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Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Marion Bateman, Sean Bibby,
Chris Bithell, Derek Butler, David Cox,
Adele Davies-Cooke, Ian Dunbar, Carol Ellis,
David Evans, Veronica Gay, Patrick Heesom,
Dave Hughes, Kevin Hughes, Christine Jones,
Richard Jones, Richard Lloyd, Billy Mullin,
Mike Peers, Neville Phillips and Owen Thomas

20 July 2017

Sharon Thomas 01352 702324
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Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 26TH JULY, 2017** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

WEBCASTING NOTICE

This meeting will be filmed for live broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 6 months.

Generally the public seating areas are not filmed. However, by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and / or training purposes.

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AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **LATE OBSERVATIONS**
4. **MINUTES** (Pages 5 - 10)

To confirm as a correct record the minutes of the meeting held on 28 June 2017.

5. **ITEMS TO BE DEFERRED**
6. **REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

The reports of the Chief Officer (Planning and Environment) are enclosed.

REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING COMMITTEE ON 26 JULY 2017

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	055775 - R	Full Application - Erection of a Crematorium with Associated Car Parking, New Access, Landscaping and Garden of Rest at Starkey Lane, Northop (Pages 11 - 32)
6.2	055430 - A	Outline Application - Erection of 14 No. Dwellings at Former Spectrum Home & Garden Centre, Wrexham Road, Cefn-y-Bedd. (Pages 33 - 48)
6.3	056305 - A	Full Application - Demolition of Existing Outbuildings and Erection of New Detached Bungalow at Colros, 6 Ash View, Alltami. (Pages 49 - 56)
6.4	056694 - A	Full Application - Construction of 32 No. Dwellings Including New Vehicle Access Point, Public Open Space, Car Parking and Landscaping at Hawarden Road, Penyffordd. (Pages 57 - 80)
6.5	056779 - A	Full Application - Proposed Demolition of Existing Vacant Factory Building and Erection of 74 No. New Dwellings, New Access to the Site and Area of Public Open Space at Allied Bakeries Ltd., Chester Road, Saltney. (Pages 81 - 108)
6.6	056832 - A	Outline Application - Erection of Detached Dwelling at 'Bwthyn Gwyn', Swan Lane, Gwernymynydd (Pages 109 - 116)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.7	055555	Appeal by Mr. & Mrs N. & N. McCaddon Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 17 Dwellings and Associated Infrastructure and Access at Northop Brook, The Green, Northop - DISMISSED . (Pages 117 - 124)

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PLANNING COMMITTEE **28 JUNE 2017**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 28 June 2017.

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Sean Bibby, Chris Bithell, Derek Butler, David Cox, Adele Davies-Cooke, Ian Dunbar, Veronica Gay, Patrick Heesom, Dave Hughes, Kevin Hughes, Richard Jones, Billy Mullin, Mike Peers, Neville Phillips, and Owen Thomas

APOLOGIES: Councillors: David Evans, Christine Jones and Richard Lloyd

IN ATTENDANCE:

Chief Officer (Planning and Environment); Development Manager; Service Manager - Strategy, Senior Engineer – Highways Development Control; Senior Planners, Solicitor and Committee Officer.

9. DECLARATIONS OF INTEREST

No declarations of interest were made.

10. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting.

Councillor Patrick Heesom asked if the observations shown under 'noted' for agenda item 6.1 was a response from the Planning Authority. The Solicitor confirmed that this was the Planning Authority's response to the previous observations.

11. MINUTES

The draft minutes of the meeting held on 7 June 2017 were submitted.

The Solicitor reported an amendment to page 6 of the minutes and advised that the last paragraph should be amended to read:-

Councillor Adele Davies-Cooke declared she had already made her mind up in respect of the application and on having taken legal advice would speak as local Members only before the item was debated and then leave the room after speaking - agenda item number 7.5 – Full Application – Erection of Farm Shop and associated works, formation of new vehicular and pedestrian access at Coppy Farm, Cilcain Road, Gwernaffield (056664).

Councillor Mike Peers commented on the new style of minutes and suggested that where third party speakers are recorded that this be made clear

in the minutes. He also suggested that a summary of the debate be included in the minutes. The Chief Officer (Planning and Environment) reported that the new style of minutes would be reviewed by the Planning Strategy Group in 12 months.

In response to a question from Councillor Richard Jones, the Team Manager – Committee Service advised that the webcast recordings of all Planning Committee meetings would be retained indefinitely in the webcast library on the Council's website.

RESOLVED:

That, subject to the amendment listed above, the minutes be approved as a true and accurate record and signed by the Chairman.

12. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers.

13. REPORTS OF THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)

RESOLVED:

That decisions be recorded as shown on the Planning Applications schedule attached as an appendix.

14. APPEAL DECISIONS

APPEAL BY MR. R. FURSE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE PROPOSAL FOR ONE RESIDENTIAL UNIT ON THE FIRST FLOOR IN THE NORTH BARN RANGE, AND ENLARGING THE GROUND FLOOR UNIT INTO THE ADJACENT BAY INCLUDING REMOVAL OF A C21 STAIR. TO REPLACE THE RETURN OF THE BOUNDARY WALL ON THE NORTH WEST CORNER OF THE BARN RANGE IN RECLAIMED RUBBLE SET IN LIME MORTAR TO MATCH THE EXISTING AND PAINT THE PAIR OF NEW FRENCH DOORS IN THE ESTATE LINSEED BASED GREEN. FORM A WINDOW OPENING IN THE EXISTING DOOR ON THE SOUTH ELEVATION AT NERQUIS HALL, NERCWYS – DISMISSED (053466)

RESOLVED:

That the decision of the Inspector to dismiss this appeal be noted.

APPEAL BY MR. R. FURSE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE LISTED BUILDING CONSENT FOR ONE RESIDENTIAL UNIT ON THE FIRST FLOOR IN THE NORTH BARN RANGE, AND ENLARGING THE GROUND FLOOR UNIT INTO THE ADJACENT BAY

INCLUDING REMOVAL OF A C21 STAIR. REPLACE THE RETURN OF THE BOUNDARY WALL ON THE NORTH WEST CORNER OF THE BARN RANGE IN RECLAIMED RUBBLE SET IN LIME MORTAR TO MATCH THE EXISTING AND PAINT THE PAIR OF NEW FRENCH DOORS IN THE ESTATE LINSEED BASED GREEN, FORMATION OF A WINDOW OPENING IN THE EXISTING DOOR ON THE SOUTH ELEVATION AT NERQUIS HALL, NERCWYS – DISMISSED (053467)

RESOLVED:

That the decision of the Inspector to dismiss this appeal be noted.

APPEAL BY MR. R. FURSE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF A BUILDING TO HOUSE A BIOMASS INSTALLATION AND TO STORE FARM EQUIPMENT AND MATERIALS AT NERQUIS HALL, NERCWYS – DISMISSED (053469)

RESOLVED:

That the decision of the Inspector to dismiss this appeal be noted.

APPEAL BY MR. R. FURSE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE LISTED BUILDING CONSENT FOR THE CONSTRUCTION OF A BUILDING TO HOUSE A BIOMASS INSTALLATION AND TO STORE FARM EQUIPMENT AND MATERIALS AT NERQUIS HALL, NERCWYS – DISMISSED (053470)

RESOLVED:

That the decision of the Inspector to dismiss this appeal be noted.

APPEAL BY MR. R. FURSE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONVERSION AND EXTENSION OF REDUNDANT PIGGERIES TO STORE VEHICLES AND GARDEN EQUIPMENT FOR THE BENEFIT OF THE EXISTING DWELLING AT NERQUIS HALL, NERCWYS – DISMISSED (050788)

RESOLVED:

That the decision of the Inspector to dismiss this appeal be noted.

APPEAL BY MR. R. FURSE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE LISTED BUILDING CONSENT FOR THE CONVERSION AND EXTENSION OF REDUNDANT PIGGERIES TO STORE VEHICLES AND GARDEN EQUIPMENT FOR THE BENEFIT OF THE EXISTING DWELLING AT NERQUIS HALL, NERCWYS – DISMISSED (050789)

RESOLVED:

That the decision of the Inspector to dismiss this appeal be noted.

APPEAL BY MR. & MRS J. CLARE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DWELLING AT LAND AT WESTACRES, BERTHEN ROAD, LIXWM – DISMISSED (055951)

RESOLVED:

That the decision of the Inspector to dismiss this appeal be noted.

APPEAL BY ELAN HOMES LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 24 NO. DWELLINGS WITH ASSOCIATED GARAGES, PARKING, GARDEN AREAS AND OPEN SPACES WITH DEMOLITION OF EXISTING SERVICE STATION AND OUTBUILDINGS AT ARGOED SERVICE STATION, MAIN ROAD, NEW BRIGHTON – ALLOWED (055310)

Councillor Mike Peers commented that the Committee had unanimously refused this application and commented on the advice which had been given previously in 2010 by the Planning Officer that affordable housing was required on the site but rather than put them on the site the monies should be used for off-site affordable housing provision. However, the Inspector had commented that this did not accord with the adopted Development Plan so such obligation was not necessary in the case of the appeal development.

He also commented on the Inspector's report, but questioned the comments within the report which stated that no evidence had been provided and said that evidence had been provided on behalf of the Planning Committee. He also questioned the Inspector's comments around the character of the development and provision of affordable housing.

RESOLVED:

That the decision of the Inspector to allow this appeal be noted.

8. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting there were 13 members of the public in attendance.

(The meeting started at 1.00pm and ended at 3.10pm)

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Chairman

PLANNING COMMITTEE ON 28TH JUNE 2017

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
052119	Mostyn Community Council	Full Application - Proposed Development of a Hospital and Re-ablement Centre for People Disadvantaged by an Autistic Spectrum Disorder and/or Learning Disability, Including Proposed Residential Blocks and Independent Living Building (Previously Approved under Planning Permission 045395) at Alyn Works (Former) & Kinsale Golf Course (Part), Mostyn	<p>The Planning Officer highlighted the late observations which had been previously circulated.</p> <p>Ms. Andrea Dishman, Applicant, spoke in support of the application.</p> <p>Councillor D. Rooney, Mostyn Community Council, spoke against the application.</p>	That planning permission be refused against the officer's recommendation.
056601	Leeswood Community Council	Full Application - Erection of 7 No. Dwellings at Ivy Cottage, Queen Street, Leeswood	<p>The Planning Officer highlighted the late observations which had been previously circulated.</p> <p>Miss. J. Rogers, third party speaker, spoke against the application.</p>	That conditional permission be granted, subject to the applicant entering into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment which provides for play equipment.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
056806	Llanasa Community Council	Full Application - Erection of Four Dwellings at Top-Yr-Allt, Llinegr Hill, Penyffordd		That planning permission be refused, in line with officer's recommendation.
056521	Queensferry Community Council	Full Application - Erection of 8 No. dwellings at New Inn, Station Road, Sandycroft.	Mrs. S. Stevens, third party speaker, spoke against the application.	That planning permission be refused against the officer's recommendation.
056796	Broughton and Bretton Community Council	Full Application - Single Storey Rear Extension at Catchpenny Cottage, Bretton Lane, Bretton	Ms. J. Ellis-Jones, agent for the applicant, spoke in support of the application.	That planning permission be granted subject to the conditions listed in the report in line with the officer's recommendation.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 26TH JULY 2017**

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

SUBJECT: **FULL APPLICATION - ERECTION OF A
CREMATORIUM WITH ASSOCIATED CAR
PARKING, NEW ACCESS, LANDSCAPING AND
GARDEN OF REST AT STARKEY LANE, NORTHOP**

**APPLICATION
NUMBER:** **055775**

APPLICANT: **J.E. DAVIES & SON**

SITE: **STARKEY LANE,
NORTHOP**

**APPLICATION
VALID DATE:** **26TH JULY 2016**

LOCAL MEMBERS: **COUNCILLOR M. BATEMAN**

**TOWN/COMMUNITY
COUNCIL:** **NORTHOP COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO
DELEGATION SCHEME**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application which has been submitted by J.E. Davies & Sons (Funeral Directors) proposes the development of a crematorium, together with associated car parking, new access, landscaping and garden of rest. The application site covers approximately 4.1 hectares (10 acres) of existing agricultural land. The site is within a Green Barrier and the open countryside as defined in the Flintshire Unitary Development Plan, and is located to the north of the A55, east of the A5119 Northop – Flint Road and South of Starkey Lane between the settlements of Northop and Flint Mountain.

- 1.02 For Members information this application has been submitted further to two previous applications for a proposed crematorium on this site, one of which was refused under 051043 by the Planning and Development Control Committee in October 2014, and the subject of an appeal to The Planning Inspectorate which was withdrawn on 29th June 2015. A subsequent application submitted under 053025 was the subject of an appeal on the grounds of non-determination which was lodged (but not validated) by The Planning Inspectorate, on 13th February 2015. This appeal was also withdrawn on 24th February 2015.
- 1.03 This current application was submitted in advance of an appeal held by way of a Public Inquiry in June/July 2016 to consider a proposal for a competing proposal by Memoria Ltd, under 052334 for a crematorium on land at Kelsterton Lane/ Oakenholt Lane, Northop. This appeal was allowed in August 2016, and has been the subject of a legal challenge by the applicant of the current application, which was dismissed.
- 1.04 At the time that the current application at Starkey Lane was submitted, the Supporting Planning Statement in Paragraph 6.9 advised:
- 1.05 *“ If the Inspector grants planning permission for the Memoria site, our clients have indicated that they will withdraw the current application as they acknowledge the need is for one crematorium”*
- 1.06 In the intervening period the applicant/agent have been requested in light of the above, to confirm whether they wish to continue with the progress of this current application. It has subsequently been confirmed that a determination is requested as in their opinion *“ There is concern that Memoria may not implement their planning permission. If that were the case, it would leave Flintshire without a much needed facility.”*
- 1.07 As a result and in accordance with the delegation scheme the application is being reported to the Planning Committee for formal determination.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01

- 1) The proposal is contrary to the aims of Planning Policy Wales paragraph 4.8.16 and policy GEN4 of the FUDP as it represents inappropriate development in a Green Barrier. The applicant has failed to demonstrate the existence of very exceptional circumstances to justify that there is a need for such a facility to be located within a Green Barrier.

- 2) The proposal is contrary to the aims of Planning Policy Wales as set out in paragraph 4.10.1 and policy RE1 of the Flintshire Unitary Development Plan as the proposal falls to justify the loss of Grade 3a agricultural land which is classified as the Best and Most Versatile.
- 3) The proposal is contrary to the aims of Planning Policy Wales paragraph 5.5.11 and TAN 5, as well as policy WB1 of the Flintshire Unitary Development Plan as the Local Planning Authority do not consider that the EU Habitats Directive Derogation tests have been satisfied.

3.00 CONSULTATIONS

3.01 Local Member

Councillor M. Bateman

No response received at time of preparing report.

Northop Community Council

Object on the following grounds:-

- It is contrary to the Flintshire Unitary Development Plan Policy GEN4 paragraph 4.10, sub-section (b).
- The crematorium would impact on the character and appearance of the area resulting in the loss of, and unacceptable harm, to the openness of the green barrier.
- It would increase the volume of traffic, impacting on residential amenity and road safety.
- The outcome of the planning appeal (17:8:2016) by Memoria Ltd supported the development of a crematorium on an alternative site at Northop Hall and the decision is a relevant consideration. In the Inspector's report it is stated in point 71 "there is only a need for one crematorium to service Flintshire" and point 72 "Given that I have concluded that the proposal before me (the site at Smithy Lane Northop Hall) is acceptable on landscape and highway safety grounds and taking into account the alternative site at Starkey Lane is also located within the countryside and additionally a Green Barrier, I am satisfied that the potential of this alternative site is not demonstrably preferential to the appeal site to justify a refusal of the appeal proposal".

Head of Assets and Transportation

Recommend that any permission includes conditions in respect of access, visibility, parking/ turning facilities and the submission of a Construction Traffic Management Plan.

Head of Public Protection

No response received.

Dwr Cymru/Welsh Water

As the applicant intends utilising a septic tank facility, advise contact with Natural Resources Wales (NRW) who may have an input into the regulation of this method of drainage disposal. Should circumstances change and a connection to the public sewerage system/public sewerage treatment is preferred then reconsultation will be required.

Environment (Drainage)

Attention drawn to Surface Water Management Guidance Note & Proforma.

Natural Resources Wales

Recommend that any permission includes a condition requiring the implementation of a Great Crested Newt mitigation scheme.

Welsh Government (Transport)

As highway authority for the A55 trunk road, does not issue a direction in respect of this application

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The application has been advertised as a departure from the provisions of the development plan.

66 letters of objection have been received, the main points of which can be summarised as follows:-

- Planning permission currently exists following an appeal for a crematorium on an alternative site which is not located within a Green Barrier.
- This is the third application for a crematorium on this site where permission has previously been refused and the Local Planning Authority should not be considering unnecessary planning applications.
- Development is inappropriate within a Green Barrier.
- The appraisal of alternative site does not mention the site at Northop Hall that is now available for development following a successful appeal.
- Detrimental impact on vehicular movements on A55 and A5119.

5.00 SITE HISTORY

5.01 **051043**

Erection of a crematorium with associated car parking, new access, landscaping and garden of rest – Refused 30th October 2014. Appeal to The Planning Inspectorate – Withdrawn 29th June

2015

053025

Erection of a crematorium building with associated car parking, new access, landscaping and garden of rest. Appeal to The Planning Inspectorate lodged on the grounds of non-determination (but not validated), Appeal withdrawn 24th February 2015..

For Members information since submission of the above applications, permission has been allowed on appeal under Code **052444** on 17th August 2016 for the erection of a crematorium on land at Kelsterton Lane/ Oakenholt Lane, Nr Northop. The permission has been the subject of a legal challenge which has been dismissed.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR2 – Transport & Communications.

Policy STR7 – Natural Environment.

Policy STR10 – Resources.

Policy GEN1 – General Requirements for Development.

Policy GEN3 – Development in the Open Countryside.

Policy GEN4 – Green Barriers.

Policy D1 – Design, Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy D4 – Outdoor Lighting.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy TWH2 – Protection of Hedgerows.

Policy L1 – Landscape Character.

Policy WB1 – Species Protection.

Policy WB5 – Undersigned Wildlife Habitats.

Policy WB6 – Enhancement of Nature Conservation Interests.

Policy AC21 – Pedestrian Provision & Public Rights of Way.

Policy AC4 – Travel Plans for Major Traffic Generating Developments.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy MIN8 – Protection of Mineral Interests.

Policy MIN9 – Borrow Pits.

Policy MIN10 – Mineral Buffer Zones.

Additional Guidance

Cremation Act 1902

Planning Policy Wales (PPW) Edition 9 – November 2016.

Technical Advice Note 5 – Nature Conservation & Planning.

7.00 PLANNING APPRAISAL

7.01 Introduction

The site the subject of this application amounts to approximately 4.1 hectares (10 acres) of existing agricultural land which is within a Green Barrier and the open countryside, to the north of the A55, east of the A5119 and south of Starkey Lane between the settlements of Northop and Flint Mountain.

7.02 The site extends over a series of gently undulating fields interspersed by hedgerows some containing native trees. On the western boundary there is a shallow valley running along the base of the embankment with the A5119 Northop – Flint Road that connects to the A55. To the north of the site is Starkey Lane along which there are a number of residential properties including Ash Mount, Belgrave, The Old Barn and Tyddyn Starkey.

7.03 Proposed Development

The application proposes the development of a crematorium, together with associated car parking, formation of a new vehicular access, landscaping and garden of rest. In addition to the standard application forms and plans, the application is accompanied by:-

- A Design & Access Statement.
- A Building Design Statement.
- Ecological Report.
- Traffic Statement.
- Landscape & Visual Impact Assessment.
- Needs Assessment.
- Minimum Drive Catchment Assessment.
- Site Search and Alternative Site Search Assessment.
- Tree Survey.
- A Supporting Planning Statement.

7.04 In terms of the detailing of the proposed elements of the application, this can be summarised as follows:-

7.05 Crematorium Building

A single storey structure which measures approximately 43 m x 35 m x 5.5 m high. It is proposed that the building incorporates an entrance/lobby, a chapel to accommodate 90 – 100, a waiting area with space for 20 – 30 persons, an office/staffroom, book of remembrance room, crematory and clergy vestry. It is proposed that the roof of the building is contemporary in its form (double curve) the applicant being of the view that this will help to assimilate the building into the landscape in a more sympathetic fashion than were it of traditional roof profile. It is proposed that the building be constructed having stone/render external walls with a profiled sheeting roof system and is sited within the south western part of the site with it being orientated so that its main elevation/entrance faces northwards when approached from the

driveway off the A5119. The height of the associated chimney would be approximately 6.5 m this being incorporated within the roof structure and protruding above it by approximately 1 m. There would be a service yard with staff/hearse parking area for 10 No. vehicles to the south of the building.

7.06 Vehicular/Pedestrian Access

The application proposes that the development be served by utilisation/adaptation of an existing agricultural field access into the site from the A5119 with a proposed visibility splay of 2.4 m x 136 m in a northerly direction and 2.4 m x 160 m in a southerly direction. It is also proposed that the improvements to the access are accompanied by the introduction of a right-turn facility/separation island into the site from the Northop direction.

7.07 Parking Provision

The site layout plan shows the provision of a total 60 No. car spaces with 6 No. disabled spaces to serve the development. These are proposed to be sited to the west of the crematorium, between the building itself and A5119.

7.08 Parkland/Grazing Meadows/Remembrance Pavilion

The crematorium building is proposed to be sited within a landscaped setting, encompassed by grazing meadows to the north of the building adjacent to the site access and along the northern site building relative to existing properties at Tyddyn Starkey. A remembrance pavilion and Memorial Gardens are located to the south of the crematorium building and car park.

7.09 The principle change to the scheme from that previously submitted is in relation to the entrance. Whilst the access carriageway, verge and tree planting previously aimed to give a parkland character, the landscape elements and modified layout are now designed to reflect the pastoral character of the local landscape.

7.10 Implications of the Cremation Act 1902

For Members' information, proposals for new crematoria must have regard to the Cremation Act 1902. In addition to numerous requirements imposed on the operation of such a facility, the Act places restrictions on the layout and siting of the crematorium. In particular, it is required that:-

“No crematorium shall be constructed nearer to any dwelling house than 200 yards (182.88 m), except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority”.

