

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **13<sup>th</sup> MARCH 2024**

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

**SUBJECT:** **OUTLINE- RESIDENTIAL DEVELOPMENT OF UP TO 140 DWELLINGS, MEANS OF ACCESS, OPEN SPACE, SUSTAINABLE DRAINAGE INFRASTRUCTURE AND ALL OTHER ASSOCIATED WORKS (OUTLINE APPLICATION INCLUDING ACCESS, WITH ALL OTHER MATTERS RESERVED) AT WELL STREET, BUCKLEY**

**APPLICATION NUMBER:** **062458**

**APPLICANT:** **CLWYD ALYN HOUSING ASSOCIATION**

**SITE:** **LAND AT WELL STREET, BUCKLEY**

**APPLICATION VALID DATE:** **1<sup>ST</sup> FEBRUARY 2021**

**LOCAL MEMBERS:** **COUNCILLOR C PREECE**  
**COUNCILLOR D ROSE**

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SIZE OF PROPOSAL RELATIVE TO SCHEME OF DELEGATION**

**SITE VISIT:** **NO (SITE VISIT CARRIED OUT IN NOVEMBER 2023)**

**1.00 SUMMARY**

1.01 This is an outline application including access, but with all other matters reserved for residential development of up to 140 dwellings with associated means of access, open space, sustainable drainage infrastructure and all other associated works at Well street, Buckley

This application was previously brought before the Planning Committee on 22nd November 2023. The Committee deferred the

determination of the application at this meeting and requested further information with particular regard to drainage matters, including flooding issues and existing field drainage ditches, access and pedestrian safety, and land contamination. The report has been updated with regard to these matters with further information and clarification received from the applicant.

This is one of a number of housing sites that are allocated in the adopted LDP where there is a need for them to begin to deliver the LDP housing requirement they contribute to. This requires them to gain planning approval, to enable developers to build and complete homes in accordance with the committed delivery rates in the LDP housing trajectory. Failure to achieve this will put pressure on the ability of the plan to maintain delivery levels which in turn will bring pressure for speculative development proposals to be submitted.

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

**2.01 Section 106 Agreement**

- Primary School Contributions- Contributions required would be £330,939.00 towards improvements to Southdown CP school
- Payment of £1,100.00 per dwelling ( £733.00 per affordable dwelling) in lieu of on-site provision (if not provided on site). The payment would be used to enhance existing play area at The Flash park, Bistre
- Scheme to ensure that the Affordable dwellings remain affordable in perpetuity and at an appropriate tenure.
- A sum of £18,200k to cover the cost of advertising and implementing future Traffic Regulation Order.

**Conditions**

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development commences and the development shall be carried out as approved.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission

(ii) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

3. In accordance with approved details:

- Application form
- Location plan L01A
- Existing site plan L02B
- Indicative site plan L04B
- Proposed Master Plan L03B
- Ecology Management Strategy
- Transport Assessment
- Coal Mining Risk Assessment
- Tree Constraints and Constraints
- Drainage Strategy
- Preliminary Ecology Assessment
- Phase 1 and Phase 2 Ground Investigation (E3P Consultants)
- Remediation and Enabling Works Strategy (E3P Consultants)
- Heritage Impact Assessment
- PAC report
- Planning Statement
- Design and Access Statement

4. The submission of reserved matters shall include details of existing and proposed site levels and, where appropriate, proposed finished floor levels of the building(s).

5. No works associated with the proposed development of the site shall commence unless and until a detailed scheme for the realignment of Well Street and creation of a site access junction has been submitted to and approved by the County Council. Such works shall become the subject of a Section 278 Agreement under the 1980 Highways Act prior to their implementation.

