring a Noise Impact assessment to be submitted with the reserved matters application. As this submission is in outline only and reserves layout details I do not recommend that the absence of this information is a reason for refusal as this matter would have more significance upon consideration of the final layout of the dwellings.

7.41 Similarly it would be necessary, on any permission, to require the submission of a Land contamination report to the satisfaction of the local planning authority prior to development commencing. This is due to the extensive local mining legacy.

7.42 The Ecological survey submitted in support of the application shows that the site is used for foraging and commuting by low numbers of bats and that there is a likelihood of nesting birds also using the site. No signs of amphibians, Badgers or other protected species were found on the site or in the immediate areas. The central hedgerow on the site is species rich and it is noted that this is retained on the indicative layout as suggested by the Ecological appraisal. It is considered that the undertaken surveys and appraisal are acceptable and the proposed mitigation appropriate for the proposed development.

8.00 CONCLUSION

The site is located in an area of open countryside, in an area where the presumption is against residential development. No special circumstances have been advanced as to why this development should be granted as a departure from the policies of the adopted development plan.

Furthermore I have concerns over the impact of the development upon the character and appearance of the locality due to the topography of the site, which is especially important given the close proximity of the site to the AONB. It has also not been demonstrated that the proposal can provide safe access from the trunk road, nor avoid harm to the SAC as a result of foul water disposal.

Given the above I recommend that the proposal is refused for the reasons given in paragraph 2.01.

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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