7.11 Whilst this is not a planning requirement it provides a useful indicator of the potential impact on residential amenity and with

this in mind the approximate distances to existing dwellings located adjacent to the site are:-

Property	Distance to Site Boundary	Distance to Crematorium Building
Ashmount	58 m	225 m
Belgrave	58 m	201 m
The Old Barn	60 m	150 m
Tyddyn Starkey	23 m	116 m

7.12 It will be noted that two of the properties fall within this 200 m threshold and whereas the applicant has confirmed that Tyddyn Starkey and The Old Barn are currently within his ownership, it is his responsibility to ensure that the requirements of the Cremation Act are met.

7.13 Background / Recent Developments

There is a significant and recent background of planning history in relation to previous applications for development of this site for a crematorium, and a competing application for a crematorium on land at Kelsterton Lane/Oakenholt Lane, Northop submitted under 052334, which is referred to in paragraph 5.00 of this report.

7.14 For Members information the application at Kelsterton Lane/Oakenholt Lane submitted under 052334 has been the subject of an appeal which was held by way of a 6 day Public Inquiry in June/July 2016. The appeal was allowed on that site on 17th August 2016, and a subsequent legal challenge to the decision by Mr J E Davies was unsuccessful.

7.15 In paragraphs 71 & 72 of the report on the Kelsterton Lane/Oakenholt Lane appeal the Inspector comments as follows:-

Para 71. J E Davies & Son and other third parties contend that an alternative site at Starkey Lane offers a more suitable location than the appeal site given the concerns relating to the proposal's impact on landscape character and highway safety. I have taken into account the case law cited in respect of the consideration of alternative sites and I have applied my discretion as set out in those cases in considering the generic comparisons of the respective sites. I consider this is necessary given that evidence suggests there is only a need for one crematorium to serve Flintshire.

Para 72. Given that I have concluded that the proposal before me is acceptable on landscape and highway grounds and taking into account that the alternative site at Starkey Lane is also located within the countryside and additionally within a Green Barrier, I am satisfied that the potential of this alternative site is not

demonstrably preferential to the appeal site to justify the refusal of the appeal proposal

- 7.16 A central issue in determining the current application is whether there has been a material change in planning policy and/ or in any other material planning considerations since the decisions were taken previously to refuse planning permission for development of the site for a crematorium
- 7.17 The applicant's case through its agent, and notwithstanding the decision to allow the appeal for a crematorium on land at Kelsterton Lane/ Oakenholt Lane, Nr Northop and subsequent legal challenge, is that :-“ *There is concern that Memoria may not implement their permission. If that were the case, it would leave Flintshire without a much needed facility*”. The applicant has not however, provided any evidence to define or explain the basis for this ‘concern’.
- 7.18 Planning Policy Framework
There is no specific national planning policy guidance setting out the criteria which must be taken into account when assessing applications for new crematoria. Crematoria are not mentioned explicitly in Planning Policy Wales (PPW) or the adopted Flintshire Unitary Development Plan (FUDP). Each application must therefore be considered and assessed on its own merits, although both PPW and the FUDP provide a policy framework within which to consider the development of a crematorium.
- 7.19 PPW contains policies relating to Green Belts and locally designated “Green Wedges”. The FUDP uses the term “Green Barriers”. There is a general presumption against inappropriate development in Green Wedges/Green Barriers. The construction of new buildings is inappropriate development unless it falls within certain exceptions, defined in Policy GEN4 of the FUDP and paragraph 4.8.16 of PPW. Otherwise, inappropriate developments should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would cause to the Green Barrier/Green Wedge.
- 7.20 In recent years there have been a number of appeals regarding applications for crematoria. These have highlighted matters which can be material when determining such applications - in particular, whether there is a need for such development, and that in cases where a crematorium is proposed in a Green Barrier, Green Belt or Green Wedge that “very exceptional circumstances” can only be properly made out if there are no other suitable sites outside these designated areas. This is clearly not the case in Flintshire as permission has been allowed on appeal, for the development of a site which is not within a Green Barrier.

7.21 Main Planning Considerations

It is considered that the **main** issues to be taken into account in determination of this application are:-

- Principle of development following the recent appeal decision / conclusions of a legal challenge for a proposed crematorium on land at Kelsterton Lane/Oakenholt Lane, Northop.
- Acceptability of the Site Search Assessment.
- Current progress / timescales for the development of crematorium by Memoria Ltd on Kelsterton Lane/Oakenholt site.
- Agricultural land classification.
- Ecological considerations.

7.22 Other Matters

It is considered that these are not main issues but instead form material planning considerations to be weighed in the planning balance.

- Adequacy of highway network and access to serve the development.
- Impact of development on the character of the landscape and the openness of the Green Barrier.
- Impact on amenity of occupiers of nearby properties.
- Design.
- Impact on mineral resources.
- Adequacy of drainage.

7.23 Principle of Development

As previously highlighted in paragraph 7.15 of this report, the Inspector in allowing the appeal for a new crematorium on land at Kelsterton Lane/ Oakenholt Lane, Northop, concluded that:-

- a) there is only a need for **one** crematorium to serve Flintshire, and;
- b) that the site at Tyddyn Starkey the subject of this application is not demonstrably preferable to that the subject of the appeal.

7.24 Having regard to the above, and the fact that the applicant also acknowledges that there is only a need for one crematorium in Flintshire, there is no justification for the development of the site the subject of this application, as an alternative proposal (outside a Green Barrier) has been considered to be sequentially preferable in land use planning terms to meet the needs of Flintshire.

7.25 Acceptability of Site Search Assessment

The Site Search Assessment submitted as part of this application

was completed in advance of the appeal decision/conclusions of the legal challenge to the Memoria proposal on land at Kelsterton Lane/ Oakenholt Lane, Northop. As a result the applicant/ agent have been afforded the opportunity to update their Supporting Planning Statement and Alternative Site Search Assessment, following the allowal of the appeal by Memoria. This would have provided the agent with the opportunity to examine why this site is acceptable in light of the recent appeal decision. The agent has however requested that the application be determined on the basis of the information initially submitted.

7.26 The site search assessment does not reflect the current and most up to date position which exists in relation to the erection of a crematorium on a suitable site within Flintshire, and “very exceptional circumstances” to release this site for the development as proposed do not exist.

7.27 Current Progress / Timescales for Memoria Crematorium

Whilst the concerns of the applicant are noted in respect of the implementation of the Memoria permission, Members are advised that site works on this permission have commenced. The developer has indicated that “the build is projected to take 10 months and is likely to open to the public in April 2018”.

7.28 In light of the above, it is considered that significant progress has been made on the commencement of site works subsequent to the conclusions of the legal challenge and requirement for the discharge of the pre-commencement conditions imposed on the appeal decision. The timescale for the completion of the works is comparable with that employed during construction of the crematorium by Memoria on land at St Asaph, Denbighshire and therefore it appears to be an entirely realistic proposition that the crematorium at Kelsterton Lane will be completed.

7.29 Agricultural Land Classification

In consideration of previous applications on the site an assessment of the agricultural land classification of the site has been sought. This has established that the soil types present are possibly a mixture and equitable split of subgrade 3a and 3b which are defined being a mix of good/moderate quality agricultural land. There is no evidence to substantiate that this has altered.

7.30 Previously it was considered that the loss of 5 acres of grade 3a agricultural land would not lead to a significant reduction in the amount of good quality land within the County. However I attach significant weight to a recent appeal decision (reference 317183 which is reported on this agenda) which forms a material consideration in the planning balance. The appeal decision considers the loss of less than a hectare of BMV land as an unjustified and damaging loss of such land. PPW paragraph

4.10.1 and FUPD Policy RE1 seeks justification of the loss of such land which has to be based on the overriding need for the proposed use or the lack of other land for the proposed use. No case has been made for the justification and therefore the proposal directly conflicts with PPW and UDP Policy RE1.

7.31 Ecological Considerations

The site has been the subject of an ecological assessment and species survey which accompanies the application. This confirms that there are a number of ponds within 250 m of the site boundaries with evidence of the presence of Great Crested Newts (GCN). In addition to the above, the site has been surveyed for the presence of bats, badgers and nesting birds.

7.32 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.33 The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994, now the 2010 Regulations, which contain two layers of protection a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and a licensing system administered by the Welsh Ministers.

7.34 Planning Policy Wales (Edition 9, paragraph 5.5.11) advises Local Planning Authorities that: “The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its Habitats”.

7.35 Technical Advice Note 5 - Nature Conservation and Planning (2009) states at para. 6.3.6:- “Regulation 3(4) of the Habitats Regulations [Regulation 9 (5) in the Habitats Regulations 2010] requires all local planning authorities, in the exercise of their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by the exercise of those functions. Consequently, the Directive’s provisions are relevant in reaching planning decisions where a European protected species may be affected and it is therefore important that such planning decisions are reached in a manner that takes account of, and is consistent with, the Directive’s requirements. Those requirements include a

system of strict protection for European protected species, with derogations from this strict protection being allowed only in certain limited circumstances and subject to certain tests being met. These requirements are transposed by the provisions of the Habitats Regulations. The issues of whether development could give rise to a breach of the Regulations' requirements, and whether there may be a potential need for a licence to avoid such a breach, are therefore a material consideration in a relevant planning decision, and where a licence may be needed, the three licensing 'tests' required by the Directive should be considered by the local planning authority. Paragraph 6.3.7 then states:- "It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) licence are likely to be satisfied".

7.36 Whilst there is no direct impact on the Great Crested Newt Habitat, the development will require the issue of a license under the above regulations in accordance with the tests outlined. This will be dependent upon:

- i. The need for this facility having been proven in undertaking the qualitative and quantitative need assessment referred to earlier in this report.
- ii. That there is no satisfactory alternative to the development of this site (i.e., in this context, a suitable site outside the Green Barrier).
- iii. That mitigation measures would compensate for any adverse impacts arising from the increase in activity from the development of this site in this location. These would include:
 - Reasonable avoidance measures being undertaken to include temporary amphibian fencing prior to the
 - Commencement of development and provision of amphibian friendly road drains, gutters and kerbs.
 - The creation of a terrestrial habitat buffer and mitigation between the development and breeding ponds.

7.37 The proposed development and supporting ecological report have been assessed by Natural Resources Wales and it is considered that the development is not likely to have a significant effect on the GCN population. In addition to the above, an assessment of the impact of the proposed development on bats, badgers, nesting birds and barn owls has been undertaken. It is acknowledged that the proposal would entail the removal of an oak tree at the site entrance with this identified as a potential bat roost. In terms of mitigation it is proposed that a bat box is installed within the

crematorium building in order to compensate for the removal of the tree. There is no evidence of badgers on site and limited hedgerow removal is proposed, which can be timed to avoid disturbance to nesting birds. With the supplemental planting which is proposed within the site, this will help to maintain the diversity of the habitat at this location. In terms of the impact of development on barn owls, the enhancement of grassland through the use of wildflower seed with low key management could benefit the vole population as a food resource for owls. Whilst in themselves these effects are potentially capable of being mitigated, the fact that there will be some disturbance which triggers consideration of this proposal against the EU Habitats Directive derogation tests, and also that an alternative permission for a crematorium exists and has commenced elsewhere, are material factors. Given this it can no longer be said that there is an imperative reason of overriding public interest to justify this proposal in this location, as the need for a crematorium has been met on a suitable alternative site elsewhere in Flintshire. This proposal does not therefore satisfy the first derogation test required by the EU Directive and as such it is in conflict with Planning Policy Wales and UDP policy WB1.

7.38 Other Matters

Set out below are a series of issues which are not considered to be the main issues but are material considerations which should be weighed in the planning balance.

7.39 Adequacy of Highways

Given the relationship of the site to the A55 Trunk Road and with direct access into the site being proposed from the A5119, consultation on the application has been undertaken with both Welsh Government Transport and the Highway Development Control Manager.

7.40 Following submission of a road speed analysis Welsh Government Transport have confirmed that they raise no objection to the development from a Trunk Road perspective. In addition the Head of Highway Development Control Manager has advised that there is no objection to the development subject to (i) the completion of a Section 106 Obligation/Unilateral Undertaking to secure funding towards the upgrading of existing bus stop facilities adjacent to the site and (ii) the imposition of conditions imposed on any permission to ensure improvements to the A5119 to facilitate the provision of a right turn facility/pedestrian refuge together with details of the site access and parking facilities. This is a material consideration which weighs in favour of the proposal but does not overcome the harm which would derive from the inappropriate nature of the development in the Green Barrier and the loss of BMV land. I therefore attach little weight to this matter in the planning balance.

7.41 Landscape Impact

The application site of 4.1 hectares comprises a number of existing agricultural fields interspersed by hedgerows and trees. A Landscape and Visual Impact Assessment of the site has been submitted in support of the application which is considered to assess the existing landscape character and the potential impact of the proposed development adequately.

7.42 The character is defined both within the site and in the wider context by the following elements and features:-

- Semi-improved/improved grassland extending over undulating
- Topography.
- Field boundaries of managed hedgerows.
- Interspersed mature hedgerow trees.
- Small blocks of woodland.
- Areas of low lying wetland or ponds with trees.

7.32 There are also man-made features which assist in defining the wider character of the landscape including:-

- Lanes with high hedgerows or banks.
- Electricity poles along the A5119.
- Dispersed farmsteads and residential properties.
- Man-made embankment of the A5119/A55 junction and slipways.
- Road lighting columns.

7.43 There are a number of views into the site from Starkey Lane, the A5119 Northop – Flint Road, Footpath 5 which runs alongside and through the site; with partial glimpses from the A55. The objections relating to the impact of development on the character of the landscape and openness of the Green Barrier are duly noted.

7.44 During the construction phase, it is acknowledged that disturbance, movement and additional noise would affect the landscape character of the site and locality. However, the impact will be temporary and only for the duration of the works. The effects would be highly localised and would diminish upon moving away from the site into the wider landscape.

7.45 In terms of permanent effects and impacts upon the landscape, the new buildings would by definition reduce the openness of the site, but it is not considered that the degree of openness lost would lead to 'unacceptable harm to the open character and appearance of the Green Barrier', within the meaning of Policy GEN4(ii) of the UDP. The operational development proposed would only consume a relatively modest proportion of the overall

site, with most of the site remaining entirely open and being enhanced through extensive landscaping treatment. That said, this is premised on the proposal being appropriate development in a Green Barrier or that exceptional circumstances have been demonstrated for the need for it to be in a Green Barrier, neither of which is the case.

7.46 The concerns raised from residents living in proximity to the site in respect of increased noise/disturbance from the additional traffic generated by the development together with light pollution are duly noted. It is acknowledged however that the A55 and A5119 are currently heavily trafficked roads and whilst there will be an inevitable increase in vehicular movements at this location over and above that which currently exists, it is considered that the associated highway improvements that are required would help to accommodate and enable the free movements of vehicles at this location. In addition the respective distances to the curtilage boundaries of existing dwellings and the associated substantial internal planting proposals, mean that the issues of noise, disturbance, and impact on privacy/amenity could be adequately mitigated. Although the proposal would not of itself adversely affect the openness and appearance of the Green Barrier, which is a material consideration to be weighed in the planning balance, this matter does not outweigh the harm caused to the other purpose of a Green Barrier in this location, such as safeguarding the countryside from encroachment, and also the overall loss of BMV land. I therefore attach little weight to this matter in the planning balance.

7.47 Design/Siting

In accordance with the requirements of proviso (ii) of Policy GEN4 of the adopted Flintshire Unitary Development Plan, any new development must “not unacceptably harm the open character and appearance of the Green Barrier”. To this effect the design/siting and associated landscaping are important when assessing the impact of development on the site’s Green Barrier designation. As indicated in paragraph 7.04 of this report the proposed building is contemporary in its form, with the provision of a double curve roof. In design terms, there is no objection to the general ‘low key’ form of the building proposed subject to some minor design amendments.

7.48 In addition to the above, the siting of the building away from the site boundaries would help to frame it within the overall site area and in combination with the landscaping proposals help to assimilate the development into the locality without causing demonstrable harm. As it is considered the design of itself does not harm the openness and appearance of the Green Barrier, this is a material planning consideration to be weighed in the planning balance. However, this matter does not override the other

purpose of the Green Barrier in this location, such as safeguarding the countryside from encroachment, and also the overall loss of BMV land. As the principles of design cannot, in themselves override the fundamental principles as set out in Policy GEN4, I attach very little weight to this matter in the planning balance.

7.49 Impact on Mineral Resources

For Members information the site is located on an area of land containing gravel deposits and Policy MIN8 of the adopted Flintshire Unitary Development Plan recognises that where there are significant deposits of important mineral resources that these are safeguarded to ensure their availability in the future.

7.50 Whilst the applicant has not submitted any information with regards to the quality/extent of mineral deposits in this locality, it is considered that given the site area involved i.e., 4.1 hectares (10 acres) that this would have a small impact on the potential availability of sand and gravel resources within the County. In addition, and recognizing that there are a number of existing residential properties close to the mineral resource, it is unlikely that the mineral resource would be worked except as a potential borrow pit for future highways infrastructure works. Given the proximity of the site to residential properties this would also reduce the extent of the deposit that could be worked due to the application of a buffer zone of 100 m for sand and gravel workings as required by Policy MIN10 of the UDP. In these circumstances it is not considered that the retention of this land is fundamental to the County's mineral supply or extraction would be acceptable given the proximity of existing residential properties. As the proposal would not adversely affect the supply or extraction of minerals on the Country, this is a matter which would weigh favourably in the planning balance. However, this does not override the principle conflict of the proposal forming inappropriate development in the Green Barrier and I therefore give this matter little weight in the planning balance.

7.51 Adequacy of Drainage

It is proposed that foul drainage from the site is dealt with by the provision of a septic tank given that there is no mains drains network located in close proximity to the site. Consultation on this aspect of the proposal has been undertaken with Natural Resources Wales who have confirmed that in these circumstances the treatment and disposal of foul drainage must comply with relevant guidance and permits. In addition, and in respect of surface water drainage from the car park, this must pass through an oil interceptor before discharge and is not an issue, considering the small proportion of building coverage in relation to the total site area. This matter of drainage is not an issue and therefore and this can be weighed in the planning balance, but is not capable of overcoming the principal conflict of the proposal forming

inappropriate development in the Green Barrier. I therefore give this matter little weight in the planning balance.

- 7.52 Whilst I acknowledge that the proposal has a number of factors which form material considerations which should be weighed in the planning balance, these do not individually or cumulatively overcome the principle that the proposal would result in inappropriate development in the Green Barrier and that no very exceptional circumstances have been demonstrated to overcome this policy position.

8.00 CONCLUSION

- 8.01 In conclusion, the appeal decision for the proposal by Memoria Ltd, for the erection of a crematorium on land at Kelsterton Lane/Oakenholt Lane, Northop is a significant material consideration. In the absence of national and local policy tests for provision of crematorium I attach considerable weight to the appeal decision which examines case law and similar appeal decisions elsewhere in concluding the issue of need. As there is significant progress being made on the construction of the Memoria site, with it being anticipated that it will be open to the public in April 2018, there is therefore no over-riding need for this development and there are no “Very Exceptional Circumstances” which exist, to warrant the erection of an otherwise inappropriate development in the Green Barrier. I therefore recommend that permission be refused for the reason advanced in paragraph 2.01 of this report.

8.02 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.

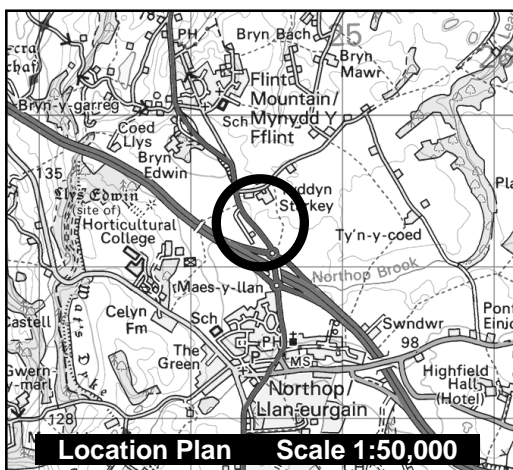
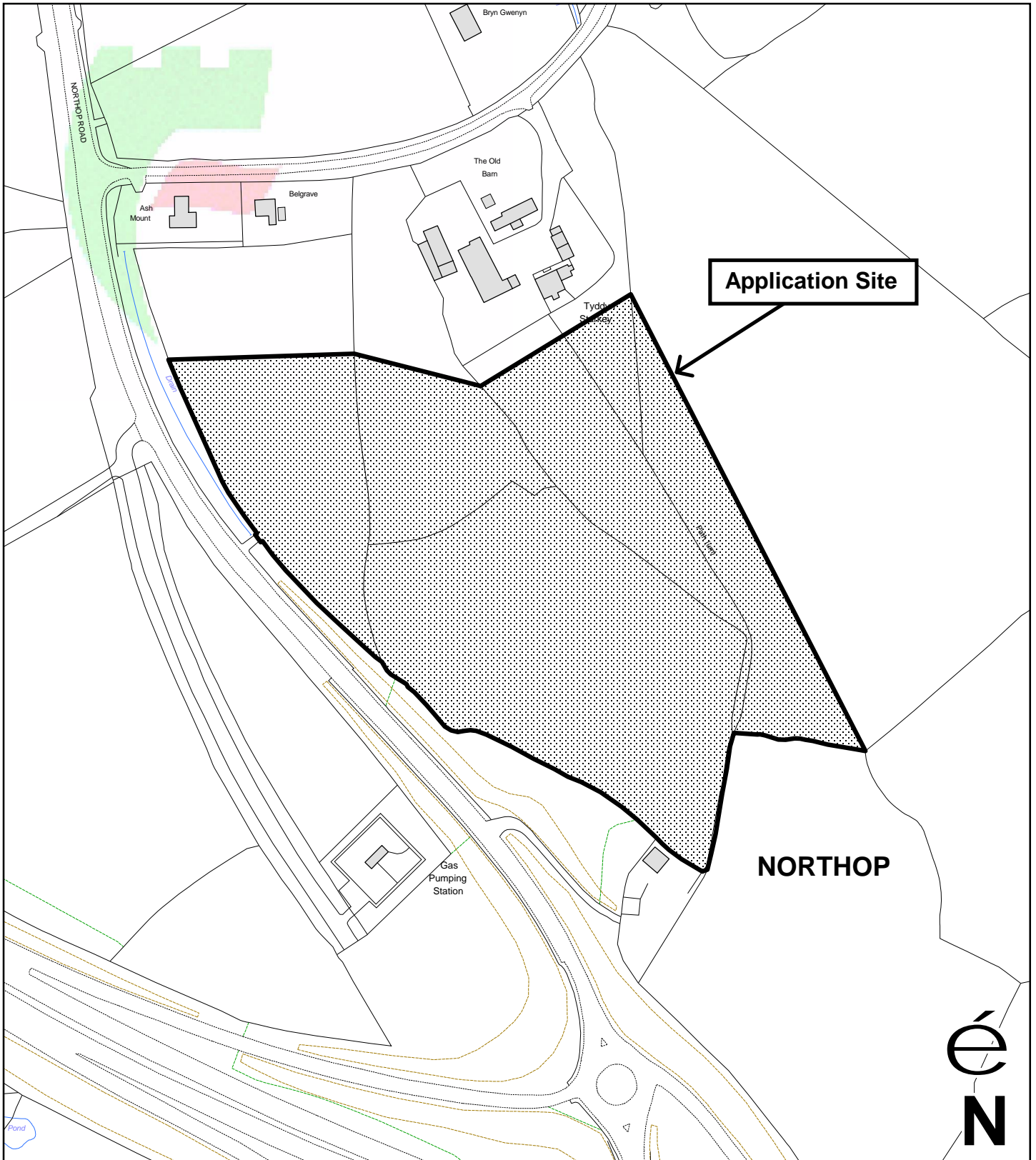
LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2469

Planning Application **55775**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26TH JULY 2017**

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

SUBJECT: **OUTLINE APPLICATION – ERECTION OF 14 NO. DWELLINGS AT FORMER SPECTRUM HOME & GARDEN CENTRE, WREXHAM ROAD, CEFN-Y-BEDD**

APPLICATION NUMBER: **055430**

APPLICANT: **MR. P. WILLIAMS**

SITE: **FORMER SPECTRUM HOME & GARDEN CENTRE, WREXHAM ROAD, CEFN-Y-BEDD**

APPLICATION VALID DATE: **12TH MAY 2016**

LOCAL MEMBERS: **COUNCILLOR D HUGHES**

TOWN/COMMUNITY COUNCIL: **LLANFYNYDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **APPLICATION CONSTITUES A DEPARTURE FROM THE DEVELOPMENT PLAN**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is an outline application with all matters reserved for subsequent approval. It proposes the erection of 14 No. dwellings on the site of the former Spectrum Home & Garden Centre, Wrexham Road, Cefn y Bedd. The site the subject of this application is located outside the settlement boundary of Cefn-y-Bedd. As it constitutes a departure from the development plan the application requires Planning Committee determination.