6. The layout and design of the access from Daleside shall be in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.

7. The forming and construction of the means of site accesses shall not commence unless and until the detailed design thereof has been submitted to and approved by the County Council.
8. The works associated with forming the means of site access shall be kerbed and completed to carriageway base course layer up to the internal tangent point of the entrance radii prior to the commencement of any other site building operations.
9. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be submitted to and approved by the County Council prior to the commencement of any site works. Such facilities being completed prior to the proposed development being brought into use.
10. The front of any garage shall be set back a minimum distance of 5.5m behind the back of footway line or 7.3m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
11. Facilities shall be provided and retained within the site for the parking / storage of bicycles in accordance with a scheme to be submitted to and approved by the County Council prior to the commencement of any site works. Such facilities being completed prior to the proposed development being brought into use.
12. The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads shall be submitted to and approved by the County Council prior to the commencement of any site works
13. The gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
14. Positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
15. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority.
16. A Full Travel Plan and Transport Implementation Strategy (TIS) shall be submitted and approved in writing by the County Council prior to the first use of the development.
17. No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing

by the local planning authority. The scheme shall provide for the disposal of foul water flows and include a detailed design outlining the measures proposed to accommodate the public sewer. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

18. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
19. No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant as part of the reserved matters submission and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd- Powys Archaeological Trust for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW.
20. A report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted, including measures to verify the approved works, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The site shall be remediated in accordance with the approved measures prior to occupation of any dwelling. If during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination and subsequent verification details shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.
21. A Bat emergent survey will be submitted with the application for reserved matters.
22. A Tree report complete with a scheme for RPA mitigation will be submitted with the application for reserved matters.
23. Notwithstanding the details hereby approved new objects or extensions of existing objects should not be permitted above the conical surface and the inner horizontal surface except when an

object would be shielded by an existing immovable object, or if after a safety assessment, it is determined that the object would not adversely affect the safety or significantly affect the regularity of operations. The EASA references for precision approach and take-off runways are CS ADR-DSN.J.480 and J.485 respectively

25. A Green Infrastructure Assessment will be submitted with the application for reserved matters
26. Prior to the commencement of development a scheme for biodiversity enhancement of the site shall be submitted for approval, and thereafter shall be implemented in accordance with the approved details.

### **3.00 CONSULTATIONS**

3.01 **Local Member (Councillor C Preece):** Requests committee determination and site visit

**Local Member (Councillor D Rose):** No response at time of writing

**Buckley Town Council:** No observations

**Argoed Community Council (adj Town Council):** Whilst this proposed development is not within Argoed Ward, it will impact on our residents by way of the traffic. Raises concerns over adequacy of Well Street to accommodate traffic from this development, due to width. Requests further consideration of this point.

**Highways Development Control:** Requests conditions (included as conditions 5-16 in para 2.01)

**Highways Rights of Way:** Public Footpath 54 abuts the site but appears unaffected by the development.

**Community and Business Protection:** no objection in principle to the application.

#### **Education:**

Southdown Primary School

It is the intention of Education & Youth to seek a developer contribution. The contribution sought will be for a total of **£330,939.00**

Buckley, Elfed High School

is the intention of Education & Youth not to seek a developer contribution.

**Housing Strategy:** Clwyd Alyn are proposing that a minimum of 40% of the total units would be for affordable housing with the remainder

sold as market housing. The SARTH and Tai Teg registers suggest there is considerable demand in Buckley for social and affordable housing and can support a development of this size. The Councils Housing Strategy team will work with Clwyd Alyn to achieve a sustainable property and tenure mix based on the housing need for the area.

**Welsh Water/Dwr Cymru:** Requests drainage conditions (included as conditions 17 and 18 in para 2.01). Confirms that capacity exists at the relevant Wastewater treatment works to cater for development, and that the WWTW has a valid Phosphate license.