1.02 For Members information the site is located within a C2 Flood Zone

which is categorised as an area at risk from flooding without significant flood defence infrastructure. As it constitutes residential development of more than 10 dwellings, within a C2 Zone, in accordance with Welsh Office Circular 07/12 the application is required to be reported to Welsh Government for formal determination. In these circumstances the resolution of The Planning Committee will be forwarded to the Welsh Government if Members are mindful to grant permission for the development.

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

That conditional planning be granted subject to the applicant entering into a Section 106 Obligation / Unilateral Undertaking to:-

- a) Control the provision and occupation of the 4 No affordable dwellings within the proposed development
- b) Ensure the payment of an educational contribution of £37,328 towards Information Technology at Castell Alun High School
- c) Secure the payment of £1100 per dwelling towards the enhancement of the children's play area at Wyndham Avenue

2.01 If the Obligation pursuant to Section 106 of the Town & Country Planning Act (as outlined above) is not completed within six months of the date of the Committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

2.02 Conditions

- 1. Outline – Reserved Matters.
- 2. Outline – Time Limit.
- 3. Materials to be submitted and approved.
- 4. Siting layout design of means of site access to be submitted and approved.
- 5. Forming and construction of access in accordance with approved details.
- 6. Site to be served by means of a single vehicular access.
- 7. Facilities to be provided within the site for the parking/turning of vehicles in accordance with approved scheme.
- 8. Front of any garage to be set back 5.5 m from back of footway or 7.3 m from edge of carriageway.
- 9. Detailed layout traffic calming, signing surface water drainage, street lighting and construction of internal estate roads to be submitted and approved.
- 10. Gradient of the access from existing carriageway for a minimum of 10 m to be 1 in 24 and a maximum 1 in 15 thereafter.
- 11. A 1.8 m wide footway to be provided along site frontage in accordance with detailed specification.
- 12. Positive means to prevent run-off of surface water onto the

- highway to be provided in accordance with approved details.
13. Finished floor levels of properties to be set at no lower than 66.03 above Ordnance Datum (AOD).
 14. Removal of permitted development rights.
 15. No development to commence until a scheme for the disposal of foul, surface and land drainage has been submitted and approved. Development to be carried out in accordance with approved details.
 16. No development to commence until a scheme for emergency evacuation in the event of a flood has been submitted and approved.
 17. No development to commence until a scheme of lighting to be submitted and approved.
 18. No development to commence with a scheme for the protection/maintenance of the bank of the River Cegidog has been submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member

Councillor D Hughes

Request site visit and planning committee determination, in order to assess the impact of the proposed development.

Llanyfynydd Community Council

No objection.

Highways Development Control Manager

Consider that the proposed change of use has the potential to reduce traffic movements into and out of the site, although pedestrian movements could increase. Whilst changes to the indicative site layout submitted would be required to address technical aspects of the development, raise no objection subject to the imposition of conditions in respect of access, visibility, parking, construction details and surface water run-off.

Public Open Spaces Manager

Request the payment of £1,100 per dwelling in lieu of on-site open space provision. The monies would be used to enhance the existing children's play area located at Wyndham Avenue.

Capital Projects & Planning Manager

Request the payment of an educational contribution of £37,328 to fund Information Technology at Castell Alun High School (See Main Report)

Welsh Water/Dwr Cymru

Recommend that any permission includes conditions in respect of foul, surface and land drainage.

Clwyd-Powys Archaeological Trust

No archaeological implications in respect of the proposed development.

Natural Resources Wales

Following the completion of hydraulic and hydrological modelling work, and submission of a Flood Consequences Assessment raise no objection subject to the imposition of conditions. Consider the ecological survey submitted to be acceptable subject to the imposition of appropriate bat mitigation and compensation.

Emergency Services

Awaiting response at time of preparing report.

Housing Strategy Manager

The Local Housing Market Assessment (LHMA) identifies an annual shortfall of 246 affordable homes.

The LHMA identifies a need for primarily 1 bed (14%) 2 bed (31.6%) and 3 bed (28.5%) split relatively evenly between Social Rented (56.2%) and intermediate tenures.

The Single Access Route to Housing (SARTH) register currently has 932 applications – 79 have identified Abermorddu/Caergwrle/ Llanfynydd Ffrith as areas they are seeking affordable housing for 1, 2, 3 or 4 bed housing. 7 applicants registered an interest for shared equity units. The applicant is proposing the provision of 4 No. 3 bed 70 – 30% shared equity units which is supported.

North Wales Police Community Safety

Recommend that the proposed development incorporates 'Secure By Design' principles.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification
No response received.

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development.
Policy STR4 – Housing.
Policy GEN1 – General Requirements for Development.
Policy GEN3 – Development in the Open Countryside.
Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.
Policy TWH1 – Development Affecting Trees & Woodlands.
Policy WB1 – Species Protection.
Policy AC13 – Access & Traffic Impact.
Policy AC18 – Parking Provision & New Development.
Policy HSG4 – New Dwellings Outside Settlement Boundaries.
Policy HSG5 – Limited Infill Development Outside Settlement Boundaries.
Policy HSG11 – Affordable Housing in Rural Areas.
Policy EWP14 – Derelict & Contaminated Land.
Policy EWP 17 – Flood Risk.

Additional Guidance

Planning Policy Wales (PPW) – Edition 9 November 2016
Local Planning Guidance Note 2 – Space Around Dwellings
Local Planning Guidance Note 8 – Nature Conservation & Development
Local Planning Guidance Note 9 – Affordable Housing
Local Planning Guidance Note 13 – Open Space Requirements
Supplementary Planning Guidance 23 – Developer Contributions to Education
Technical Advice Note 1 – Joint Housing Land Availability Studies
Technical Advice Note 5 – Nature Conservation and Planning
Technical Advice Note 6 – Planning for Sustainable Rural Communities
Technical Advice Note 15 – Development and Flood Risk
The Town & Country Planning (Notification) (Wales) Direction 2012.

7.00 PLANNING APPRAISAL

7.01 Introduction

The site the subject of this application amounts to approximately 0.51 hectares in area. It is located on the western side of the Wrexham – Mold Road (A541) and comprises the site of the Former Spectrum Garden Centre, Mold Road, Cefn-y-Bedd.

7.02 For Members information the site which is located between existing dwellings, Alyn House and Bryn Derw is currently vacant and occupies a number of redundant buildings which are in a poor state of repair. The site is located outside the settlement boundary of Cefn y Bedd as defined in the Flintshire Unitary Development Plan. It is however largely within a C2 Flood Zone which is categorised as an area at risk from flooding without significant flood defence infrastructure given that the western boundary of the site lies adjacent to the River Cegidog and on the eastern side of the A541 is the River Alyn.

7.03 Proposed Development

The application proposes the demolition of existing buildings on site and redevelopment by the erection of 14 No. dwellings. Although the

application is in outline form (with all matters reserved for subsequent approval) an indicative site layout plan has been submitted as part of the application.

7.04 The site layout illustrates the erection of 14 No. dwellings comprising a mix of detached/semi-detached 2/3 storey dwellings focussed around a central access/cul-de-sac head. As the site is located predominantly within a C2 Flood Zone, it is proposed to incorporate parking/non-habitable rooms at ground floor level within the proposed 3 storey dwellings.

7.05 The parameters contained within the Design & Access Statement indicate that the ridge height of the dwellings will be approximately 8.3 – 10.5 m in height, taking reference of the site's location within a C2 Flood Zone, the topography of the site, and surrounding buildings many of which are set on higher ground.

7.06 Main Planning Issues

It is considered that the main planning issues in relation to this application can be summarised as follows:-

- Principle of development having regard to the planning policy framework including current policy in respect of previously Developed Land (PDL) also referred to as 'brownfield land'.
- Sustainability of development given its location outside the settlement boundary
- Proposed scale of development and impact on character of the site and its surroundings.
- Adequacy of access to serve the development.
- Drainage/Flooding.
- Affordable housing provision within the development.
- Impact on the privacy/amenity of occupiers of existing and proposed dwellings.
- Impact on Ecology.
- Open Space/Educational Contributions.

7.07 Principle of Development

It is acknowledged that the site is located outside the settlement boundary of Hope, Caergwrle, Abermorddu and Cefn y Bedd in the Flintshire Unitary Development Plan where new residential development is strictly controlled.

7.08 It is however considered that the site falls within the definition of Previously Developed Land (PDL) also known as 'brownfield land' which is contained within Figure 4.3 of the Planning Policy Wales where it states:-

"Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed infrastructure. The curtilage of the development is

included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development control procedures”.

7.09 Welsh Government states its preference for the development of brownfield land in PPW which advocates that:-

“Previously development (or brownfield land) should, whenever possible be used in preference to greenfield sites, particular those of high ecological or agricultural value. The Welsh Government recognised however that not all previously developed land is suitable for development due to for e.g., its location, the presence of protected species or valuable habitats or industrial heritage or because it is highly contaminated”.

7.10 Sustainability of Site

In paragraph 4.9.2 of Planning Policy Wales, Welsh Government states “Many previously developed sites in built up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:-

- In and around existing settlements where there is vacant or under used land, commercial property or housing.
- In suburban areas close to public transport nodes which might support more intensive use for housing or mixed use.
- Which secure land for urban extensions and;
- Which facilitate the regeneration of existing communities.

7.11 The site has operated as a garden centre and DIY store for many years as well as accommodating a range of other uses in the associated peripheral buildings. Following its closure, the site has remained vacant for a number of years and is now in a poor almost derelict condition.

7.12 The site is located on a key transport corridor between Flintshire and Wrexham, which is served by the A541, the Wrexham-Bidston railway line including proximity to the station at Cefn y Bedd. To the north are facilities in Cefn y Bedd and Abermorddu, whilst to the south are a range of facilities and services in Gwersyllt.

7.13 Although the site is located outside a settlement boundary it is within a semi urban corridor between a loose ribbon of predominantly residential development on the western side of the A541 stretching between the edge of Sydallt within Wrexham County Borough and Cefn y Bedd. The site is also located in close proximity to a number of employment centres and is, in my view, located within a sustainable location as the proposed site would be adequately served by a choice of transport other than the privately owned motor car.

7.14 Scale of Development/Impact on Character

It is considered that the proposed erection of 14 No. dwellings on approximately 0.51 hectares would not represent over-development of the site. The proposed density of 27 dwellings per hectare would be below the 30 dph that is expected to be achieved on allocated housing sites but this scale represents an acceptable balance recognising the site's location with a C2 Flood Zone (see paragraph 7.18) and the character of existing development at this location along the A541, and therefore the proposal is in compliance with Policy HSG8 of the Unitary Development Plan.

7.15 In terms of the existing character, this is defined by properties which front onto the A541 the topography of adjacent development at a higher level than the road, many with retaining walls and structures. In the context of this adjacent development it is considered that the erection of 2/3 storey dwellings can be assimilated into the site and surroundings.

7.16 Adequacy of Access/Highways
Consultation on the application has been undertaken with the Highway Development Control Manager. Having regard to the site's previous usage it is considered that development of the site for 14 No. dwellings would potentially reduce vehicular movements into/out of the site although given the site's sustainable location and access to public transport links, pedestrian movements could increase.

7.17 It is considered that although the application has been submitted in outline with all matters reserved, that an indicative plan illustrates the formation of a single access to serve the development which would require amendment to secure adequate visibility/improvements to the width of the access road. This would need to be secured at Reserved Matters stage though the imposition of conditions as part of this application, including the need to secure adequate parking provision, within the site, construction details of the internal road, the provision of a 1.8 m footway along the site frontage and the prevention of surface water run-off onto the highway.

7.18 Drainage/ Flooding
The site the subject of this application lies predominantly within a Flood Zone C2 as defined in the Development Advice Map (DAM) and the proposed development falls within the "Highly Vulnerable" development category as outlined in Technical Advice Note 15 (TAN15) – Development and Flood Risk

7.19 In these circumstances Section 6.2 of TAN 15 advises that:-
“ Development including existing transport infrastructure, will only be justified if it can be demonstrated that:-
i Its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement ;
or,

ii Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region,

and,

iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1): **and,**

iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in Section 5 and 7 and appendix 1 found to be acceptable.

7.20 In justifying development having regard to the criteria listed in 6.2 of TAN15 ,it is my view that:-

a) Residential development at this location forms a logical part of the existing ribbon of development on the western side of the A541 between Cefn y Bedd and Sydalit and would help in the regeneration of the site which is in an extremely poor physical condition. As a windfall site it would also help to provide for a level of housing development including “affordable dwelling units” which will help to sustain the settlement of Cefn y Bedd where there are limited opportunities for new residential development whilst at the same time contributing to the council’s housing land supply.

b) The site would meet the aims of PPW representing sustainable development on a site which meets the definition of Previously Developed Land

c) The potential consequences of flooding of the site have been considered and addressed by the applicant through the submission of a Flood Consequences Assessment (FCA) which has been assessed by Natural Resources Wales (NRW). There is no objection from NRW subject to the imposition of conditions to ensure that the implications of flood management can be satisfactorily incorporated into the buildings/site in the event of planning permission being obtained.

7.21 With the exception of a small part of the site in proximity to the northern boundary which lies outside the flood outline where 3 No. 2 storey dwellings are proposed, the remainder of the site is proposed to be developed by 3 storey dwellings with non-habitable rooms at ground floor level.

7.22 At the time of preparing this report the consultation responses from Emergency Services was awaited to ensure that satisfactory procedures can be put in place to ensure safe evacuation from the proposed dwellings in the event of a flood. Members will be verbally advised of the conclusions of this consultation at the Planning Committee meeting.

Affordable Housing Provision

7.23 The proposed development on this sustainable site which is located

in close proximity to the Category B Settlement of Cefn Y Bedd will help to provide an increase in housing land supply in accordance with Technical Advice Note 1. Consultation on the application has been undertaken with the Housing Strategy Manager who advises that the Local Housing Market Assessment (LHMA) identifies an annual shortfall in Flintshire of 246 affordable units.

7.24 The LHMA identifies a need for primarily 1 bed (14%) 2 bed (31.6%) and 3 bed (28.5%) split relatively evenly between Social Rented (56.2%) and intermediate (43.8%) tenures.

7.25 The Single Access Route To Housing (SARTH) Register currently has 932 applications – 79 have identified Abermorddu/Caergwrle/Llanfynydd Ffrith as areas they are seeking affordable houses. The SARTH Register identifies that 44% of those that chose Abermorddu/Caergwrle/Llanfynydd Ffrith as areas for an affordable home were looking for 1 bed, 2 bed, 3 bed or 4 bed accommodation.

7.26 There is an identified level of interest for intermediate products (i.e., affordable ownership and rent in the Cefn y Bedd area (Caergwrle & Abermorddu)

- With 7 applicants currently registered for shared equity units. 1 applicant requiring 1 bed accommodation, 5 requiring 2 beds and 1 requiring 3 beds and
- 3 applicants requiring affordable rent with 2 applicants requiring 3 bed and 1 applicant requiring 1 bed accommodation.

7.27 The applicant is proposing 4 No. 3 bed affordable units on the site to be provided on a 70 – 30% shared equity basis. As there is an identified need this is supported by the Housing Strategy Manager.

Impact on Privacy/ Amenity

7.28 Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those existing dwellings in proximity to the site are safeguarded as part of the development.

7.29 As a result of the form of existing development in close proximity to the site which is principally of frontage development onto the A541 no direct overlooking of the existing dwellings would occur. In addition the indicative site plan illustrates the proposed dwellings focussed around an internal road/cul de-sac arrangement which is considered acceptable having regard to Local Planning Guidance Note 2 – Space About Dwellings.

7.30 Impact on Ecology

Consultation on the application has been undertaken with both

Natural Resources Wales (NRW) and the Council's Ecologist having regard to the existing buildings on the site which are in a poor state of repair and the River Cegidog corridor which is an important wildlife habitat. No objections to the proposed development have been raised from an ecological perspective, subject to the imposition of conditions to safeguard the River Cegidog during construction, and to avoid direct lighting on this linear feature which is an important foraging and migrating area for bats.

7.31 Open Space Requirements

Consultation on the application has been undertaken with the Council's Public Open Spaces Manager who in lieu of on-site recreational provision requests the payment of £1,100 per dwelling. The required monies would be used to enhance the existing children's play area located at Wyndham Avenue. This would need to be secured through the completion of a Section 106 Obligation.

7.32 Educational Contributions

Consultation on this aspect of the development has been undertaken with Capital Projects & Property who advise that there is adequate capacity within Abermorddu County Primary School to serve the development. The current shortfall of surplus places i.e., Castell Alun High School having regard to the scale of development proposed, would generate the need for an additional contribution requirement of £37,328. For Members information this is calculated on the basis of the formula which is applied as follows:-

School Capacity $1240 \times 5\% = 62$

Capacity $1240 - 62 = 1178$

Trigger point for contributions is 1178 pupils

(Number of units 14×0.174 (secondary formula multiplier) = 2.43 (2 No pupils)

$2 \times £18,469$ per pupil (Building Cost Multiplier) = £37, 328.

Actual pupils $1368 \times 3 = 1371$ meets trigger of 1178.

7.33 The Education Department have identified a specific project whereby the monies requested would be used to improve Information Technology provision within the school. The infrastructure and monetary contributions that can be required from the proposal have to be assessed under 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 the development, if the obligation does not meet all of the following Regulation 122 tests;

1. 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.

- 7.34 It is considered having regard to the above that the construction requirement meets the Regulation 122 tests.

8.00 CONCLUSION

In conclusion it is considered that the site falls within the definition of Previously Developed Land and is located in a sustainable location within a semi-urban corridor of existing development, along the A541 Wrexham- Mold Road. The redevelopment of the site will help to improve the visual appearance of this derelict former commercial site that has remained vacant for a number of years.

- 8.01 It is considered that development will also help to make a reasonable contribution to the housing land supply. Although predominantly located within a C2 Flood Zone, it is considered that the principle of development can be justified at this location in accordance with TAN15 .No objections to the development have been raised from Natural Resources Wales or the Highway Development Control Manager and subject to the imposition of conditions to address drainage, highway, and affordable housing provision my recommendation is for permission to be granted.

8.02 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.

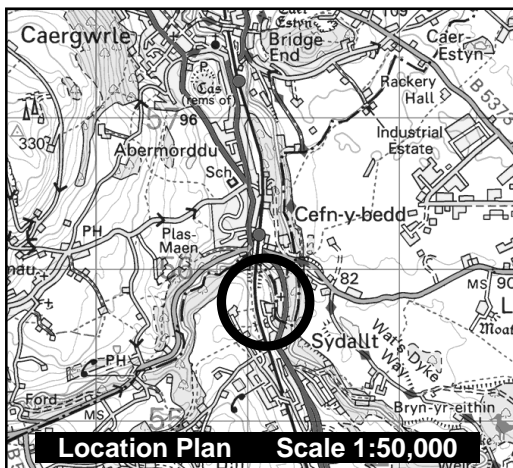
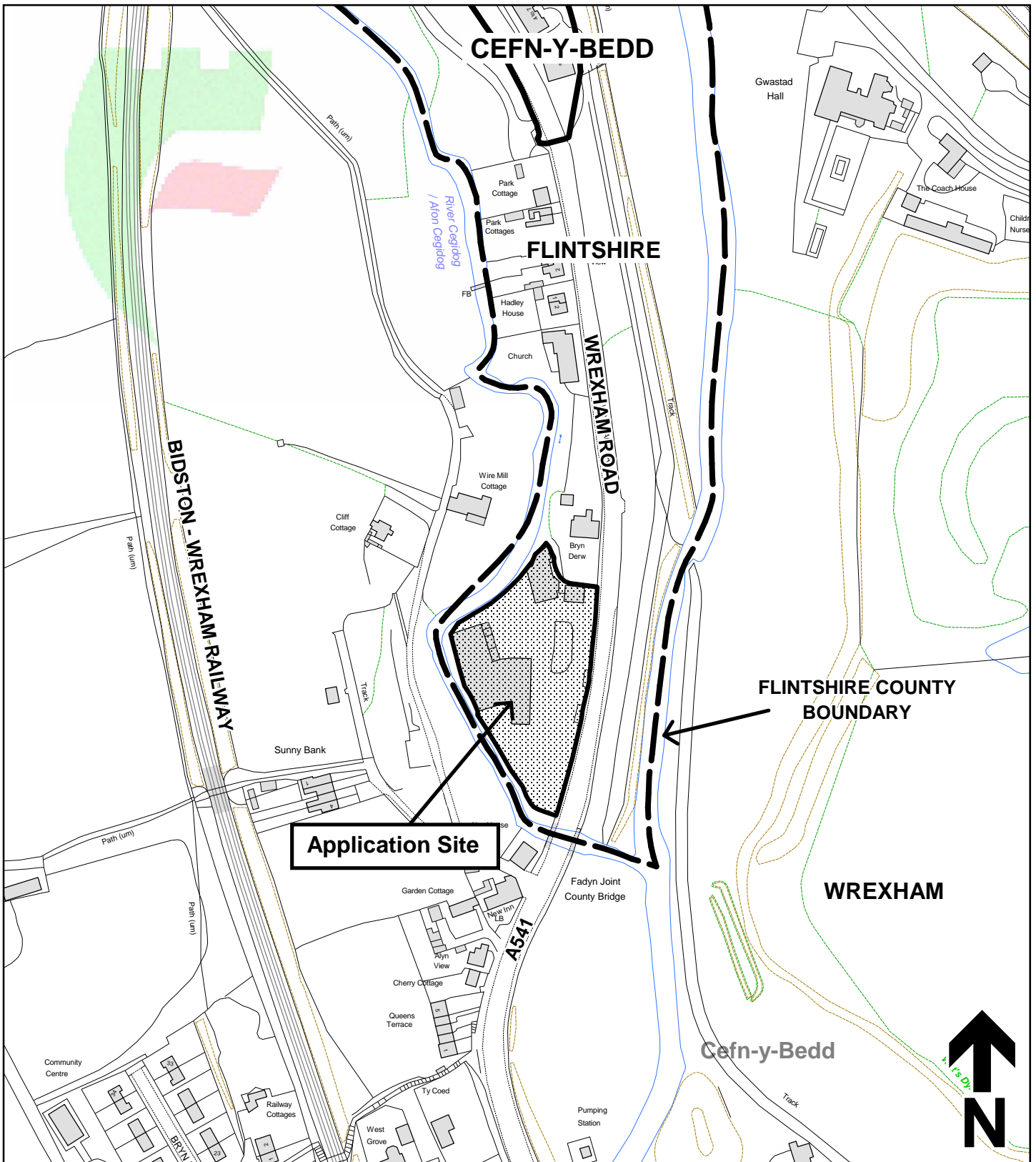
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.


LIST OF BACKGROUND DOCUMENTS

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

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**Sir y Fflint
Flintshire
COUNTY COUNCIL**

Planning & Environment,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Chief Officer: Mr Andrew Farrow

Legend

- Planning Application Site
- Adopted Flintshire Unitary Development Plan Settlement Boundary

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OS Map ref	SJ 3155
Planning Application	55430

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26TH JULY 2017**

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

SUBJECT: **FULL APPLICATION – DEMOLITION OF EXISTING OUTBUILDINGS AND ERECTION OF NEW DETACHED BUNGALOW AT COLROS, 6 ASH VIEW, ALLTAMI**

APPLICATION NUMBER: **056305**

APPLICANT: **MR. ROBERTS**

SITE: **COLROS, 6 ASH VIEW, ALLTAMI**

APPLICATION VALID DATE: **6TH DECEMBER 2016**

LOCAL MEMBERS: **COUNCILLOR C. ELLIS**

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

REASON FOR COMMITTEE: **NEED FOR SECTION 106 OBLIGATION**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application proposes the demolition of existing outbuildings and the erection of a new detached bungalow on land adjacent to an existing dwelling 'Colros', 6 Ash View, Alltami, Mold.
- 1.02 For Members information the site is located within the settlement boundary of Alltami as defined in the Flintshire Unitary Development Plan.

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

- 2.01 That subject to the applicant entering into a Section 106 Obligation to ensure initial occupation of the bungalow by the applicant due to the local need case advanced, and on any subsequent resale the first opportunity is given for the Council or other Registered Social Landlord to purchase the dwelling, in order to meet the needs of persons from the specialist housing register that conditional planning permission be granted.

If the Obligation pursuant to Section 106 of the Town & Country Planning Act (as outlined above) is not completed within six months of the date of the committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

Conditions

1. Time limit on commencement of development.
2. In accordance with approved details.
3. Materials to be submitted and approved.
4. Landscaping scheme to be submitted and approved.
5. Implementation of landscaping scheme.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C. Ellis

No objection subject to controls over initial and subsequent occupation of the proposed dwelling.

Buckley Town Council

No observations.

Head of Pollution Control

No adverse comments.

Natural Resources Wales

No objection, although the development may require a water discharge permit in respect of foul sewerage.

Welsh Government Transport

As highway authority for the A494 Trunk Road, does not issue a direction in respect of this application.

Highways Development Control Manager

Access is served from the A494 (T) Trunk Road and as such the proposed development will not affect the County Road Network. Do not therefore make a recommendation on highway grounds.

Housing Strategy Manager

Support the principle of development and the completion of a Legal

Obligation to ensure that on any future sale of the property that the first opportunity is given for the Council or other Registered Social Landlord to purchase the dwelling, in order to meet the needs of persons from the specialist housing register.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

One letter of objection received, the main concerns of which relates to the impact on an existing public right of way within the application site.

5.00 SITE HISTORY

5.01 051312

Change of use to operate 1 No. car and 1 No. minibus for private hire/contract business. Temporary permission granted 9th January 2014.

053585

Continuation of use of premises for private hire firm – Permitted 1st June 2015.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirement for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.

Policy HSG10 – Affordable Housing Within Settlement Boundaries.

Policy IMP1 – Planning Conditions & Planning Obligations.

Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings.

7.00 PLANNING APPRAISAL

7.01 The site the subject of this application amounts to approximately 0.7 hectares in area. It comprises an area of land located between an existing end of terrace two-storey property 'Colros', 6 Ash View, Alltami, and an existing detached bungalow 'Woodlands' off the A494 Trunk Road.

- 7.02 Within the site are existing outbuildings that are proposed to be demolished to facilitate the erection of a new bungalow with associated residential curtilage and car parking.
- 7.03 Proposed Development
The plans submitted as part of this application propose the erection of a detached bungalow which measures approximately 10 m x 6.5 m x 5.5 m high. It is proposed that the dwelling be constructed having rendered external walls and a concrete tile roof. Although the applicant and his wife currently reside at 'Colros', 6 Ash View the agent has advised that bungalow is required due to the limited mobility and degenerative medical condition of his client who will require it to be adapted for wheelchair use.
- 7.04 For Members information vehicular access to serve the new development is proposed from an existing access that currently serves as parking area for 1 No mini bus operated from the existing property 'Colros', 6 Ash View. The applicant proposes that the operation of the mini bus would continue from the proposed new dwelling with the existing property being served by parking to the rear of "Colros" that is derived from a separate private driveway from the A494.
- 7.05 Main Planning Considerations
In consideration of this application it is considered that the main planning considerations are as follows:-
- Principle of development having regard to the established planning policy framework.
 - Scale/design from a development proposed.
 - Adequacy of access/highways.
 - Adequacy of drainage.
 - Impact on privacy/amenity.
 - Impact on existing right of way within the site.
- 7.06 Principle of Development
The site is located within the settlement boundary of Alltami as defined in the Flintshire Unitary Development Plan. Alltami is classified as a Category C Settlement where any new dwellings must meet a proven local need.
- 7.07 The application has been submitted on the basis of meeting the medical needs of the applicant as the existing 2 storey property is considered unsuitable to meet current and future needs.
- 7.08 In accordance with Policy HSG3 of the Flintshire Unitary Development Plan, proposals for new dwellings should be in relation to the meeting a "proven local need". In terms of how the plan defines 'local need' this is in terms of either an essential workers dwelling, or to meet a need for affordable housing.

- 7.09 Whilst the need identified by the application does not conform to this definition, the proposal is nevertheless identifying an exceptional form of local need. The application is supported by sufficient evidence of this specific need for single storey adaptable living accommodation, and as has happened on a limited number of similar exceptional circumstances, I consider the principle of this proposal in these circumstances to be acceptable.
- 7.10 In order to secure the permission of this adapted dwelling for not only the present applicant, but also future potential occupants in need of an adapted dwelling, the recommendation is subject to the completion of a Section 106 Agreement where, on first resale of the property, the opportunity to purchase is given firstly to the Council or other Registered Social Landlord, in order to meet any specialist housing needs identified at this time.
- 7.11 Scale/Design
The scale/design of the proposed dwelling including the proposed use of materials would be sympathetic to the character of the site/surroundings, particularly having regard to the relationship of the development of an existing adjacent rendered bungalow “Woodlands”
- 7.12 Adequacy of Access
Consultation on the access/parking to serve both the existing dwelling and proposed new bungalow has been undertaken with Welsh Government Transport and the Highway Development Control Manager. No objections have been received and the application is therefore supported from a highway perspective.
- 7.13 Adequacy of Drainage
It is proposed that foul drainage from new dwellings is dealt with by way of the installation of a Package Treatment Plant. Consultation on the means of foul disposal has been undertaken with Natural Resources Wales who has raised no objection, although they have advised that a water discharge permit may be required.
- 7.14 Impact on Privacy/ Amenity
Having regard to the orientation of existing properties adjacent to the site in combination with the proposed erection of a single storey dwelling, no overlooking would result as part of the development proposed. The development is therefore considered to safeguard the privacy/amenity of the occupiers of existing and the proposed dwelling and can therefore be supported.
- 7.14 Impact on Right of Way
An objection relating to the impact on an existing right of way within the site has been received which is noted. For Members information this is not a definitive ‘Right of Way’ which is regulated by Flintshire County Council, but a private link to facilitate access to the rear of

existing properties at 'Ash View'. Any right to use this access link is therefore a private matter between respective parties but the agent has confirmed that this right of way is to be retained as part of the development.

8.00 CONCLUSION

In conclusion, it is considered that the proposed development can be supported subject to the applicant entering into a legal obligation to ensure controls over its initial occupation and its subsequent sale to the council or Registered Social Landlord to ensure that it is occupied in future by persons in similar need for specialist housing provision.

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.

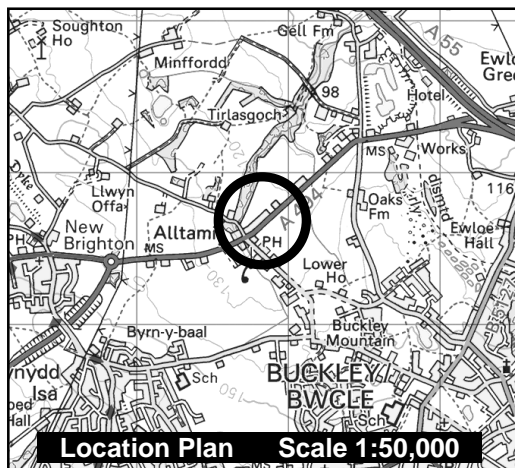
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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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Email: robert.m.harris@flintshire.gov.uk



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **56305**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26TH JULY 2017**

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

SUBJECT: **FULL APPLICATION – CONSTRUCTION OF 32 NO. DWELLINGS INCLUDING NEW VEHICLE ACCESS POINT, PUBLIC OPEN SPACE, CAR PARKING AND LANDSCAPING AT HAWARDEN ROAD, PENYFFORDD**

APPLICATION NUMBER: **056694**

APPLICANT: **THE STRATEGIC LAND GROUP & GREEN GATES HOMES (NW) LTD**

SITE: **HAWARDEN ROAD, PENYFFORDD**

APPLICATION VALID DATE: **13.3.2017**

LOCAL MEMBERS: **COUCNILLOR MRS. C. HINDS**
COUNCILLOR D. WILLIAMS

COMMUNITY COUNCIL: **PENYFFORDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the erection of 32 dwellings and creation of access and Public Open Space on land at Hawarden Road. As the site is outside of the settlement boundary of Penyffordd/Penymynydd, the application has been advertised as a departure from the Development Plan.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

2.01 That conditional planning permission be granted subject to the applicant either entering into a Section 106 Obligation or Unilateral Undertaking, or making of an advance payment, to provide for the following:

a) Payment of £98,056 towards improvements to teaching accommodation to bring them in line with minimum standards at Penyffordd County Primary School and £110,814 towards the provision of specialist Art teaching accommodation at Castell Alun High School. Such sums to be paid upon the commencement of development;

and

b) The agreement of the precise means and methods through which the affordability of the proposed affordable units will be secured in perpetuity, together with the means via which the affordable dwellings will be managed.

2.02 Conditions

1. 2 year commencement.
2. Development as per approved details.
3. External materials samples agreed prior to use.
4. No development permitted until scheme for the equipping and maintenance of the P.O.S is submitted and agreed. Implemented prior to 50% occupation/sale.
5. No development permitted until landscaping scheme submitted and agreed.
6. Implementation of landscaping scheme.
7. No development until sewer mitigation measures submitted and agreed. Implemented before the occupation of any dwellings.
8. No development until surface water disposal scheme submitted and agreed. Implemented before the occupation of any dwellings.
9. Acoustic attenuation measures to be implemented as per approved details prior to the occupation of the dwellings to which they relate.
10. Hedgerow and tree protection measures to be submitted, agreed and erected before any other site works are undertaken.
11. Land contamination investigation prior to any development.
12. Remediation scheme to be submitted and agreed prior to any sites works. Implemented prior to occupation of any dwelling approved.

13. Scheme for external lighting submitted and agreed before installation.
14. No development until scheme for footway, improved bus stop and site access submitted and approved. Implemented in full before any dwelling hereby approved is occupied.
15. Siting layout and design of access to be submitted and agreed. No formation until agreed. Access to be formed to base course and kerbed before any other works.
16. Site access visibility splays of 2.4m x 143m in both directions. No obstructions within the splays. Visibility splays to be made available during construction works.
17. Parking facilities to be provided as per approved details.
18. Front of garages to be set back a minimum of 5.5 m behind back of footway.
19. Layout, design, traffic calming, signing, surface water drainage, street lighting and construction of internal estate roads to be submitted and agreed.
20. Scheme to prevent run off of surface water onto highway.
21. Construction traffic management plan to be submitted and agreed.

2.03 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Members

Councillor D. Williams

Requests that the application be considered by the Planning Committee. Objects to the proposals upon the following grounds;

- considers the proposals are premature and the site ought properly to be considered via the Local Development Plan process, especially as the site is subject of proposed uses in response to the LDP call for sites;
- the proposals fail to adequately meet the demands for additional open space and recreation provision;
- inadequate local infrastructure to accommodate more dwellings;
- adverse environmental impacts upon habitat and wildlife;
- increased risk of flooding;
- inadequate foul drainage system within the village;
- the site is outside the settlement boundary;
- considers there is insufficient capacity in local schools to accommodate the proposed development;
- adverse impacts upon community wellbeing and cohesion;

- adverse impacts upon street scene;
- increased traffic with consequent impacts upon highway safety; and
- inadequate point of access;

Councillor C Hinds

Requests that the application be considered by the Planning Committee. Objects to the proposals upon the following grounds:

- considers the proposals are premature and the site ought properly to be considered via the Local Development Plan process;
- the site is outside the settlement boundary;
- considers local infrastructure is already stretched with insufficient capacity in local schools and healthcare centres.;
- considers the transport infrastructure is inadequate;
- existing drainage network is inadequate to accommodate further development; and
- the settlement is not a sustainable community.

Penyffordd Community Council

Objects to the proposed development upon the following grounds;

- the proposals will erode the village character of the settlement;
- the level and pace of development within the settlement is unsustainable and this application exacerbates this issue;
- inadequate and unsustainable public transport services within the settlement;
- local highway network is inadequate to accommodate further traffic;
- increased levels of traffic will adversely affect existing amenity and highway safety;
- insufficient capacity in local schools and healthcare centres;
- inadequate provision of open and play space;
- inadequate drainage infrastructure to accommodate the proposed development;
- insufficient affordable housing;
- the proposals are premature and the site ought properly to be considered via the Local Development Plan process;
- use of greenfield site where other sequentially preferable brownfield sites exist;
- the site is outside the settlement boundary;
- the proposals are overdevelopment; and
- the proposals are providing houses to meet a need arising from outside of the county.

Highways Development Control Manger

No objection subject to the imposition of conditions.

Pollution Control

No objection to the proposals. Advises of the need for a condition requiring a land contamination investigation.

Advises that the submitted acoustic report identifies measures to address potential noise impacts which should be undertaken in accordance with the report.

Head of Lifelong Learning

Advises that insufficient capacity would result from the proposals at the local primary school (Penyffordd C.P School) Advises that the nearest Secondary School is Castell Alun High School, which has insufficient capacity and would therefore be affected by the proposals.

Public Open Spaces Manager

No objections to the proposed size and location of the POS but requires a scheme for the enclosure, equipping and subsequent maintenance of the area to be submitted and agreed. The equipped area to be provided upon 50% sale or occupation of the development.

In the event that the developer wishes any areas of P.O.S to be adopted, a commuted sum for 10 years maintenance will be required.

Housing Strategy Manager

In terms of evidence of the need for affordable housing, advises:

- The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. In 2015/16 124 affordable units were delivered but within the Mold/Buckley sub region (within which the site is located) there is an identified annual shortfall of 165 affordable dwellings;
- The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;
- There is an identified level of interest for intermediate products within Penyffordd, with;
 - 21 applicants are currently registered for a shared equity property on a circa 50:50 split between 2 and 3 bed options; and
 - A further 11 applicants registered for affordable (intermediate) rent with 4 applicants seeking 3 bed accommodation, 5 seeking 2 bed accommodation and 3 requiring 1 bed accommodation.

In view of the above, advises that the proposed affordable housing provision within the application would be acceptable and is supported.

Dwr Cymru/Welsh Water

No objection subject to the imposition of a condition requiring a detailed scheme for the reinforcement of the public sewer network has been completed in accordance with the solutions set out in the submitted Hydraulic Modelling Assessment.

Welsh Government Land Use Planning Unit

Advises that the Agricultural Land Classification (ALC) assessment undertaken in respect of the site present an accurate reflection of the agricultural land quality across the site and recommends that the ALC survey findings are accepted.

Natural Resources Wales

No objection on either protected species or flood risk grounds.

Airbus

No objection upon aerodrome safeguarding grounds.

The Coal Authority

No adverse comments. Requests that standing advice notes are imposed upon any subsequent permission granted.

4.00 PUBLICITY

4.01 The application was publicised by way of the posting of a press notice, display of a site notice and notification letters to neighbours. The application has been advertised as a departure from the development plan.

4.02 165No. letters of objection upon the following grounds;

- The recent development in the village allocated within the UDP have highlighted the lack of infrastructure to support any additional development
- Surface water problems
- Lack of school places
- Premature in advance of the UDP and should not pre-empt decisions in advance of the LDP
- Other sites in the settlement have been put forward as part of the Candidate site process and this may prejudice them coming forward
- Overdevelopment of the village to the detriment of its character
- Landscape and visual impact of developing the open countryside
- The site is a greenfield site outside the settlement boundary
- Would lead to additional traffic and congestion
- Impact on the sewage system, water supply and other services
- Impact on dentists and doctors

- Noise impacts from the development and to the development from the bypass
- Potential drainage impacts from surface water on nearby properties
- There has been sufficient recent developments in the village almost 35%
- Impact on the hedgerow and nesting birds
- Pedestrian safety is poor
- This site is a green buffer entrance to the village and separates the built area from the bypass

4.03 4No. letters of support upon the following grounds;

- the quality of the neighbourhood;
- the close proximity of a wide range of facilities and services;
- the site is a sensible infill of land of limited agricultural potential; and
- there is a need for development to afford house buying opportunities to existing younger members of the community.

5.00 SITE HISTORY

5.01 No previous site history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN3 - Development Outside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG8 - Density of Development

HSG9 - Housing Mix and Type

HSG10 - Affordable Housing within Settlement Boundaries

SR5 - Outdoor Play Space and New Residential Development

EWP3 - Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

RE1 - Protection of Agricultural Land

6.02 Local/Supplementary Planning Guidance Notes

LPGN 2 - Space around dwellings

LPGN 4 - Trees and Development

LPGN 9 - Affordable Housing

LPGN 11 - Parking Standards

LPGN 13 - Open Space Requirements

SPG 23 - Developer Contributions to Education

6.03 National Planning Policy

Planning Policy Wales Edition 9 November 2016

Technical Advice Note 1 : Joint Housing Availability Studies

Technical Advice Note 11: Noise

Technical Advice Note 12 : Design

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full application for the erection of 32No. dwellings, creation of a new vehicular access and associated infrastructure on land at Hawarden Road, Penyffordd.

7.02 The Site & Surroundings

The site comprises some 1.30ha of land outside the settlement of Penyffordd. The site is currently a single field , lastly in use for the purpose of grazing. The land falls from its high point in the north west towards the south and is typical of the surrounding landform.

7.03 The site is bounded by a combination of post and wire fences with mature and well established hedgerows on all sides. The A550 lies beyond the western boundary, with Hawarden Road abutting to the north and east. These boundaries, in addition to the hedgerow, have a small bund associated with them. The southern boundary is marked by again by hedgerow interspersed with mature trees, with a further small field parcel beyond.

7.04 The Proposed Development

The proposals provide for the re-development of this site to provide 32No. dwellings, comprising:

- 6No. 2 bed dwellings, arranged in 2 blocks of 3No. terraces;
- 20No. 3 bed dwellings, arranged in both semidetached and detached formats; and
- 6No. 4 bed detached dwellings.

7.05 The proposals also provide for the creation of a new point of vehicular access from the site onto Hawarden Road and the creation of footpath and cycle links from the site. The proposals include the provision of some 0.16 hectares of Public Open Space.

7.06 The Main Issues

I consider the main issues for consideration in the determination of

this application to be:

- The principle of development having regard to planning policy;
- Agricultural land classification
- Highways impact;
- Amenity Impact;
- Impact upon trees and ecology;
- Highway and transport impacts;
- Drainage impacts;
- Affordable housing;
- Public Open Space; and
- Education Contributions.

7.07 The Principle of Development

The site lies outside but adjacent to the settlement boundary in the adopted UDP. In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.

7.08 Given that the proposal is for 32 dwellings and does not fall within the scope of above policy framework, then the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan and has therefore been advertised as such.

7.09 The applicant justifies the proposal on the basis of a lack of a 5 year housing land supply, the fact that the UDP is out of date and that the proposal represents sustainable development.

7.10 **Welsh Government Advice and National Planning Policy**

Planning Policy Wales Edition 9 November 2016 paragraph 4.2.2 states;

“The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time,” when taking decision on planning applications.”