**Natural Resources Wales:** Directs attention to their Planning Advice, and note that development connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater is unlikely to increase phosphorus inputs to a SAC beyond what has already been assessed and permitted by NRW

**Airbus:** Requests condition (included as condition 23 in para 2.01)

**Clwyd Powys Archaeological Trust:** Raise no objection to principle of development. Requests Archaeological survey prior to determination of application. (included as condition 19 in para 2.01)

**CADW:** Confirm that they have no objection to the proposed development in regard to the scheduled monuments or registered historic parks and gardens

#### **4.00 PUBLICITY**

4.01 213 Neighbour Notifications were sent to adjoining/nearby properties. A Site Notice was also displayed and the application was advertised by way of a Press Notice in a local newspaper.

235 objections have been received which can be summarised as follows:

1. Traffic safety/Impact upon traffic numbers
2. Pollution
3. Land Contamination
4. Ecological impacts
5. Lack of local infrastructure
6. Out of keeping with area
7. Encroachment into the countryside
8. Impacts upon local amenity

## **5.00 SITE HISTORY**

5.01 No relevant history

## **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan

- Policy STR1: Strategic Growth
- Policy STR2: The Location of Development
- Policy STR4: Principles of Sustainable Development, Design and Placemaking
- Policy STR5: Transport and Accessibility
- Policy STR6: Services Facilities & Infrastructure
- Policy STR11: Provision of Sustainable Housing Sites
- Policy STR13: Natural and Built Environment, Green Networks and Infrastructure
- Policy PC2: General Requirements for Development
- Policy PC3: Design
- Policy PC4: Sustainability and Resilience of New Development
- Policy PC5: Transport and Accessibility
- Policy PC6: Active Travel
- Policy HN1: New Housing Development Proposals
- Policy HN2: Density and Mix of Development
- Policy HN3: Affordable Housing
- Policy EN1: Sports, Recreation and Cultural Facilities
  
- Policy EN2: Green Infrastructure
- Policy EN4 Landscape Character
- Policy EN6: Sites of Biodiversity and Geodiversity Importance
- Policy EN7: Development Affecting Trees, Woodlands and Hedgerows
  
- Policy EN15: Water Resources
- Policy EN16: Development on or near Landfill Sites or Derelict and Contaminated Land

Planning Policy Wales 12 February 2024  
Future Wales 2040: The National Plan

## **7.00 PLANNING APPRAISAL**

7.01 Proposal

This is an outline application including details of access to the site, with all other matters reserved, for residential development of up to

140 dwellings, along with associated infrastructure and other works, on land off Well Street, Buckley.

7.02 This application was previously brought before the Planning Committee on 22nd November 2023. The committee deferred the application at that meeting and requested further information with particular regard to drainage matters, including flooding issues and existing field drainage ditches, Access and pedestrian safety, and Land contamination. The report has been updated with regard to these matters with further information and clarification received from the applicant. The matters clarified by the applicant in response to the deferral can be summarized as follows:

- Flooding & Drainage particularly maintenance of drainage ditches. The Drainage Strategy, (Document re: 220-137 - Well Street Drainage Strategy - AJP Structural and Civil Engineers) explores foul and surface water issues and preliminary measures for management. The development will require SAB approval which secures and deals with legal requirements for provision, management and long term maintenance of SUDS.
- Access and width of road and risk to pedestrian safety; The data (including traffic counts of September 2020, junction capacity assessments, trip generation data) underpinning the Transport Assessment show results very similar to that in Assessment supporting the full application currently being determined at the site.
- Land Contamination The application is accompanied by Phase 1 and Phase 2 Ground Investigation and A Remediation Strategy (E3P Consultants).

7.03 It should be stressed that as this is an outline application with all matters reserved it would not be reasonable for the Local Planning Authority to require items of detail unless there is a compelling reason to do so, or indeed seek to refuse when there is no clear evidence to support such an approach.

7.04 Site

The site is located on the edge of the settlement of Buckley and comprises of 5.35Ha greenfield area located to the North of Well Street. The site is currently undeveloped farmland and consists of two fields with hedgerows on the boundaries and dividing the two areas with a centrally located hedge. There is existing built up residential development on the north eastern and north western boundaries of the site

7.05 The site is generally flat, although there is a relatively gentle rise in elevation towards the western boundary of the site. The south western boundary is bounded by the complex of Bryn y Pys farm with

Well Street stables beyond. Generally the land to the south east and south west opens onto countryside and is distinct from the built up nature of the settlement to the east.