7.11 Planning Policy Wales Edition 9 November 2016 paragraph 4.2.4 states;

“A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation

secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise. Where;

- *There is no adopted development plan; or*
- *The relevant development plan policies are considered outdated or superseded; or*
- *Where there are no relevant policies*

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

7.12 Paragraph 4.2.5 states *“In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4,4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision.”*

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

7.14 A recent appeal decision allowed 40 dwellings on a site at Rhos Road (APP/A6835/A/16/3149082). The Inspector noted *‘The development of the site would result in the loss of open land on the approach to the settlement. The site is well-enclosed in views from the main roads and this mature vegetation can be retained as part of the development. The A550 also forms a logical boundary for the settlement at this location’*. The Inspector went on to comment *‘The proposed development would not accord with the Policy GEN3 of the UDP because the site is outside the settlement limit. However, the site is adjacent to the limit and is well enclosed with a logical boundary limiting incursion into the open countryside. The site is on the edge of a settlement that is well served by a range of local facilities, bus services and a train station. The UDP Inspector considered local services to be good. The Council accepts that the site is in a sustainable location in terms of facilities and services’*. The conclusion of the Inspector was that *‘I have found that the proposed development would be sustainable and this particular location would be appropriate. Having taken all relevant matters raised into account, I conclude that the benefits of the proposal outweigh the conflict with the development plan’*.

7.15 It is therefore key in making the planning balance therefore to consider the sustainable development ‘key principles’ and ‘key policy objectives’ set out in PPW.

Housing Land Supply

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

7.17 In these circumstance, advice contained in para 6.2 of TAN1 is that ‘*The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study.....the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies*’.

7.18 Further guidance is contained in para 9.2.3 of PPW that ‘*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan*’. This paragraph then goes on to explain what constitutes ‘genuinely available’ and this is defined as ‘*...sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live*’.

7.19 It is clear from national planning guidance that considerable weight should be attached to the lack of a 5 year housing land as a material planning consideration. Furthermore, decisions must also be made in the context of the Welsh Governments ‘presumption in favour of sustainable development’. It is acknowledged that the Council cannot demonstrate a 5 year housing land supply within the terms of TAN1 and the Council has identified measures that would be taken to increase housing land supply. One of the measures is as follows:

‘Firstly, the Council will continue to work with landowners and developers in bringing forward appropriate and sustainable windfall housing sites as well as addressing any difficulties or obstacles preventing the delivery of allocated sites. Applications for sites within settlement boundaries will generally be looked upon favorably

provided that they satisfy the Plan's policies. Applications on sites outside of existing settlements will be assessed on their individual merits in terms of whether they represent logical and sustainable development having regard to material planning considerations and will not be approved merely because they would increase housing land supply. They must also be capable of demonstrating that they can positively increase supply in the short term (perhaps by granting a short term permission) otherwise they would not be capable of meeting the requirements of TAN1. The Council has developed a guidance note for developers in this respect, which seeks to ensure that speculative sites put forward on the basis of a lack of housing land supply are genuine development proposals, as opposed to simply adding value to land'.

Development Guidance Note

7.20 a) Full application
The application is a full application and therefore satisfies the guidance note in this respect

b) Sustainability
The applicant's planning statement provides a commentary on how the proposal is considered to be sustainable in the context of guidance in PPW. The applicant has undertaken an analysis of the candidate sites on the register for the settlement of Penyffordd and Penymynydd in terms of their sustainability against standard criteria. The applicant considers that this table demonstrates that the application site scores highly against these criteria. The site is located in close proximity to a range of services and transport nodes, is visually and physically contained due to existing hedgerows and roads, and is capable of accommodating a safe new access point. It is contended by the applicants that development of the site for housing would constitute a sustainable extension to the settlement of Penyffordd; and adjoining roads at three of its boundaries restrict any further encroachment into open countryside.

Furthermore, the site has been assessed against both the Council's LDP sustainability objectives and the 7 wellbeing goals of Welsh Government as set out in PPW and the Well Being of Future Generations (Wales) Act 2015.

The site is considered to perform well in relation to all assessments and demonstrates that the site is both sustainable and suitable for the proposed development.

c) Viability

There is no dispute over the requested S106 contributions or matters required by condition which are;

Affordable housing - Provision of 10No. affordable dwellings, comprising 6No. 2 bed units and 4No. 3 bed units. 7No. of these are to be provided via shared ownership and the remaining 3 via affordable rent;

Open Space – Provision of 0.16 hectares of Public Open Space within the site which is to be equipped in agreement with the Local Planning Authority.

Education - £98,056 for Penyffordd Primary School and £110,814 for Castell Alun High School.

Whilst the applicant has not submitted a viability statement, they have confirmed that they have undertaken an assessment of viability and are content that the scheme is viable. I would suggest that as the applicant has made plain that the development will meet the Council's Planning Obligations in all respects, then there is no need to submit viability information.

d) Deliverability

The applicant is experienced delivering housing developments, delivering 188 units across 5 sites within the last 18 months. The applicant advises that the site would be commenced within 2 years and completed they are confident that all 32 dwellings will be delivered within a 5 year period if the planning application is approved.

7.21 The recent appeal decision at Rhos Rd has demonstrated the weight to be attached to the lack of a 5 year housing land supply relative to development plan policies, having regard to an assessment as to whether the development is sustainable or would cause harm. In this context I consider that the proposal is similar in terms of its location and scale and has the potential to represent sustainable development. I consider that the site would meet the tests in PPW and TAN1, and that the need to increase housing land supply would outweigh the development plan presumption against development.

Agricultural Land Classification

7.22 The application was accompanied by An Agricultural Land Classification Survey (undertaken by Reading Agricultural Consultants Ltd – March 2016) which indicated that the site comprised some 0.9ha (64%) of Grade 3a land and 0.5ha (36%) of

Grade 3b land. Subgrade 3a land is classed as Best and Most Versatile (BMV) agricultural land and is protected by planning policy.

7.23 Consultation has been undertaken with Welsh Government's Land Use Planning Unit who have advised have clarified that the submitted Agricultural Land Classification study has been completed to a high standard and is considered to provide an accurate indication of agricultural land quality. They advise that whilst 64% of the site does amount to BMV land, the site must be viewed in the context of its surroundings. The site is not part of a larger assemblage of agricultural land of comparable quality. The land to the south of the site comprises subgrade 3b land and this is reflective of the majority of the agricultural land in the immediate vicinity of Penyffordd. Accordingly, this site is not going to be able to produce the moderate to high yields of a wide range of crops, as would normally be expected of such land, due to the restricted nature of the site area and the fact that it is an isolated area within a larger area of subgrade 3b land.

7.24 Accordingly, Welsh Government's Land Use Planning Unit have advised that the findings of the Agricultural Land Classification survey be accepted and do not object to the loss of Grade 3a land in this instance.

7.25 Although both PPW and UDP policy RE1 require considerable weight to be given to protecting Grade 3a land, the restricted agricultural utility should also be taken into consideration in the overall balance. Accordingly I am of the view that the loss of such constrained piece of isolated Grade 3a land should not serve as an impediment to development in this case.

Design issues and impacts upon amenity

7.26 The proposed design and layout of this scheme has been the subject of negotiation and discussion over the course of both pre-application discussion and consideration of the application.

7.27 The scheme has evolved to respond to the site characteristics and delivers a design where the form and dwellings reflect both the design of the residential areas and buildings in the locality, and provide for a mixture of house types. The scheme has sought to provide a greater variety of house types and seeks to retain existing natural features upon the site fringe to maintain a green, rural character to the site frontage in this location.

7.28 The wider area is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form but has no overall dominant local vernacular. The applicant has sought to recognise this within the proposal and seeks to create a development which sits well in its locality but delivers a strong sense of identity. The layout takes full account of the existing dwellings opposite the site by maintaining adequate separation distances, in line with

Council guidance standards on space about dwellings and overlooking to secure privacy and amenity. The proposals provide development at a density of 25 dwellings per hectare (d.p.h) or 28 d.ph if the P.O.S area is excluded. I am satisfied, taking account of the edge of settlement location, that this density of development is acceptable in this context.

Accordingly and notwithstanding representations made, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.

7.29

The potential for traffic upon the adjacent A550 and Hawarden Road to have an adverse noise impact upon the proposed dwellings. Consultation with Pollution Control colleagues has established that site has been identified as being in Category C of TAN 11 and as such there will be a high level of mitigation required to protect the amenity of future residents. The applicant has identified that erection of an acoustic attenuation fence along the western boundary of the site, with some return along the southern and northern boundaries would address the noise impact. This fence would be 2.2m in height towards the north, rising to 2.8m along the southern end of the site. This, in combination with the proposed enhanced glazing would serve to ensure that noise will not adversely affect future residential amenity.

7.30

Visual Impact

The proposed site forms only a small part of a wider local character area. Trees and hedgerows of merit are to be retained and enhanced as part of the landscape planting proposals which will also help to soften the built form and assimilate the development into the wider landscape context. The proposed development will sit between the existing settlement, the road and the A550 and will be an infill development that will have only very limited landscape and visual effects over a small area of influence. Any visual impacts that remain following mitigation will remain local in nature and become neutral in tone as the proposal assimilates into the existing settlement form.

7.31

The noise mitigation measures in the form of the acoustic fence and the proposed removal of approximately 31m of hedgerow to form the access to Hawarden Road would result in an impact to the character of the site. However, the A550 boundary would remain as strategic landscaping buffer with a fence and further additional evergreen boundary planting is proposed. Further landscaping in the form of additional evergreen planting (semi mature Holly of 1.5m – 1.75m in height) is also proposed to be provided along the Hawarden Road boundary and I propose to condition the implementation of this scheme.

7.32

Accordingly, whilst the development of the site will have some impact on the approach to the settlement it is not considered that this harm

is so great that it would weigh against granting planting permission.

7.33 Impact upon trees & ecology

The application was accompanied by a Tree Survey Report. The trees within the site are located within the boundary hedgerows on the site are within the boundary hedgerow to the south of the site. The

7.34 scheme proposes the retention of all of the trees with the exception of a single beech tree, the condition of which is such that it is considered to be a risk of falling in high winds. Subject to the imposition of a condition for the protection of the trees and hedges during the course of works, there are no tree constraints on the site.

An Ecological Appraisal of the site was submitted with the application which identifies that the site has no built structures to offer roosting and foraging potential for bats and foraging potential is also low.

7.35 There is an existing hedgerow on the boundary of the development site which could be utilised by bats. It is proposed to retain and enhance the hedgerow boundaries. It is also proposed to condition any external lighting in order to maintain the foraging potential of these hedgerow corridors.

Highway and transport impacts

Vehicular access to the site is proposed to be derived via a new access from Hawarden Road, allowing access to both the County highway network and existing adjacent residential estate roads. The

7.36 application is accompanied by a Transport Statement which highlights that the site is sustainably located within the settlement and has good links to the public transport network. The site is within easy walking distance of the Penyffordd railway station and bus stops are located upon the road frontage of the site upon Hawarden Road.

Representations have been made that the proposals will give rise to a level of traffic generation which would adversely affect the safety of existing highway users and is unsustainably excessive. The Local Highway Authority have considered the proposals and raise no

7.37 objections on highway safety grounds. Accordingly there is no objection to the proposals, subject to the imposition of conditions.

Drainage impacts

Surface water

The site lies entirely within Zone A of Welsh Government's Development Advice Map referred to under TAN15: Development & Flood Risk. Flood Map information confirms that the site lies outside of the extreme flood risk outline.

7.38

Although the potential flood risks to the development are considered to be relatively low, there is potential for flooding on-site and/or offsite if surface water run-off is not effectively managed. Accordingly the applicant has produced a surface water management proposal which

7.39 has considered the effects that the proposed development could have on surface water runoff rates, and sets out a number of measures

which seek to minimize potential on-site and off-site flood risk impacts, over the development lifetime (including consideration of the effects of climate change). The applicant has examined the potential for the site surface water to be disposed of via soakaways. This examination has established that the soil conditions are such that low to moderate infiltration rates could be demonstrated. Given these unfavorable conditions, it is proposed to direct surface water runoff generated from newly impermeable areas of the site to an existing culverted watercourse located to the south east of the site.

- 7.40 This proposed method of disposal has been the subject of consultation with both NRW and the Council's drainage engineers. No objection to this proposal has been raised, although the agreement of the precise technical design of the system will be required. Accordingly I propose to condition the submission and agreement of such a scheme.

Foul water

- 7.41 The applicant has commissioned a Hydraulic Modelling Assessment (HMA) from Dwr Cymru/Welsh Water (DCWW) prior to the submission of this application. This has established that the local sewer network would be detrimentally affected as a result of the proposed development discharging to the sewers. The HMA identifies a number of options for sewer network reinforcement and I am advised that the implementation of one of those options would enable the proposed development to connect to the public sewer network without causing detriment to the network or the environment.

The preferred option is to remove surface water disposal from the public sewer system, which will free up capacity in the system to accommodate the foul flows generated from this site.

- 7.42 I am advised in response to consultation by DCWW that there is no objection to the proposed development subject to the imposition of conditions. Amongst the suggested conditions is the requirements for the submission and agreement of the detailed scheme of sewer mitigation measures to reinforce the existing network.
- 7.43 I propose to condition that no development be permitted until this detail is submitted and agreed and no occupancy will be permitted until the approved measures are implemented.

Affordable housing

- 7.44 The proposed layout provides for 10No. affordable dwellings, comprising 6No. 2 bed units and 4 No. 3 bed units. It is proposed that 7No. of the dwellings will be affordable via a shared equity model and 3No. via affordable rental.

The Housing Strategy Manager has advised in response to consultation that these proposals are acceptable to meet the need for affordable housing in the area. However, I am advised that there is a

7.45 need to reach agreement in respect of the delivery options for the affordable units. Accordingly, this requirement will be addressed via the proposed legal agreement.

Public Open Space

7.46 The proposals provide an indication of on-site public open space intended for recreation and play. Consultations with the Public Open Spaces Manager has revealed that the provision within the site for play is acceptable in terms of area. There is the need for a scheme of boundary treatments, access and play equipment to be submitted and agreed. The area will be required to be equipped as per the approved scheme upon 50% sale or occupation of the development.

7.47 After a period of 12 months following the completion of the P.O.S, should the developer require the council to adopt the P.O.S, a commuted sum payment for 10 years maintenance would be required.

7.48 Accordingly and in line with LGPN 13: Open Space Requirements, I propose to condition the submission and agreement of a scheme for the equipping of the area and the maintenance provisions for the same in the future.

Education Contributions

7.49 It has been suggested in third party responses to consultation that the settlement does not have sufficient capacity within the existing infrastructure to accommodate the proposed development of a further 32 dwellings. Specifically cited is the lack of capacity at local schools.

7.50 Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation has established, having regard to SPG23 : Developer Contributions to Education, that the development would give rise to the need for a contribution requirement at both primary school and secondary school levels.

7.51 Such capacity would not be available at the nearest primary school (Penyffordd C.P. School). The current capacity of the school stands at 259. There are presently 251 pupils attending the school. Accordingly the school has only a 3.09% surplus of spaces, which equates to 8 spaces for additional pupils. The proposals would give rise to an additional 8 pupils, thereby eroding the remaining capacity. Accordingly, upon the application of the guidance, a sum of £98,056 would be sought for educational purposes as a consequence of this development.

Capacity is also not available at the nearest high school (Castell Alun). The current capacity of the school stands at 1240. There are presently 1362 pupils attending the school. The proposals would give rise to an additional 6 pupils. Accordingly, upon the application of the

7.52 SPG23 guidance, a sum of £110,814 would be sought for educational purposes as a consequence of this development.

Members will recall from recent discussions in respect of this school and the implications of the effects of the CIL Regulations upon the ability of the Local Planning Authority to seek contributions via S.106 Agreements in respect of educational infrastructure in respect of this school.

7.53

The infrastructure and monetary contributions that can be required from the a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.54

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;

7.55

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.

While the Authority does not yet have a charging schedule in place, the CIL Regulations puts limitations on the use of planning obligations.

7.56

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.

7.57

The Planning Authority has secured 1 obligations towards Penyffordd C.P School since April 2010 namely;

7.58

048313	Land at Wood Lane Farm, Penyffordd	£193, 291
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At Penyffordd C.P School I am advised that the sum sought will be used as a contribution towards a project to improve the standards of teaching accommodation to bring such facilities up to the minimum standard required to deliver the National Curriculum.

7.59

The Planning Authority has secured 5 obligations towards Castell

Alun High School since April 2010 namely;

Reference No.	Site Address	Contribution Amount
048186	Land at Bridge Farm, Fagl Lane, Hope	£31,500
048313	Land at Wood Lane Farm, Penyffordd	£139,607
048676	Land at Babylon Fields, Higher Kinnerton	£21,000
048471	Land at Cymau Lane, Abermorddu	£24,500
048892	Land at the Former White Lion Public House, Penymynydd	£52,500

7.61 I am advised that since the advent of the provisions of the CIL Regulations, The Director of Lifelong Learning has identified separate projects in respect of educational needs a Castell Alyn High School which are distinct and separate to the project to which the above listed obligations relate. I am advised that the sum sought will be used as a contribution towards a project to develop the provision of specialist Art teaching accommodation at the school.

7.62 I am satisfied, on the application of the tests set out in S.122 of the CIL Regulations and as detailed above, that such contributions would satisfy these requirements. I am also satisfied that the sum sought in relation to Castell Alun High School is for a specific identified project and as such, would not be caught by the S.123 prohibition with the CIL Regulations.

7.63 Other matters

In addition to the above issues, objections have also been advanced in respect of the perceived impact upon existing local health care facilities. Members will be aware that responsibility for planning services to meet the needs of the community in this regard rests with the Local Health Board.

8.00 CONCLUSION

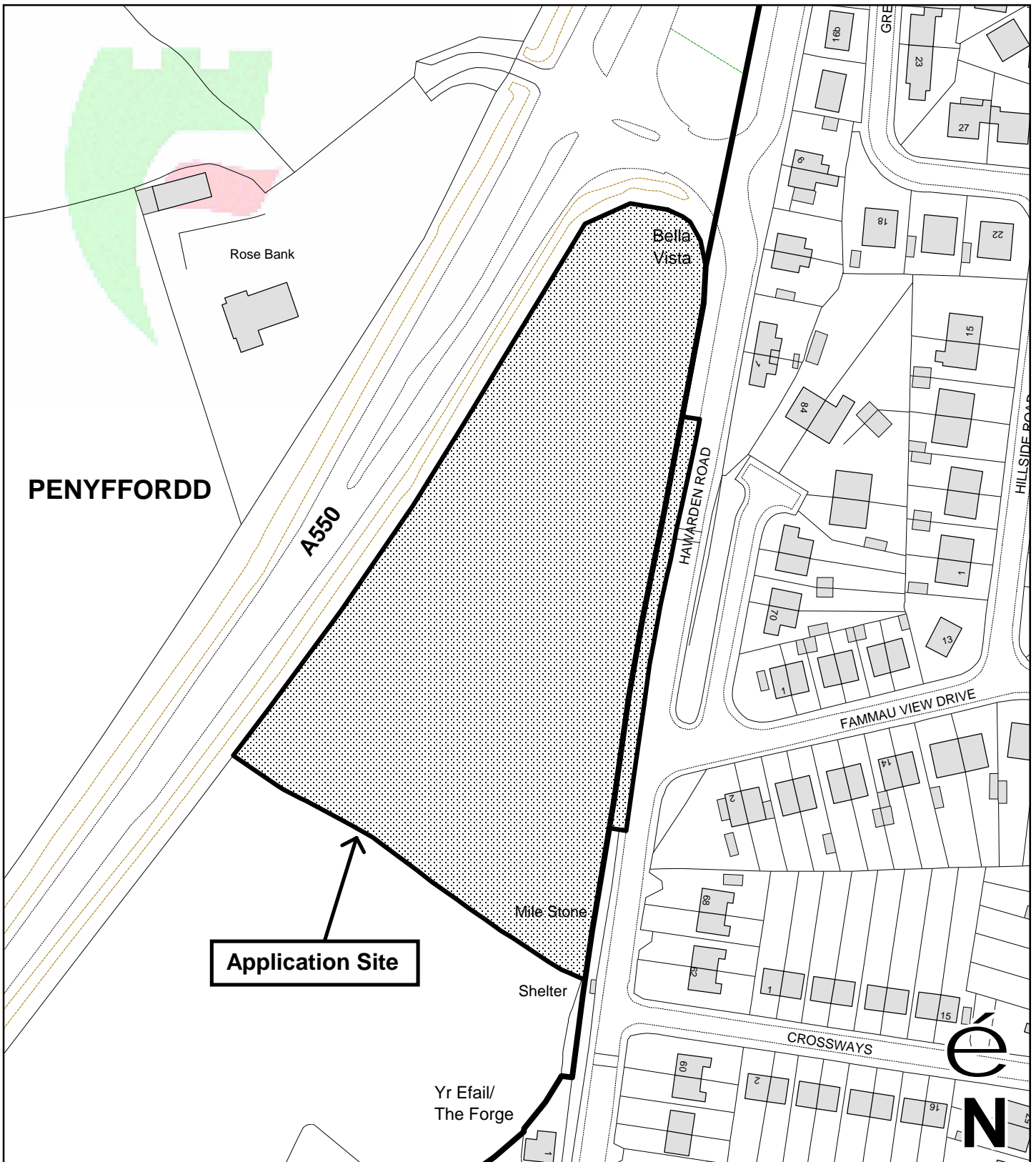
- 8.01 The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise. In this instance it is considered the need for a 5 year land supply is a material consideration which outweighs the fact the site is outside the settlement boundary and is a departure from the development plan. Furthermore the site is considered to be sustainable, viable and deliverable in order to come forward within the next 5 years to meet the supply. In addition, whilst the site would not accord with UDP policies (by virtue of its open countryside location) it does accord with the broad thrust of national policies and guidance as set out in PPW.
- 8.02 In order to ensure that the site comes forward to meet the current shortfall a 2 year planning permission is proposed.
- 8.03 Although this application is a departure from the development plan and has been advertised as such, it would not need to be referred to Welsh Government under The Town and Country (Notification) (Wales) Direction 2012. The Direction requires local planning authorities to refer applications for 'significant residential development' where they are minded to grant planning permission for residential development of more than 150 residential units, or residential development on more than 6 hectares of land, which is not in accordance with one or more provisions of the development plan in force. The application does not fall within this definition.
- 8.04 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.
- 8.05 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.
- 8.06 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.07 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

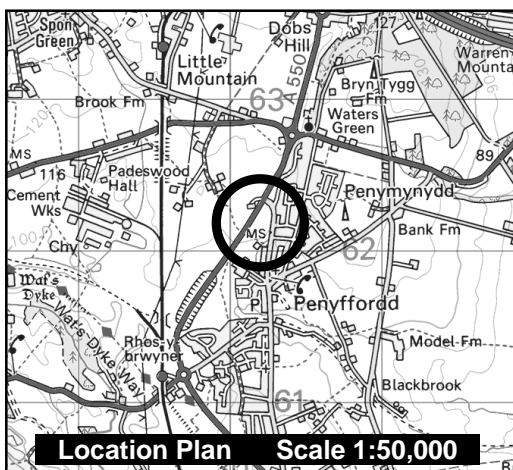
Planning Application & Supporting Documents

National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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Application Site



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:1500
OS Map ref	SJ 3062
Planning Application	56694

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26TH JULY 2017**

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

SUBJECT: **PROPOSED DEMOLITION OF EXISTING VACANT FACTORY BUILDING AND ERECTION OF 70NO. NEW DWELLINGS, NEW ACCESS TO THE SITE AND AREA OF PUBLIC OPEN SPACE AT ALLIED BAKERIES, CHESTER ROAD SALTNEY**

APPLICATION NUMBER: **056779**

APPLICANT: **EDWARDS HOMES LTD**

SITE: **ALLIED BAKERIES, CHESTER ROAD SALTNEY**

APPLICATION VALID DATE: **30.03.17**

LOCAL MEMBERS: **COUNCILLOR R LLOYD**

TOWN/COMMUNITY COUNCIL: **SALTNEY**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT, DEPARTURE FROM THE DEVELOPMENT PLAN AND LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of 70 dwellings which would include a mixture of two, three and four bedroomed dwellings, access, parking and infrastructure works at the former Allied Bakeries Site, Chester Road, Saltney. The site is a former bakery and is designated as a Principle Employment Area in the UDP. While it cannot be said the site is no longer suitable for employment purposes it is not considered that the loss of the site to residential use would result in an unacceptable reduction in the loss and range of employment site. It is considered that there is a lack of potential

residential sites within the settlement boundary of Saltney and this development would see the reuse of a brownfield site in a highly sustainable location. This would therefore be in compliance with the aims and principle of PPW given the lack of a 5 year land supply.

Other detailed matters in relation to land contamination, noise, flood risk, trees, ecology and highways have been assessed in detail and can be dealt with by condition. The application provides for affordable housing and open space both on site and through a commuted sum. There would also be local highway improvements in the form of an Active Travel route with a footpath and cycle way along Saint. David's Terrace and along the site frontage on Chester Road. A footpath/cycle link along the northern part of the site would also link to Saint. David's Terrace and the existing children's play area.

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

- 2.01 Subject to entering into a S106 agreement unilateral undertaking or early payment for the following contributions;
- To gift 4 two bed dwellings to North East Wales Homes to be used as affordable housing
 - To provide further 8 intermediate affordable homes for sale at a discount market rate; 4 two bedroom and 4 three bedroom
 - Open space - In lieu of the onsite play equipment the council would require payment of £1,100.00 per dwelling (£733.00 if affordable dwellings) this payment would be used to refurbish existing play facilities in the community.
 - Maintenance of public open space either through adoption or through a management company
 - Traffic Regulation Order prohibiting loading/waiting across the Chester Road frontage of the site
1. Time commencement 2 years
 2. Plans
 3. Siting layout and design of the means of access
 4. Access to be kerbed and completed to carriageway base course layer
 5. Visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway with no obstruction
 6. Parking
 7. Garages set back 5.5m behind the back line of footway or 7.3m from the edge of the carriageway where the crossing of a grass service margin is involved
 8. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
 9. Footway/cycleway shall be provided along the site frontage

- constructed to adoption requirements
10. Positive means to prevent surface water runoff on the highway
 11. Construction Traffic management plan
 12. The path to the north of the site to the public open space should be constructed at a width of 3 metres suitable for shared use by pedestrian and cyclists.
 13. Tree protection measures on retained trees
 14. Details of hedge planting for new hedge, implementation, management and maintenance
 15. Landscaping detail to eastern boundary
 16. Boundary treatment
 17. Construction Management Strategy for aerodrome safeguarding
 18. Bird hazard Management Plan
 19. Recommended conditions for biosecurity
 20. Ecological compliance audit
 21. FFL set no lower than 6.50m above AOD and road and car park no lower than 6.15m above AOD
 22. General levels condition
 23. Scheme for compensatory flood storage area
 24. Land contamination – SI, Verification and monitoring
 25. Land contamination – Unsuspected circumstances
 26. No infiltration of surface water
 27. No piling or penetrative methods of foundation design
 28. Details of hard and soft landscape plan for 4000sm play area and smaller amenity area
 29. Noise mitigation measures – for gardens as required, trickle vents to all habitable rooms, 2.5 metre brick wall to eastern boundary
 30. Ecology – precautionary measures to vegetation clearance
 31. No vegetation clearance within the bird breeding season
 32. Surface water, foul drainage and land drainage details
 33. Bird boxes scheme
 34. Materials

If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member Councillor R Lloyd

Requests committee determination due to the size of the site and the amount of properties to be built. Requests a site visit so the committee can see where the new entrance is proposed and the effect it may have on existing traffic and infrastructure. Also in order to view the close proximity to the local High School and how it may

effect pupils safety when crossing the new junction on their journey to and from school.

Adjoining local Member Councillor V Gay

As adjoining ward member welcomes the change of use from industrial land to residential however is greatly concerned about;

- the access to the development will add further pressures to traffic movement along Chester Road
- the siting of the play area has the potential to be an environmental and antisocial issue for residents as the play area is on Garden Village which has resulted in complaints from residents and incurred a cost to the Town Council to purchase and install a CCTV system
- would ask consideration is given to a request for commuted sum to improve the existing play area situated at the end of St. Davids Terrace at the rear of St. David's High School
- design of the properties - would like to see more two bedroom properties
- support the removal of the hedgerow aligning the High Street however the responsibility for the maintenance of any new hedge should be from the developer and not Streetscene
- propose the inclusion of a cycle path alongside the improved pavement to link with the existing cycle path
- opportunity to improve the access at the junction of St. Davids Terrace at the access/egress with Chester Road by widening the pavement and relocating the post box
- the straight road layout of the access road could inadvertently encourage speeding to request consideration is given to speed humps or an amendment to the highway layout.
- request conditions covering the path at the north of the site;
 - Lighting along the path and vehicle access barriers to be placed at either end of the proposed path
 - That waste bins and dog waste bins to be included at with end of the path
 - Minimal shrubbery is included in the landscaping to reduce shadow and hiding place and reduce the burden of maintenance

Saltney Town Council

No response received.

Highways Development Control Manager

The path to the north of the site to the public open space should be constructed at a width of 3 metres suitable for shared use by pedestrian and cyclists.

Due to the nature of the development with properties fronting onto Chester Road but with no direct vehicular access. A S106 agreement therefore needs to cover a Traffic Regulation Order prohibiting loading/waiting across the Chester Road frontage of the site.

Conditions covering;

- Siting layout and design of the means of access
- Access to be kerbed and completed to carriageway base course layer
- Visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway with no obstruction
- Parking
- Garages set back 5.5m behind the back line of footway or 7.3m from the edge of the carriageway where the crossing of a grass service margin is involved
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- Footway/cycleway shall be provided along the site frontage constructed to adoption requirements
- Positive means to prevent surface water runoff on the highway
- Construction Traffic management plan

Public Protection Manager

Contaminated Land

The submitted Stage 1 and Stage 2 Contamination assessments has been considered. It is considered that the submitted site investigation report is incomplete and there is information outstanding. A condition requiring a land contamination assessment is therefore considered necessary.

Noise

No objection in respect of the submitted Noise Assessment provided the applicants apply the proposed mitigation measures and features proposed in the report.

Welsh Water/Dwr Cymru

Standard drainage conditions. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Natural Resources Wales

Flood Risk

The site lies partially within Zone C1 as defined by Welsh Government's Development Advice Map referred to in TAN15: Development and Flood Risk.

The applicant is proposing to modify site levels to ensure that the properties remain flood free during the 0.5% annual probability tidal breach flood event (including allowance for climate change). Finished floor levels are to be raised to a minimum level of 6.50 metres above AOD which is 350mm above the predicted onsite water level for that event. Given the 'uncertainty' associated with the estimation of sea

level predictions it is considered that this level is acceptable.

It is also intended to raise road levels and residential driveways above the calculated onsite flood levels which is welcomed. Some garden areas will remain susceptible to flooding however no greater than 0.3metres during the 0.5% annual probability tidal breach flood vent and other ancillary areas across the site could be subject to significant flood depths.

Suggest conditions for;

- Finished floor levels shall be set no lower than 6.50 metres above AOD. Driveways and car parking areas and access roads shall be set no lower than 6.15 metres.

The Flood Consequence Assessment and supplementary flood risk information acknowledges that the development without appropriate mitigation could increase flood risk elsewhere as a result of the loss of floodplain storage volumes. The applicant has provided a plan showing areas of the site which will be engineered to provide compensatory flood storage with the aim of offsetting any losses associated with the development. The public open spaces and some garden area would be engineered to form a series of flood storage basins. Land levels within the open space would be lowered and an additional area of compensatory floor storage is proposed with the omission of plots 11-14. The information provided is sufficient to demonstrate that it would be possible to deliver a scheme of compensatory flood storage on the site but it does not constitute a detailed construction design so a condition is required to secure this.

- The development hereby permitted shall not be commenced until such time as a scheme of compensatory flood storage which provides for no less than 2266 cubic metres of storage on site.

Land contamination

The site sits over a principal aquifer and is within a Source Protection Zone. The reports identify potential sources of contamination and recommend that further targeted investigation be carried out. The site is therefore sensitive in terms of controlled waters and suggest conditions for;

- Land contamination – site investigation, verification and monitoring
- Land contamination – dealing with unsuspected contamination
- No infiltration of surface water unless it is demonstrated that there is no resultant unacceptable
- No piling or other foundation designs using penetrative methods unless it has been demonstrated that there is no resultant unacceptable risk to ground water.

Ecology

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 as amended. It is considered that the Preliminary Roost Assessment undertaken is satisfactory. The conclusions of this state that there is a low potential for bats. No evidence of bats was found during the surveys. We therefore consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat.

Great Crested newts and water voles are protected under the Conservation of Habitats and Species Regulations. We consider the assessment in respect of Great Crested Newts and water voles to be satisfactory. The proposals are not likely to be detrimental to the maintenance of the favourable conservation status of any local population of these two species.

Recommended conditions for biosecurity and an ecological compliance audit.

Airbus

Construction Management Strategy for aerodrome safeguarding to be conditioned to provide details of ;

- cranes to include
- Areas of construction activity and the storage of materials
- Control of activities likely to produce dust
- Temporary lighting
- Control of waste likely to attract birds

Bird Hazard Management Plan to be conditioned

Network Rail

The 1.8 metre high mesh fence proposed adjacent to the railway boundary is acceptable as it would provide a trespass proof fence.

Other informatives in relation to construction adjacent to the railway line.

Education

Primary - Saltney Ferry CP

Number on Role January 2017 – 94

Capacity - 236

Surplus Places – 142

Percentage of surplus places 60.16%

School Capacity $236 \times 5\% = 11.8$ (12)

$236 - 12 = 224$ Trigger point for contributions is 224 pupils

No of units $70 \times 0.24 = 16.8$ 17 pupils

Actual pupils $94 + 17 = 111$

No contribution is required.

Secondary - St. David's High School

Number on Role January 2017 – 406
Capacity - 725
Surplus Places – 319
Percentage of surplus places 44%
School Capacity $725 \times 5\% = 36.25$ (36)
 $725 - 36 = 689$ Trigger point for contributions is 689 pupils
No of units $70 \times 0.174 = 12.18$ 12 pupils
Actual pupils $406 + 12 = 418$
No contribution is required.

Play Unit

1. I would raise no objection to the none provision of play equipment on the POS subject to the area being in the region of 4000 sq meters being enclosed and landscaped to the satisfaction of the council. A planning condition reflecting this requirement before commencement of the development would need to be in place
2. The area would be designated as informal recreation space requiring pathways and seating provision, the specification and design for which would need to be approved by the council.
3. In lieu of the onsite play equipment the council would require payment of £1,100.00 per dwelling (£733.00 if affordable dwellings) this payment would be used to refurbish existing play facilities in the community.
4. The nearest existing play facility to this development is located at St David's Terrace. The provision of a pedestrian safe footway from this development to St David's Terrace, would enhance the quality of the recreation provision for residents of this community.
5. Should the developer require the council to adopt and maintain the POS a 10 year commuted sum payment would be required upon formal adoption.

Clwyd Powys Archaeological Trust

No archaeological implications for the proposed development at this location.

Community Safety

Principles recommended for designing out crime.

Housing Strategy

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units and in 2015/16 124 affordable units were delivered – a combination of supported housing, social and intermediate rent as well as shared equity.

The LHMA overall identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social

rented (56.2%) and intermediate (43.8%) tenures.

There is an identified level of interest for intermediate products (i.e. affordable ownership and rent) in Saltney:

- with 7 applicants currently registered for a shared equity property with 3no. registered for 2 beds and 4no. for 3 beds; and
- a further 43 applicants registered for affordable (intermediate) rent with NEW Homes with 30no. applicants requiring 2 bed, 13 requiring a 3 bed.

The applicant is proposing to provide;

- plots 52-55 4 two bed gifted units (count as 12 units)
- plots 27, 28, 68 & 69 4 two bed shared ownership/intermediate affordable housing
- plots 21, 22, 42 & 43 three bed shared ownership/intermediate affordable housing

This is equivalent of 30% (20 units affordable housing provision) on site, with a mix of rent and shared equity for which there is a demonstrable need in the area.

Economic Development

From an economic development perspective it is important that land allocated for employment use is retained for that purpose in order to provide for future economic growth and to provide an adequate range of site options for potential investors.

However, it is recognised that not all sites that have been allocated for employment use remain of equal value for that purpose. The Council reviewed its employment site allocations in 2015 and found that there was an adequate supply of land available to meet forecast needs. The review proposed that sites suited to modern high quality employment uses were safeguarded and that sites which are unlikely to be as suitable for future development could be released if it can be shown that they are unsuited for employment use or if they have been unsuccessfully marketed for employment use.

The site proposed for use by this application has been occupied for employment use until very recently. It is not clear what efforts have been made to secure employment uses for the site prior to the proposal for residential use being submitted. The service is aware, anecdotally, that there had been business investor interest in the site prior to this proposal being submitted.

From an economic development perspective we would find it difficult to support the application in the absence of further information or a fuller assessment.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

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

12 objections were received on the following grounds;

- Overlooking and impact on privacy to houses and gardens on Maydor avenue
- Noise impact
- Local infrastructure doctors, dentist and schools is at capacity and lacking. No library or sports facilities
- Object to any development that adds traffic at peak times onto the High Street
- The junctions on this road with Sandy Lane and St. Davids Terrace are difficult to navigate at peak times. Bakery traffic was at off peak times
- This will create another new access off the High Street which is already congested
- Will lead to more accidents
- Concern about route to school and safety of pedestrians
- Saltney needs more social housing not affordable housing
- Policing needs upgrading
- Trees on the site should be retained. Home to bats and other species
- Flood risk area
- Footpath and public open space adjacent to the railway line poses a safety and security risk and will lead to anti-social behaviour
- The cycle track from Morrisons should continue through this development away from the road and lead to the High School
- Boundary treatment on Maydor Avenue replacing
- Lack of bungalows in Saltney for private ownership
- Loss of jobs and an employment site
- A new railway station could have been provided on the site
- Impact on bats in the existing buildings

1 letter of support but states that means of travel and roads around the area would have to be improved to prevent backlogs of traffic which already occur on the high street at peak times.

5.00 SITE HISTORY

5.01 Significant site history to do with the industrial uses on the site and the adjacent site.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development
 STR4 - Housing
 STR8 - Built Environment
 STR10 - Resources
 GEN1 - General Requirements for New Development
 GEN3 - Development Outside Settlement Boundaries
 GEN4 – Green Barrier
 D1 - Design Quality, Location and Layout
 D2 - Design
 D3 – Landscaping
 EM3 – Development Zones and Principal Employment Areas
 EM6 – Protection of Employment Land
 TWH1 - Development Affecting Trees and Woodlands
 TWH2 – Protection of Hedgerows
 WB1 - Species Protection
 WB4 – Local Wildlife Sites of Wildlife and Geological Importance
 WB6 – Enhancement of Nature Conservation Interests
 AC2 – Pedestrian Provision and Public Rights of Way
 AC3 – Cycling Provision
 AC13 - Access and Traffic Impact
 AC18 - Parking Provision and New Development
 L1 – Landscape Character
 HSG4 – New Dwellings Outside Settlement Boundaries
 HSG8 - Density of Development
 HSG9 - Housing Mix and Type
 HSG10 - Affordable Housing within Settlement Boundaries
 SR5 - Outdoor Play Space and New Residential Development
 EWP3 - Renewable Energy in New Development
 EWP16 – Water Resources
 EWP17 – Flood Risk
 RE1 - Protection of Agricultural Land
 SR5 – Outdoor Play Space and New Residential Development
 IMP1 – Planning Conditions and Planning Obligations

Planning Policy Wales Edition 9 November 2016
 Technical Advice Note 1 Joint Housing Availability Studies
 Technical Advice Note 5: Nature Conservation and Planning
 Technical Advice Note 11: Noise
 Technical Advice Note 15: Development and Flood Risk
 Technical Advice Note 18: Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of 70 dwellings which would include a mixture of two, three and four bedroomed dwellings, access, parking and infrastructure works at the former Allied Bakeries Site, Chester Road, Saltney.

7.02 Site Description

The 2.52 ha application site is situated off the A5104 Chester Road and has a direct frontage with the road. The site has a number of industrial buildings on the site and hardstanding areas and was most recently used by Allied Bakeries.

7.03 There is an existing established hedge along the road frontage. To the west of the site is the residential area of St. Davids Terrace and Maydor Avenue. There are a number of trees along this western site boundary. The surrounding dwellings are predominately two storey and are a mixture of detached and semi-detached dwellings. There is a single storey clinic building on St. David's Terrace and further to the west is St. David's High School which is also accessed off St. David's Terrace. To the north of the site is the railway line. To the east of the site are existing employment uses in the form of a scrap yard and an engineering company. Beyond those uses is vacant land and then Morrison's petrol filling station and supermarket.

7.04 Proposed Development

This is a full planning application for the erection of 70 dwellings which would include a mixture of two, three and four bed roomed dwellings. This would include 12 affordable units with 4 two bedroom dwellings to be gifted to NEW homes and a further 8; 4 two bed and 4 three bed intermediate affordable homes for sale at a discount market rate. The layout includes the provision of two areas of public open space. Access will be gained by means of a new access road on the site frontage. A pedestrian link to the adjacent residential development is also proposed to link to the existing footpath. The existing roadside hedge would be removed in order to provide for an Active Travel route along the site frontage in the form of a 3.5 metre wide footway/cycle way. A hedge would be replanted behind this footway. A pedestrian link will also be provide from the proposed public open space to St. David's Terrace to facilitate access to the existing children's equipped play area.

7.05 The application was accompanied by;

- Pre-application consultation report
- Design and Access Statement by D S Jones & Co
- Stage 1 Contamination Assessment Smith Grant January 2017
- Transport Statement by Systra March 2017
- Flood Consequence Report by Systra January 2017 subsequently amended
- Noise Assessment by Echo Acoustics Ltd March 2017
- Tree Report by Canopy February 2017
- Preliminary Roost Assessment 19.02.17 by Worsfold and Bowen
- Bat Activity Survey 03.06.17 by Worsfold and Bowen
- Extended Phase One Habitat Survey February 2017 by Marches Ecology

Principle of development Loss of Employment land

7.06 The application site is a brownfield site within the settlement boundary of Saltney however it is within a Principle Employment Area under Policy EM3 of the Flintshire Unitary Development Plan. This policy promotes B1, B2 and B8 uses within these areas. Policy EM6 seeks to Protect Employment Land from non-employment uses unless the criteria in the policy can be met. This proposal for residential use on such a site therefore needs to demonstrate that the criteria of this policy can be met.

7.07 a) No other suitable site is available for the development proposed;

The site is promoted on the basis of the lack of a 5 year land supply. The jobs from the employment site have been relocated to another site this therefore leaves a brownfield site for redevelopment.

7.08 It is accepted that the Council does not have a 5 year housing land supply, particularly as the Welsh Government/PINS will not be progressing the 2015 JHLAS. In terms of TAN1 the Council 'will be considered not to have a 5-year supply' as it does not have an adopted UDP /LDP and cannot formally carry out a JHLAS. The commentary in the 2014 JHLAS Report explains how the Council will seek to increase supply and part of this is considering 'speculative' sites which represent sustainable development. A guidance note on speculative development was subsequently issued to assist in the submission of speculative development proposals. This is available on the Council website.

7.09 In such circumstances, advice contained in para 6.2 of TAN1 is that *'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'*.

Welsh Government Advice and National Planning Policy

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

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

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

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

7.12 Saltney had a growth of 12.9% over the plan period up to 2015. There are limited opportunities in the current settlement boundary of Saltney for further residential development on the scale proposed. During the UDP period development has occurred at Boundary Lane for 128 units and 142 high Street for 58 units.

7.13 There have been few sites put forward as Candidate sites for the LDP which reflects the small number of available sites particularly within the settlement boundary. The sites that have been put forward are outside the settlement boundary and predominately greenfield. Saltney is considered to be a highly sustainable settlement and the application site is within a sustainable location within that settlement within close proximity to the superstore, schools, clinic and the main road for bus services to Chester and Broughton and further afield. The redevelopment of this site would redevelop a brownfield site within the settlement boundary which are often overlooked in preference for greenfield sites further encroaching into the open countryside.

7.14 Any permission would have a 2 year commencement date in order for housing to be delivered to meet the current lack of a 5 year land supply.

7.15 b) The site or building is no longer considered to be suitable for employment purposes

The site has been in use as a bakery for a significant period of time however this business has relocated to alternative premises. The site is in a mixed use area adjacent to both residential properties to the west and existing businesses to the east with the railway line to the north. However it is not considered that this would prohibit its reuse for an employment use.

7.16 c) It would not result in an unacceptable reduction in the supply or range of employment sites in the area;

The applicants argue that there are 255 hectares of allocated employment land in Flintshire within the Adopted UDP. 16.8 hectares

of this is within Saltney. 2.2 hectares off River Lane and 14.6 hectares land east of Saltney Ferry Road. They argue that this represents an over supply of employment land when there is an under supply of housing land. In addition to the allocated sites they highlight 8 industrial and commercial buildings were being offered for sale or lease at River Lane and Marely Way in Saltney.