7.06 Principle

The site is within the settlement boundary of Buckley which is a Tier 1 Main Service Centre in the adopted LDP. Policy STR2 states 'Main Service Centres will be the main locations for new housing development which reinforces and contributes to sustainable settlements'. The policy specifies that provision in such settlements will include allocations and in this respect the site is allocated for housing (policy HN1-1) in the adopted LDP. The principle of residential development in this location is therefore already established.

7.07 Highways and access

The application is supported by a detailed study that is supported by empirical evidence including traffic counts, junction capacity assessments, and trip generation data which has taken into account changes in traffic generation patterns and changes to background flows since the 2007 assessments undertaken at the time of the UDP Examination. The current assessment concludes that the impact of the proposal from a highways perspective is acceptable.

7.08 The Highway Authority received the statutory pre-application from the applicant and minor amendments to the proposal were made as a result of comments returned at the time. Access details submitted with the application indicate a junction layout on Well Street that conforms to the Inspector's recommendation. Given the Inspector's findings at the Examination it is considered that the principle of this access has already been confirmed.

7.09 The provision of pedestrian/cycle linkages both within the site and linking to the external network require further consideration with the provision of appropriate lighting and the potential to replace existing stiles with gates. These improvements will however be covered by any future detailed application. Reserved matters consideration of layout will provide further details regarding these matters.

7.10 It is noted that there has recently been the imposition of a 20mph speed limit on the majority of streets within Buckley and Mynydd Isa. It is also suggested that consideration is made to the installation of a "modal filter" to restrict the movement of vehicles on Well Street south of the access. It is considered that any permission should include a S106 agreement to the value of £14k to cover the cost of advertising and implementing future traffic regulation orders.

7.11 It is considered that the principle of the proposed access arrangement is acceptable and complies with policies STR5 and PC5 of the

Flintshire Local Development Plan. Standard conditions have been requested by the Highways Authority and form part of the recommendation.

7.12 Affordable housing

Clwyd Alyn Housing Association are proposing to deliver this scheme in collaboration with Welsh Government. The land is currently in the ownership of Welsh Government who are requesting an exemplar housing scheme is delivered at this site.

7.13 The site provides the opportunity to deliver approx. 140 homes and Clwyd Alyn proposes they will all be built to meet Welsh Development Quality Requirements (WDQR) standards and have high energy efficiency. The site sits within the Mold and Buckley housing market area. Policy HN3 of the LDP requires 40% on site affordable housing within this market area. The application proposes to meet this requirement with 56 tenure neutral affordable homes (40%). Tenure neutrality means that the specific form of tenure available to applicants is not fixed and can therefore cover the different forms of affordable tenure to meet the need.

7.14 The SARTH and Tai Teg registers suggest there is considerable demand in Buckley for social and affordable housing that can support a development of this size. The Councils Housing Strategy team will work with Clwyd Alyn to achieve a sustainable property and tenure mix based on the housing need for the area.

7.15 As an Outline permission the exact tenure, type and location within the site of the affordable units will be subject to consideration with a reserved matters submission. As the proposal commits to providing 40% affordable units across the site, however, it is considered that the proposal is compliant with policy HN3 of the Flintshire Local Development Plan. Given current economic circumstances, this is a significant level of affordable provision not replicated by the majority of currently adopted LDPs in Wales.

7.16 Drainage and Phosphates

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC.

7.17 Under the Habitats Regulations 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 HRA to determine whether they are likely to have a significant effect on the SAC condition.

7.18 Welsh Water have confirmed that there are no capacity issues and that the waste water treatment works has a valid and up to date phosphate permit. The foulwater flows deriving from this development would be capable of being treated within the phosphate permit limits.