7.17 There does appear to be sufficient employment land available in Saltney as the applicants are correct in that 14.6 hectares land east of Saltney Ferry Road allocated in the UDP EM1(24) remains undeveloped. In terms of employment land supply in general across the County 'The Employment Land Review' 2015 indicates that 'there is a substantial surplus of employment land in the County and thus there is no immediate need for the Council to identify further land allocations for B1, B2, B8 uses (other than those already allocated in the UDP) in the emerging LDP.'

or

7.18 d) The proposal would be about the removal or satisfactory relocation of a non-conforming or potentially polluting use from the site or building.

The applicants argue that the site is located in a densely populated residential area which benefits from the removal of an employment site. The site is not ideally located for a large number of HGV movements. The cessation of the employment use therefore benefits the residents and children walking to school as the conflict with HGV's from this use has been removed.

7.19 In summary while it cannot be said the site is no longer suitable for employment purposes it is not considered that the loss of the site to residential use would result in an unacceptable reduction in the loss and range of employment sites within Saltney nor Flintshire as a whole.

Noise

7.20 The site is also in an area with a number of noise sources, namely the A5104 Chester road, a railway line and the adjacent industrial land uses, along with other industrial uses beyond the railway line. A Noise survey was submitted with the planning application undertaken by Echo Acoustics Ltd. This assessed current noise levels at the site from the various noise sources that affect the site. This proposed a number of noise mitigation measures.

Road noise

7.21 This affects the southern boundary of the site with moving traffic on Chester Road. The noise assessment showed that mitigation was required for garden areas for plots 4 and 64. This is by the replacement of proposed 1.8metre high fences to garden boundaries with either a solid block wall or a more robust wooden barrier with a surface density of 12kg/m² to protect amenity areas which are adjacent to Chester Road.

7.22 In terms of the noise levels within the proposed properties the assessment indicates that with windows closed, day and night time noise levels will be suitable for the preservation of residential amenity and sleep. However the opening of windows during the day was calculated to give rise to noise levels 12.6dB greater than the guideline value for dining areas during the day and 11.6dB greater than the night time value for bedrooms at night. Alternative means of providing background ventilation in habitable rooms closest to and facing the road will therefore be required to negate the need to open windows for ventilation. This applies to plots 3 -10 and 63 - 70 which have habitable rooms closest to the road. This can be mitigated with standard trickle-ventilation units.

Rail noise

7.23 Railway noise affects the northern portion of the site from 5.00am to 11.pm. No mitigation measures with respect to rail noise affecting external amenity areas during the day time will be required. The assessment of internal noise levels indicates that with windows closed internal noise levels will be entirely suitable for the preservation of residential amenity and sleep disturbance during the day and night time. However with windows open between 5.00am and 7.00am only, the noise levels could awaken residents from sleep but with closed windows the noise levels are acceptable. Trickle vents are therefore required in any properties which have habitable rooms facing the railway line.

Commercial noise

7.24 The adjacent commercial uses operate during the day time only so night time disturbance is not an issue. The measured noise levels at the northern and north-eastern boundaries are dominated by intermittent train passages. Noise from the scaffolding suppliers on the opposite site tends to comprise of bumping, occasional knocking or hammering and the movement of vehicles including a fork-lift truck all of which generate audible but low-level noise which although audible outside are below the noise from trains.

7.25 The houses are set back from the boundary with the industrial uses and therefore no mitigation is required for external amenity areas. While the noise levels for inside properties during the day are within limits with windows closed or open this does not account for the nature and character of the noise. Although it generally comprises low level noise there are occasionally louder impact noises or angle-grinding and the use of pneumatic tools. These noise have an increased potential to cause a perceived disturbance. The majority of this noise emanates from a gap at the base of the steel cladding of the adjacent building. It was therefore recommended to increase the height of the proposed brick wall along the eastern boundary of the site to 2.5m which is considered sufficient to cover the gap below the cladding from the adjacent building. Trickle vents are therefore

suggested to be installed in all habitable rooms throughout the development.

Contaminated land

7.26 The site has former industrial uses therefore a stage 1 and stage 2 contaminated land assessment was undertaken by Smith Grant and submitted with the planning application. The site sits over a principal aquifer and is within a Source Protection Zone.

7.27 The site was an open field with surface water ditches until the bakery was constructed between 1954 and 1961. It is considered likely that the site was made ground of unknown composition and depth to create a development platform. Natural ground conditions are mapped as consisting of tidal flat deposits of clay, silts and sands underlain by glacial till. Potential on-site contamination hotspots have been identified including tanks and LPG storage enclosures. Contamination that may pose a significant constraint to the proposed residential development is not expected. Moderate concentrations of heavy metals, and other contaminants associated with made ground may be present. The site is therefore sensitive in terms of potential impacts on controlled waters.

7.28 It is recommended that a site investigation is carried out given the potential sources identified on or within the immediate surroundings of the site. This would take the form of bore holes and trial pits along with a ground gas/vapour monitoring programme. An asbestos survey of the buildings should also be undertaken prior to any demolition works.

7.29 A Stage 2 Contamination Assessment which involved a site investigation was also undertaken following the recommendations of the Phase 1. The land contamination officer considers that the site investigation is incomplete as some information is still outstanding. It is therefore recommended that a condition for the site investigation is imposed which will enable the outstanding information to be submitted in order for appropriate remediation to be put forward. NRW suggest similar conditions in order to assess the impact on the principal aquifer.

Site layout

7.30 Due to the presence of the industrial uses adjacent to the site consideration has been given to boundary treatment within the development to provide screening and in order to minimise any impacts on residential amenity from the adjacent consented uses.

7.31 A 2.5 metre high wall has been proposed along the eastern boundary of the site with the adjacent industrial uses which include a scrap yard. The houses have also been set away from the railway line. Existing trees in the western part of the site have been retained where possible.

7.32 The application was supported by a Tree Survey undertaken by Canopy in February 2017. There are three poplars in the western part of the site, one of which is to be retained within public open space. The other two are prominent species but are reaching the end of their safe useful life expectancy and would not be appropriate for retention within a residential development. The majority of the trees in the south western part of the site adjacent to Chester Road and Saint. David's Terrace are proposed to be retained in rear gardens apart from one sycamore which although in good condition would dominate the rear garden and therefore reduce the usability of the amenity space. There are three further sycamores along the western boundary of the site adjacent to the dwellings on Maydor Avenue. These are proposed to be retained and protected.

7.33 Two areas of informal open space are proposed. One in the north east corner of the site and one in the western part of the site. The location of these has been led by the flood risk solution and the proximity of the neighbouring land uses. Both areas of public open space have natural surveillance and have houses facing them and access roads around them. The shape of the site means that there is a narrow strip of land to the north of the site boundary which will provide an area of open space and a footpath/cycle link to Saint Davids Terrace linking the two areas and providing a link to the existing children's play area. This then flows better into a public open space rather than having an area which is enclosed on one end by housing.

7.34 Although issues of anti-social behaviour due to the location and siting of a play area on a similar development in the area have been raised, it is not considered that the situation is the same here. The play area Garden Village is not yet open to the public as it has not been formally adopted by the Council. This therefore may be the reason for any anti-social behaviour although it is unclear how anyone could access the play area. In terms of its positioning within the development it is in fact central to the site with houses surrounding it.

Space Around Dwellings

7.35 There are existing dwellings along the western boundary of the site only off Maydor Avenue and Saint. David's Terrace. The existing large factory buildings is located within 6 metres of the boundary at its closest point and 13 -19 metres from the habitable rooms of the properties on Maydor Avenue. The existing 11 dwellings on Maydor Avenue which have habitable rooms facing the site have short back gardens. The proposed dwellings are all set 10 metres back from the boundary. The proposed dwellings have separation distances of 14.5 metres to 17 metres with the existing dwellings on Maydor Avenue between habitable rooms. However the dwellings in Saint. David's Terrace across a road have separation distances of 15 metres. It is therefore not considered unusual in this urban context to have such

separation distances. The existing factory building, has windows at ground floor and is more dominant in height than the proposed dwellings. The current boundary treatment is a chain link fence. It is proposed to erect a 1.8 metre high close boarded fence which would provide more privacy to the rear gardens and ground floor rooms of the dwellings.

The dwellings on Saint. David's Terrace which face the site have long rear gardens and now back onto the public open space.

7.36 Affordable Housing

The LHMA overall identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures.

7.37

There is an identified level of interest for intermediate products (i.e. affordable ownership and rent) in Saltney:

7.38

- with 7 applicants currently registered for a shared equity property with 3no. registered for 2 beds and 4no. for 3 beds; and
- a further 43 applicants registered for affordable (intermediate) rent with NEW Homes with 30no. applicants requiring 2 bed, 13 requiring a 2bed.

The applicant is providing 12 affordable units with 4 two bedroom dwellings to be gifted to NEW homes and a further 8 intermediate affordable homes for sale at a discount market rate. The applicant is proposing to provide;

7.39

- plots 52-55 4 two bed gifted units
- plots 27, 28, 68 & 69 4 two bed shared ownership/intermediate affordable housing
- plots 21, 22, 42 & 43 4 three bed shared ownership/intermediate affordable housing

The applicant is proposing to provide equivalent of 30% (20 units) affordable housing provision on site, with a mix of rent and shared equity for which there is a demonstrable need in the area.

Highways

The site is located on the north side of the A5014 Chester Road. Chester Road is a single carriageway with a speed limit of 30mph along the site frontage. There are footways on both sides of the carriageway. A Transport Statement by Systra has been submitted with the application.

7.40

The site is currently accessed through a shared entrance off Chester Road to the east of the application site. This access is shared with the adjoining business uses. It is proposed to create a new point of access to the site in the centre of the site frontage. It is also proposed to create a 3.5 metre wide footway/cycle way along the site frontage.

7.41

Pedestrian access will also be provided to the north of the site linking the site with Saint David's Terrace. A 3 metre wide surfaced pedestrian/cycle link will also be provided along the northern boundary of the site. This provides a link though to the existing play area to the west of Saint David's Terrace. The existing roadside hedge would need to be removed to facilitate this. It is proposed to replant a hedge behind the existing hedge. This would be secured by condition.

7.42 Concerns have been raised regarding the location of the access point and additional traffic flows associated with the proposed development. Highways raise no objection to the siting of the access or traffic flows from the proposed development. The site has a historic use associated with its previous use as a bakery. Detailed conditions are set out in the consultations section. Due to the nature of the development with properties fronting onto Chester Road but with no direct vehicular access a S106 agreement needs to cover a Traffic Regulation Order prohibiting loading/waiting across the Chester Road frontage of the site.

7.43 In terms of the Active Travel route, public consultation has now started on Flintshire County Council's Integrated Network Map and Schedule which is a 15-year vision to improve infrastructure for walkers and cyclists across the County. The Integrated Network Map has been developed to meet our duties under the Active Travel Act which was passed by the Welsh Assembly in October 2013. The aim of the Act is to encourage people to walk or cycle for short journeys to access a workplace or educational establishment or to access health, leisure or other services or facilities and to ultimately make Wales a walking and cycling nation. There is an opportunity with the redevelopment of this site to implement an Active Travel Route across the site frontage.

7.44 An entrance to St. David's High School is off Saint David's Terrace which is to west of the application site. Pupils therefore access the school along the site frontage. The footway is also used by residents accessing Morrisons supermarket. The footway along this stretch is very narrow and often restricted by the width of the hedge which runs along the site frontage. It is therefore proposed to remove this hedge and increase the width of the footway to 3.5 metres in order to create and Active Travel route and join up with other sections on this road. The developer has also offered to widen the footway on the eastern side of Saint Davids Terrace within the application site to provide a safer pedestrian route to the school. This improvement to the footway will also facilitate improvements to the access radii at the junction which is currently substandard.

Flood Risk

The majority of the site lies within flood Zone B and partially within Zone C1 as defined by Welsh Government's Development Advice

Map referred to in TAN15: Development and Flood Risk.

7.45

Site levels range from 6.5m to 5.3m AOD and generally fall from east to west. The River Dee is approximately 400m north of the development. Flood defences consisting of raised embankments are located on the river Dee. Bretton Drain is located adjacent to the southern boundary. This drain is a main river which conveys flows from a network of drains to the south to the River Dee.

7.46

TAN15 requires developers to demonstrate that the development will remain flood free during the 1 in 200 year annual probability tidal breach event including climate change and during the 1 in 100 year fluvial event including climate change, whichever poses the greatest risk to the site. TAN15 also requires re-development schemes to reduce runoff where possible.

7.47

During the 1 in 200 year annual probability tidal breach event including climate change the highest modelled water level is predicted to be 6.15m AOD. Finished floor levels are proposed to be set to accommodate this with an additional freeboard of 300mm. Road levels should also be set above 6.15m AOD. The adjoining road infrastructure of Chester Road is outside the extent of the flood risk and is at an elevated level of at least 6.45m. This provides safe access and egress.

7.48

The applicant is proposing to modify site levels to ensure that the properties remain flood free during the 0.5% annual probability tidal breach flood event (including allowance for climate change). Finished floor levels are to be raised to a minimum level of 6.50 metres above AOD which is 350mm above the predicted onsite water level for that event. Given the 'uncertainty' associated with the estimation of sea level predictions NRW consider that this level is acceptable.

7.49

It is also intended to raise road levels and residential driveways above the calculated onsite flood levels which NRW welcome. Some garden areas will remain susceptible to flooding however no greater than 0.3metres during the 0.5% annual probability tidal breach flood vent and other ancillary areas across the site could be subject to significant flood depths. Finished floor levels shall be conditioned to be set no lower than 6.50 metres above AOD. Driveways and car parking areas and access roads shall be set no lower than 6.15 metres.

7.50

The Flood Consequence Assessment and supplementary flood risk information acknowledges that the development without appropriate mitigation could increase flood risk elsewhere as a result of the loss of floodplain storage volumes. The applicant has provided a plan showing areas of the site which will be engineered to provide compensatory flood storage with the aim of offsetting any losses associated with the development. The public open spaces and some garden area would be engineered to form a series of flood storage

7.51

basins. Land levels within the open space would be lowered and an additional area of compensatory floor storage is proposed with the omission of plots 11-14. NRW consider that the information provided is sufficient to demonstrate that it would be possible to deliver a scheme of compensatory flood storage on the site but it does not constitute a detailed construction design so a condition is required to secure this.

Ecology

7.52 An extended Phase 1 Ecological Survey was undertaken by Marches Ecology and a subsequent Preliminary Roost Assessment and Bat Activity Survey were undertaken by Worsfold and Bowen. No statutory designated sites would be directly impacted due to the proposed development.

7.53 The site is an existing warehouse and office complex with area of hardstanding. Small areas of grassland with scattered shrubs and trees are found around the site margins. The site boundaries are formed by fences or walls apart from the roadside hedgerow which is formed of hawthorn with small amounts of garden privet, butterfly bush and Elder. The hedge has ecological value. There are some small areas of scrub near the site boundaries. There are a small number of semi-mature trees within the site in south west corner of the site and the southern boundary. These are sycamore, Cherry, apple, beech, Lombardy Poplar and silver birch. There are also a number of self-seeded ash.

7.54 As most of the site is characterised by buildings/hard-standing potential foraging opportunities for badgers are limited. The amenity grassland and patches of scrub on the east side of the survey site provide potential foraging habitat of moderate value. Some evidence of badger activity was noted on the survey site and it is possible that a small sett could be obscured by the dense patches of scrub. A precautionary approach should therefore be taken with any vegetation clearance with an ecologist checking a phased clearance approach.

7.55 The nature of the buildings and the location of the site presents low potential for roosting bats. One of the trees is of low to moderate potential value for bats. The value of these features is limited due to existing lighting in this urban area. A subsequent Preliminary Roost Assessment and Bat Activity Survey were undertaken by Worsfold and Bowen. This confirmed no bat activity in the buildings on the site.

7.56 There is no suitable habitat for water voles. There is no aquatic habitat within the survey site of potential value for Great Crested Newts. 21 species of bird were recorded during the Extended Phase I Habitat Survey either using the site or flying over it.

The site provides nesting opportunities for species of bird associated

7.57 with scrub, trees and buildings located in an urban area. Two bird nest boxes were noted within the survey site. The proposed development will remove the scrub, hedgerow and buildings which provide opportunities for nesting birds. The new landscaping proposals with the new hedge and buildings present opportunities for similar features for nesting birds. It is proposed to erect 15 nest boxes specially designed for house sparrows to be erected on the new dwellings and 10 for starlings to be erected to the retained trees.

S106 contributions and CILG compliance

7.58 The application requires commuted sums for off-site open space improvements, management of the open space, a traffic regulation order and delivery of affordable housing.

7.59 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'.

7.59 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:

- 7.60
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.

It is considered that the S106 requirements in relation to affordable housing, open space, and the Traffic Regulation order satisfy the regulations and circular.

7.61 Open Space

7.62 Local Planning Guidance Note No.13 Open Space Requirements (LPGN13) and Policy SR5 Play Areas and New Housing Development of the Adopted Flintshire Development Plan sets out the Council's requirements in terms of new residential development and the provision of recreational open space. Due to the existing levels of provision of open space in the locality and the proximity of them to the development it is considered that while amenity areas will be provided on-site these will not be equipped and instead a contribution will be sought for an off-site contribution of £1,100 per dwelling for market dwellings and £733 for affordable dwellings.

7.63 In this instance this contribution will be towards the provision of either an improved and enlarged play area at Saint David's Terrace or towards play facilities or community amenity space at another location within the community. There are opportunities to spend the money in close proximity to the application site and it is considered

that this meets the Regulation 122 tests.

Affordable Housing

7.64 Local Planning Guidance Note No.9 Affordable Housing and Policy HSG10 'Affordable Housing Within Settlement Boundaries' of the Adopted Flintshire Development Plan set out the Council's position in terms of the affordable housing requirement from residential developments.

7.65 The threshold for providing affordable housing on sites is a minimum size of 1.0 hectares or 25 dwellings, and this is set out in paragraph 11.75 of the UDP. This development therefore exceeds this threshold. Policy HSG10 applies to this development and therefore the 30% provision is applied as a starting point.

7.66 The proposed layout provides for 30% affordable housing constituting 4 properties of which two bed properties and would be gifted to the Council. This equates to 12 units. A further 8 properties would be these would be made available on a shared equity basis sold at 70% market value with the 30% share retained by the Council. 4 of these are two bed and 4 are three bed. These would be sold to designated persons who qualify for the purchase of the units in terms of having a local connection and meeting other qualifying criteria as set out in the affordable housing statement. The Head of Housing Strategy is satisfied with the submitted level.

7.67 Based on the methodology above and the scale of development the provision of 12 properties (equivalent to 20 units) would represent provision of 30% affordable housing and is considered to relate fairly and reasonably in scale and kind to the development for which permission is sought. It is considered that this meets the Regulation 122 tests.

Traffic Regulation Order

7.68 Due to the nature of the development with properties fronting onto Chester Road but with no direct vehicular access a S106 agreement therefore needs to cover the need for a Traffic Regulation Order prohibiting loading/waiting across the Chester Road frontage of the site. It is considered that this is as a direct result of the development and the creation of a new access point. It is therefore considered that this meets the CIL tests.

8.00 CONCLUSION

8.01 The site is a former bakery and is designated as a Principle Employment Area in the UDP. While it cannot be said the site is no longer suitable for employment purposes it is not considered that the loss of the site to residential use would result in an unacceptable reduction in the loss and range of employment site. It is considered that there is a lack of potential residential sites within the settlement

boundary of Saltney and this development would see the reuse of a brownfield site in a highly sustainable location. This would therefore be in compliance with the aims and principle of PPW given the lack of a 5 year land supply.

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

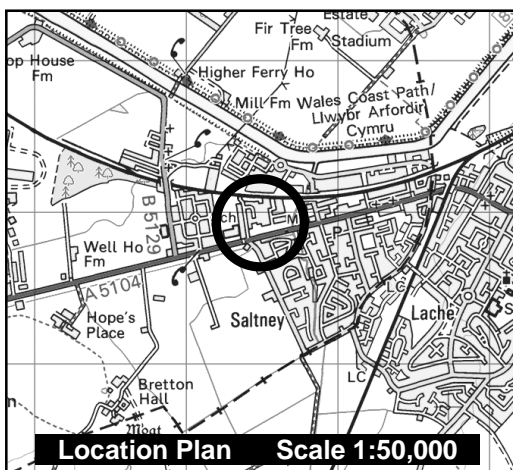
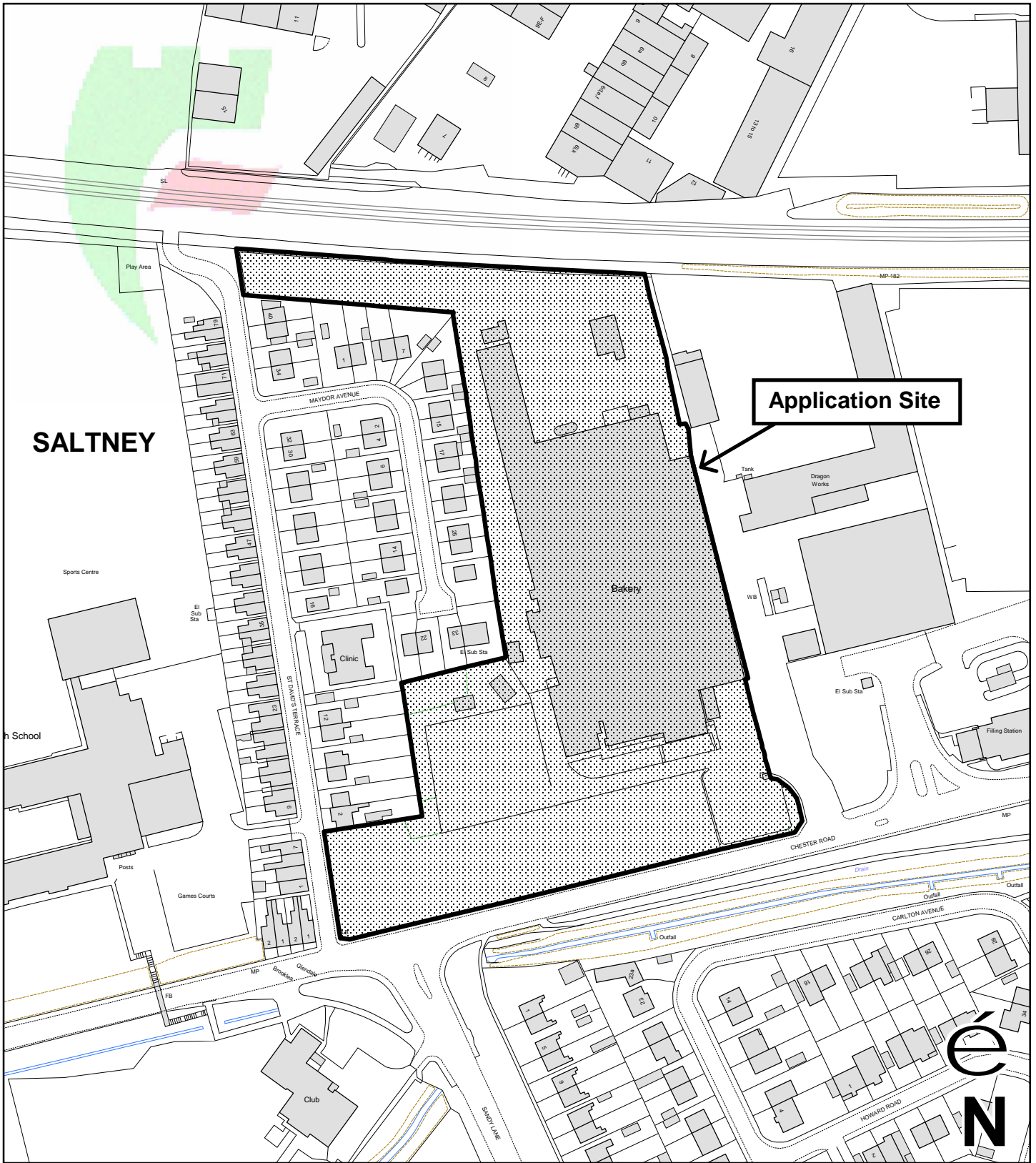
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer:

Telephone:

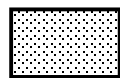
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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2000

OS Map ref SJ 3764

Planning Application **56779**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26TH JUNE 2017**

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

SUBJECT: **OUTLINE APPLICATION – ERECTION OF DETACHED DWELLING AT ‘BWTHYN GWYN’, SWAN LANE, GWERNYMYNYDD**

APPLICATION NUMBER: **056832**

APPLICANT: **MRS OWENS**

SITE: **BWTHYN GWYN, SWAN LANE, GWERNYMYNYDD**

APPLICATION VALID DATE: **10TH APRIL 2017**

LOCAL MEMBERS: **COUNCILLOR N. MATTHEWS (PREVIOUS) COUNCILLOR K. HUGHES (NEW)**

TOWN/COMMUNITY COUNCIL: **GWERNYMYNYDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **DEPARTURE FROM DEVELOPMENT PLAN**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an outline application for the erection of a dwelling within part of the existing curtilage of ‘Bwthyn Gwyn’, Swan Lane, Gwernymynydd. The site is located within open countryside, just outside of the settlement limit for Gwernymynydd as defined by the Adopted Flintshire Unitary Development Plan, where there is generally a presumption against new development.
- 1.02 Whilst the site is located outside the settlement boundary, the dwelling and the rest of the curtilage is within. Given that the dwelling and part of the curtilage is within the settlement boundary, there is no

significant harm upon the character and appearance of the area caused by the proposal is located in a highly sustainable location and would contribute to the Council's shortfall in land supply, therefore, the application is being recommended for approval.