7.19 It is considered that No Likely Significant Effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of additional phosphorus or pathway for impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice:

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or
- the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional wastewater generated in consequence of the proposed development will remain within the revised permit limits and
- that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

As such, it is considered that the proposal is in accordance with policy EN15 in the Flintshire Local Development Plan

7.20 Land Contamination

The application is supported by Phase 1 and Phase 2 Ground Investigation and a draft Remediation Strategy and these reports have identified the presence of lead within shallow topsoil deposits. It is considered that this can be mitigated by the installation of a chemically suitable cover system within proposed gardens in these areas. Alternatively, these hotspots can be excavated and delineated through chemical validation during remedial works and placed in a future low sensitivity area within the proposed development, after which cover systems will no longer be required.

7.21 The Remediation Strategy will be secured by condition and will be required to be implemented and verified prior to development taking

place. This condition has been listed as condition 20 in paragraph 2.01.

- 7.22 Members are asked to note that this was a matter considered as part of the Examination of the LDP and given this, as well as the surveys and investigations undertaken and clear mitigation strategy, there are no particular concerns from a land contamination perspective that relate to the consideration of the principle of development of this site.

### Ecology

- 7.23 An ecological assessment comprising of an Extended Phase 1 Habitat survey, a desk study, and an assessment of the likely impacts was submitted in support of the application.

- 7.24 The assessment found that in general the application site has been found to be of low ecological value, but with the potential to support a number of protected and/or notable species. GCN (Great Crested Newts), roosting/foraging/commuting bats, nesting birds, reptiles and notable species such as hedgehog. No field evidence of any protected species was recorded during the site survey, other than nesting bird activity in the hedgerows.

- 7.25 There is a single tree with bat roost potential which should be retained within the scheme (or else subject to a bat detector survey). It is considered that it would be appropriate to require a Bat Emergence survey to accompany the reserved matters application. This is requested as condition 21 in para 2.01.

- 7.26 When full details are submitted as part of the reserved matters it will be necessary for the developer to consider biodiversity benefits and the specific impacts of the proposed layout on ecological assets on site. In principle, however, it is considered that the submitted details are acceptable and comply with LDP policy STR13 and EN6 given the outline nature of the proposal.

- 7.27 Archaeology

Although there are currently no archaeological sites recorded in the Historic Environment Record within the development area, reference to the 1m DTM NRW lidar does show a relict watercourse in these fields, perhaps fed by two springs that have since dried up, and dry ground between. As this would have been favourable ground for human activity and settlement in the past, CPAT recommend that the plot is evaluated initially by geophysical survey to test the sub-surface potential for pre-historic and later archaeology. Follow up targeted trenching may then be required. This advice is in line with advice in PPW 12 and TAN 24 (May 2017), which states that:

“Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains. The needs of archaeology and development may be reconciled, and potential conflict very much reduced, through early discussion and assessment.”

7.28 This means that Local Planning Authorities in Wales have to take into account archaeological considerations, and need to be fully informed about the nature and importance of archaeological remains, and their setting, and the likely impact of any proposed development upon them. Given the outline nature of the submission it is considered that subject to the details being provided with reserved matters applications then the Local Planning Authority can make a properly informed decision in this regard.

7.29 It is therefore recommended that as a requirement of the reserved matters submission an appropriate archaeological evaluation is carried out, and the results of this evaluation should be considered when setting out the details aspects of the proposed development, including any required mitigation strategy. This can be secured by condition.

7.30 Planning Obligations

The infrastructure and monetary contributions that can be required from the proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 ‘Planning Obligations’. 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.

7.31 While the Council does not yet have a charging schedule in place, CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further

obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

7.32 Education

In consideration of the proposed development, and with regard to the advice within SPGN 23: Developer Contributions to Education the following obligations would be sought.

Buckley, Southdown CP School

- It is the intention of Education & Youth to seek a developer contribution
- The contribution sought will be for a total of **£330,939.00**

7.33 Education and Youth have confirmed that they do not seek a developer contribution for Buckley, Elfed High School.

7.34 It is considered that the education contributions would meet the regulation 122 tests. Southdown CP school does not appear to have received more than 5 contributions and therefore the limitations of regulation 123 does not apply.

7.35 Public Open Space

In accordance with policy EN1 as well as the guidance within LPGN13 Open Space Requirements, development of over 100 units will usually be required to provide public open space as well as more formalised play space on site. The developer will need to consider how provision will be met as part of the detailed submissions to follow this outline consent.

7.36 The LPGN does allow for off-site provision in lieu of this on site provision secured by commuted sums payable by the developer. This has the added benefit of providing money to enhance existing play space in the community. It is suggested that with regard to this site this provision would be an appropriate request. It is therefore proposed that a contribution of £1,100 per dwelling in lieu of on-site provision (£733.00 for any affordable housing) is secured through the proposed legal agreement. The exact amount will be determined upon agreement of the reserved matters and would be payable prior to the commencement of development should there be no on-site provision proposed.

Affordable Dwellings

7.37 As referenced earlier in the report, the development will provide 40% of the delivered units as affordable dwellings.

7.38 The tenure mix will be agreed as part of the Section 106 legal agreement. This agreement will also ensure that the affordable units will be retained as being affordable dwellings in perpetuity. As such it

can be concluded that the proposal is in accordance with policy HN3 of the Flintshire Local Development Plan.

#### Green Infrastructure

- 7.39 Planning Policy Wales 12 (PPW) Chapter 6 requires development to take account of green infrastructure, net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. These are also matters referenced in LDP policies, and in particular policies STR13 and EN2.
- 7.40 It will be essential to ensure that the development appropriately engages with these matters and meets the policy requirements of the amended Chapter 6 of PPW12. As this is an outline submission with all matters reserved much of the detail that will inform a full green infrastructure statement is not contained in the submission, although at a strategic level the submission does engage with the relevant considerations in accordance with the advice contained within chapter 6 of PPW12.
- 7.41 A Green Infrastructure Statement will be conditioned to be submitted in support of the consideration of the reserved matters for this proposal. A prior to commencement condition requiring a scheme of biodiversity enhancement, to ensure biodiversity net benefit is achieved, has been included with this recommendation for approval.

#### Flooding

- 7.42 The site is not identified on the Natural Resources Wales' Development Advice Map and National Flood Hazard and Risk Maps as one that is prone to flooding. The Drainage Strategy, (Document re: 220-137 - Well Street Drainage Strategy - AJP Structural and Civil Engineers) explores foul and surface water drainage and preliminary measures for management.
- 7.43 The development will also require SAB approval which is a separate legislative requirement which deals with the legal requirements for provision, management and long term maintenance of the Sustainable Urban Drainage System.
- 7.44 There is no evidence that the site is prone to fluvial or tidal flooding, and as such any potential for flooding would come as a result of surface water drainage issues that are currently experienced by surrounding development is unlikely to be influenced by the proposed site as it lies at a lower level than the existing built up area.. The greenfield run off rate will be significantly higher than any engineered solution that will be installed as part of the proposal. As such the development of this site could be considered to be a betterment with regards to management of surface water generated by the

development. The proposal accords with policy EN14 in the Flintshire Local Development Plan.

## **8.00 CONCLUSION**

This is an outline application for the principle of development, with all matters, other than access, reserved for future consideration. The proposal will deliver 40 % affordable dwellings across the site, in accordance with the relevant LDP policy.

The proposal, on a site allocated for residential development within the Flintshire LDP, is in accordance with policy. The access details are considered to be in accordance with Policy HN1 and PC5 and the Highways Authority have raised no objection to the scheme. There are no fundamental issues on site that would preclude the approval of this outline planning permission.

As it is considered that the proposal is acceptable and complies with the relevant development management policies it is recommended 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

**Contact Officer: James Beattie**  
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