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

- 2.01
1. Outline – Reserved Matters.
 2. Outline – Time Limit.
 3. In Accordance with Approved Plans.
 4. Outline – Drainage.
 5. Outline – Site Levels.

3.00 CONSULTATIONS

3.01 Local Member
Councillor N. Matthews (Previous)
No response received.

Councillor K. Hughes (New)
No response received to date.

Gwynnwynydd Community Council
No response received to date.

Head of Highways Development Control
No objection to the proposal and confirms do not make a recommendation on highway grounds.

Head of Public Protection
No adverse comments to make regarding this proposal.

Welsh Government (Economy & Infrastructure)
Welsh Government as Highway Authority for the A494 Trunk Road does not issue a direction in respect of this application.

Clwyd-Powys Archaeological Trust
No archaeological implications for the proposed development at this location.

Welsh Water/Dwr Cymru
Requests that if minded to grant planning permission that suggested conditions and notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's Assets.

Natural Resources Wales
No objection to the scheme.

SP Energy Networks
No plant or apparatus in the vicinity of the site.

Wales & West Utilities
No response received to date.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification
No responses received to date.

5.00 SITE HISTORY

5.01 045838
Erection of a new porch to the side elevation – Granted 4th February 2009.

95/0631
Extension to form new kitchen and bedroom and internal alteration –
Granted 21st December 1995.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 – New Development.
STR4 – Housing.
GEN1 – General Requirements for Development.
GEN3 – Development in the Open Countryside.
D1 – Design Quality Location & Layout.
D2 – Design.
L1 – Landscape Character.
AC13 – Access & Traffic Impact.
HSG3 – Housing on unallocated sites within settlement boundaries.
EWP12 – Pollution.
EWP13 – Nuisance.

National Planning Policy
Planning Policy Wales Edition 9 November 2016.
Technical Advice Note (TAN1) Joint Housing Land Availability
Studies (2015).
Technical Advice Note (TAN) 12 Design (2016).

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals
The site comprises of 1,893.00 sq. metres of the southern-most part of the garden of the existing detached, four bedroomed, two storey dwelling of Bwthyn Gwyn which is located on the eastern side of Swan Lane, Gwernymynydd. The dwelling is located in a large plot.

- 7.02 The land is flat and comprises largely of the existing single storey detached garage, hardstanding and vehicular access of the property. The eastern, southern and western boundaries of the site comprise of approximately 3 m high hedgerows and trees. The northern boundary is open whereby lies the existing dwelling. Beyond this property to the north and west lie the existing dwellings of the settlement of Gwernymynydd and beyond the other boundaries of the site lies open countryside.
- 7.03 The application seeks outline planning permission with all matters reserved for subsequent approval except for access for the erection of a new two storey, 4 bedroom dwelling. The specific design of the dwelling is for the reserved matters application, however, the size of it will have the approximate overall dimensions: length 17.2 m maximum – 16.3 m minimum, width 11.0 m maximum – 10.55 m minimum and height 7.95 m maximum – 7.75 minimum. Vehicular access to the existing and proposed dwellings will be via the existing to the property off Swan Lane.
- 7.04 Issues
The main issues to be considered within the determination of this application are the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area and the effects upon the amenities of adjoining residents.
- 7.05 Principle of Development
The site is located just outside of the settlement boundary of Gwernymynydd but the dwelling of Bwthyn Gwyn and its northern part of its curtilage is located within it as defined by the Adopted Flintshire Unitary Development Plan.
- 7.06 The dwelling is located within a large plot, with the site forming its southern part of the curtilage. The southern boundary comprises of an approximately 3 m high mature hedgerow with mature trees within it. It would appear that this would form a more logical part of the settlement limit of Gwernymynydd in this location.
- 7.07 In terms of housing supply, the Council falls short of the required 5 year target. This is a material consideration that should be afforded significant weight in the planning balance for residential development. The proposed site is alongside the boundary of the settlement and clearly meets some of the tests set out in Policy HSG5 as it is considered to be infill development of one dwelling outside of the settlement boundary. Although the dwelling is not specifically for a proven local need as required by Policy HSG5 as the site would form a logical part of the settlement boundary, which currently bisects the applicant's garden it is considered onerous to meet this test. In a recent appeal decision at Westacres in Lixim (055951) for a single dwelling outside the settlement boundary the Inspector

acknowledged that the appellant had not lodged any proven local need but did not give that matter significant weight against the application in the planning balance.

7.08 Importantly the site is situated in a sustainable location being on the edge of part of the built up area of the village within walking distance of a school, community centre, pubs and bus stops. This is in stark contrast to the recently dismissed appeal which was reported at the previous meeting for an infill development at Westacres in Lixwm (055951). In this decision the Inspector gave considerable weight to the unsustainable location of the site proposed which ultimately weighed against the appeal.

7.09 Highway Implications

The Head of Highways Development Control has been consulted on the application and raised no objections to the proposal given the limited increase in volume of traffic from an acceptable vehicular access and with sufficient parking and manoeuvring space within the site for the proposed and existing dwellings.

7.10 Character & Appearance

The proposed two storey dwelling will be located within part of the existing curtilage of Bwthyn Gwyn, the two storey dwelling which is well screened upon all boundaries and amongst other built development.

7.11 Given the above, it is considered that there will be no significant detrimental impact upon the character and appearance as a result of the proposals.

7.12 Amenities of Existing & Proposed Occupiers

The only property that the proposed dwelling could possibly affect is that of the existing dwelling of Bwthyn Gwyn. Due to the siting of each, it is only if any windows are placed in the proposed gable end at first floor level of the new dwelling. This detail will be resolved in the submission of any reserved matters application. Thus, it is considered that the proposal and the existing dwelling will not have any significant detrimental impact upon each other in terms of overlooking, obtrusiveness and loss of light as the required separation distances and private amenity area sizes have been met within the SPG.

8.00 CONCLUSION

8.01 Whilst the site is located outside the defined settlement boundary for Gwernymynydd, it appears that it should be included as the dwelling and the remainder of its curtilage is and it is therefore considered appropriate to apply the test set out in Policy HSG5. In addition, the proposal would cause no significant harm upon the character and appearance of the area, is in a highly sustainable location and it is considered that in this application the contribution of one additional

residential unit to the housing supply figure outweighs the need in this specific location to meet a proven local need test.

8.02 Given the above, it is recommended that the application be approved.

8.03 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.

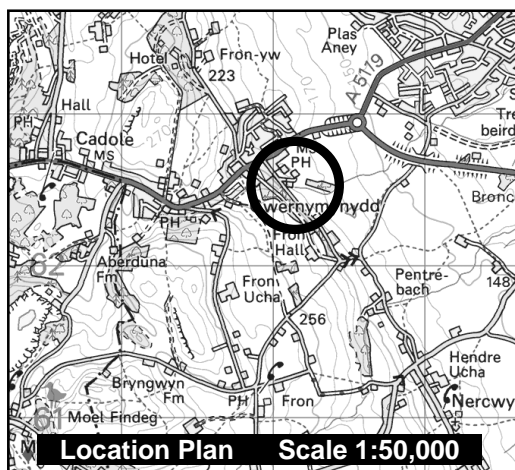
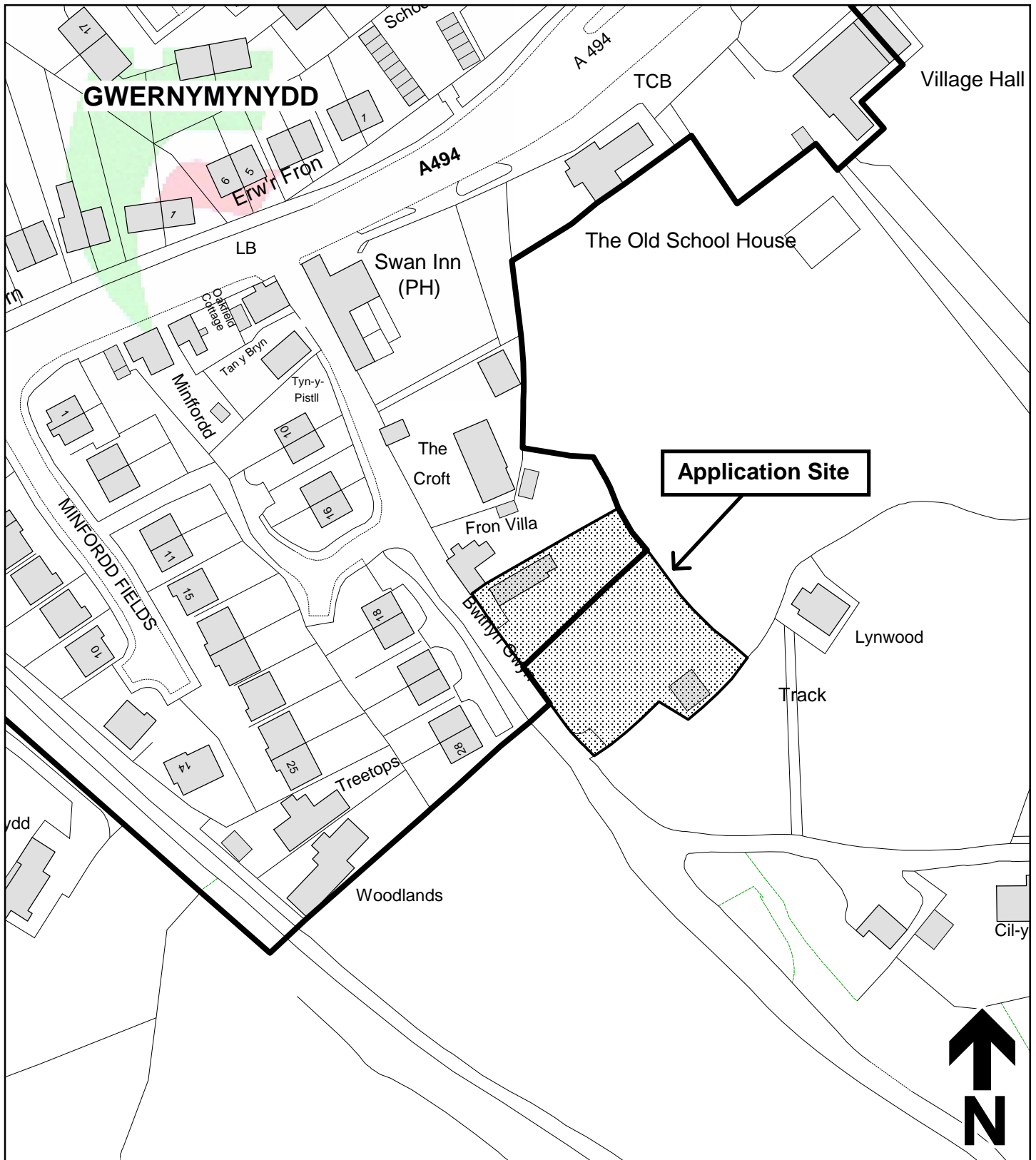
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The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of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

LIST OF BACKGROUND DOCUMENTS



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

Contact Officer: Alan Wells
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Email: alan.wells@flintshire.gov.uk



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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OS Map ref	SJ 2262
Planning Application	56832

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **26TH JULY 2017**

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

SUBJECT: **APPEAL BY MR & MRS NEIL MCCADDON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL FOLLOWING THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF 17 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND ACCESS EAST OF NORTHOP BROOK, CAPEL Y NANT, NORTHOP - DISMISSED**

1.00 APPLICATION NUMBER

1.01 055555

2.00 APPLICANT

2.01 Mr & Mrs Neil & Nicola McCaddon

3.00 SITE

3.01 Land east of Northop Brook, Capel y Nant, Northop, Flintshire

4.00 APPLICATION VALID DATE

4.01 30.03.17

5.00 PURPOSE OF REPORT

5.01 To inform Members of the decision following the refusal of planning permission for the erection of 17 dwellings and associated infrastructure and access at land east of Northop Brook, Capel y Nan, Northop. The application was refused at Planning and Development Control Committee on 16th November 2017 in accordance with the officer's recommendation. The appeal was dealt with by written representations and was DISMISSED.

6.00 REPORT

6.01 The Inspector considered that the main reasons were;

- whether the proposed development conflicts with national and local policies designed to protect the countryside and promote sustainable development
- the impact of the proposal on the supply of the best and most versatile agricultural land
- the effect of the proposed development on the character and appearance of the area and the setting of historic assets

6.02 Countryside

The Inspector noted that the appeal site was 3.9ha but only 0.8ha of the site is proposed to be developed. He noted that the appeal site abuts the settlement boundary only where the woodland adjoins the rear garden of The Spinney and the north east corner of the large marshy field lies opposite houses at The Vicarage. The site lies outside the settlement and in the countryside and the proposed houses would be 85m from the development at The Vicarage and 165m from The Spinney.

6.03 Policy STR1(a) of the Flintshire Unitary Development Plan 2000-2015, adopted 2011 (UDP) states that new development should generally be located within existing settlement boundaries and Policy GEN3 exercises strict control over new housing in the countryside. The development proposed is not of a type permitted by Policy GEN3. Planning Policy Wales (PPW) states that development in the countryside *'should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation'*. The Inspector did not consider that the proposed housing could be described as adjoining the settlement and concluded that the proposed development conflicts with national and local policies designed to protect the countryside.

6.04 Best and most versatile agricultural land

The appellant submitted an agricultural land survey which found that: *'The main limitation to agricultural land quality is gradient and microtopography which limits the site to Subgrade 3b. The uneven microrelief of the site impedes the use of agricultural machinery at this site and therefore limits the agricultural use of this site'*. The appellant's consultant concluded that, as a consequence, the area proposed to be developed comprises land at Grade 3b. The Welsh Government's Land Use Planning Unit sought further information and visited the site. The Land Use Planning Unit concluded that, as the area proposed to be developed could be absorbed into the adjoining field, the majority of the area proposed to be developed is Grade 2.

The adjoining field is in separate ownership. The appellant argues

6.05 that he is not a farmer, has no intention of farming the land or acquiring the adjoining field. Once developed this land would be permanently lost to agricultural production. However, land changes hands and the argument that a particular land owner has no intention of putting best and most versatile land to agricultural use could be repeated many times. As could arguing that only a small amount of best and most versatile land would be lost. Further, and whilst there is no suggestion that this has happened here, it cannot be right to accept that a piece of land can be parcelled off and consequently down-graded because, on its own, its microtopography is such that it could not produce yields to justify a classification of best and most versatile.

6.06 PPW states that the best and most versatile agricultural land (Grades 1, 2 and 3a) should be conserved as a finite resource for the future. It goes on to say that such land should only be developed if there is an overriding need and either previously developed land or land in lower agricultural grades is unavailable or constrained by environmental, wildlife or other designations. The Council cannot demonstrate a 5 year housing land supply but the Inspector saw seen no evidence to support the appellant's contention that meeting the area's housing needs will inevitably result in the loss of best and most versatile agricultural land. Indeed, the Council submitted evidence of a number of recently permitted housing developments on lower grade land. He concluded that the proposed development would result in the loss of best and most versatile agricultural land and that it conflicts with Policy RE1 of the UDP and the advice in PPW.

Character and appearance

6.07 The appellant's Landscape and Visual Impact Assessment concludes that the proposed development '*would have remarkably limited effects beyond its boundaries in landscape and visual terms*' and finds it to be acceptable. However, the report also identifies that '*the proposed development would create a locally significant adverse landscape and visual effect on the surrounding landscape and visual resource when viewed from within the site boundary and from some locations to the north, east and south of the site to a maximum of 200 metres of its boundary*'.

6.08 As stated above the proposed housing would be divorced from Northop by large fields and woodland. It would be 85m from the closest built development at The Vicarage and 165m from The Spinney. The Inspector considered the appellant's proposed landscape mitigation measures. Nonetheless, even with those in place, he agreed with the Council that; '*Rather than the site relating well to the built form and pattern of the settlement, it would appear as an 'island' or 'outlier' of built development, poorly related to the existing pattern and form of built development comprising the settlement*'. He concluded, therefore, that the proposed development would have an adverse impact on the character and appearance of

the area and that it conflicts with Policies STR7, GEN1 and L1 of the UDP.

Historic assets

6.09 The Conservation Area boundary runs along the northern side of Connah's Quay Road and does not include the houses at The Vicarage or Parkgate Farm (Grade II*). The countryside to the south of Northop contributes to the setting of the Conservation Area and Parkgate Farm. However, Parkgate Farm and the houses at The Vicarage adjoin the southern boundary of the Conservation Area, limiting views in and out from Connah's Quay Road. As stated above the proposed houses would be some distance to the south and he did not consider that the proposed housing would have a noticeable impact on the setting of the Conservation Area or, with the exception of Parkgate Farm, the listed buildings in the village.

6.10 Parkgate Farm is a mid-Victorian estate farm. The appellant's historic heritage consultant notes that the building *'is relatively complete which is unusual for a farm complex as often the outbuildings in particularly⁵ are structurally altered to accommodate modern machinery and have various extensions'*. The consultant concludes that the proposed development would have an 'intermediate/minor' adverse impact on the setting of Parkgate Farm. PPW reminds decision makers that in assessing proposals affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest. Any harm to the setting of a listed building must be given considerable weight.

6.11 The Inspector agreed with the appellant's historic heritage consultant that the immediate setting of Parkgate Farm has been diminished by modern buildings and landscaping. However, the land to the south of the farm, which includes the appeal site remains open. In his view, the fields to the south of the farm are important to the understanding and appreciation of why the buildings at Parkgate Farm are there and are a link to its purpose and history. The introduction of the proposed small housing estate would detract from the historic relationship between the farm and surrounding countryside and have a detrimental impact on the setting of Parkgate Farm.

6.12 The Inspector was aware that Cadw has not raised any objections to the proposed development and he agreed with Cadw's assessment of the impact of the development on Soughton Hall and Garden. Nevertheless, for the reasons give above, he concluded that the proposal would have an adverse impact on the setting of Parkgate Farm and concluded that it conflicts with Policy HE2 of the UDP.

Sustainable development

6.13 PPW states that *'The planning system provides for a presumption in*

favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated'. The UDP is time expired and the Council cannot demonstrate a 5 year supply of housing land. The proposal would increase the supply of housing in the County and the Inspector had no reason to doubt the appellant's assertion that developers are interested in the site.

6.14 Meeting a need for housing and affordable housing contributes to the 'social' element of sustainable development described above. However, one affordable dwelling is offered and given that all bar 3 of the houses would be 4 bed he did not consider, as alleged by the appellant, that the proposal would include a mix of dwelling types which *'will contribute to the creation of a vibrant community with residents at all stages of life'*. Nor did he see any evidence to demonstrate that the woodland and marshy grassland field is in pressing need of a management regime to ensure its future.

6.15 The Council accepts that Northop is a sustainable location for development and that the site is close to the facilities on offer in the village and adjacent to bus services and acknowledges that local services may benefit from additional custom. However, reducing the need to travel is only one element of sustainability. His findings regarding the adverse environmental impacts of the proposal on the loss of the best and most versatile agricultural land, the character and appearance of the area and the setting of Parkgate Farm lead him to the conclusion that the proposal cannot be described as sustainable development.

Other matters

6.16 The appellant drew the Inspector's attention to the refusal of planning permission for housing on this site in 1990 and contends that the Council's reasons for refusal then are not consistent with its objections in this case. The Inspector based his decision on the site on the specific circumstances and policies material today and cannot comment on a decision made 27 years ago under a different policy climate. The appellant also urges the Inspector to take heed of his own conclusions in allowing an appeal for housing in Higher Kinnerton. In that case he found that the need to increase supply combined with the lack of harm and sustainable location outweighed the conflict with the UDP. The same conditions are not in place here.

7.00 CONCLUSION

7.01 The Inspector concluded that where a 5 year housing land supply cannot be demonstrated Technical Advice Note 1: Joint Housing Availability Studies (TAN1) states that; *'The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.'* The Inspector concluded that the conflict with national and local policies

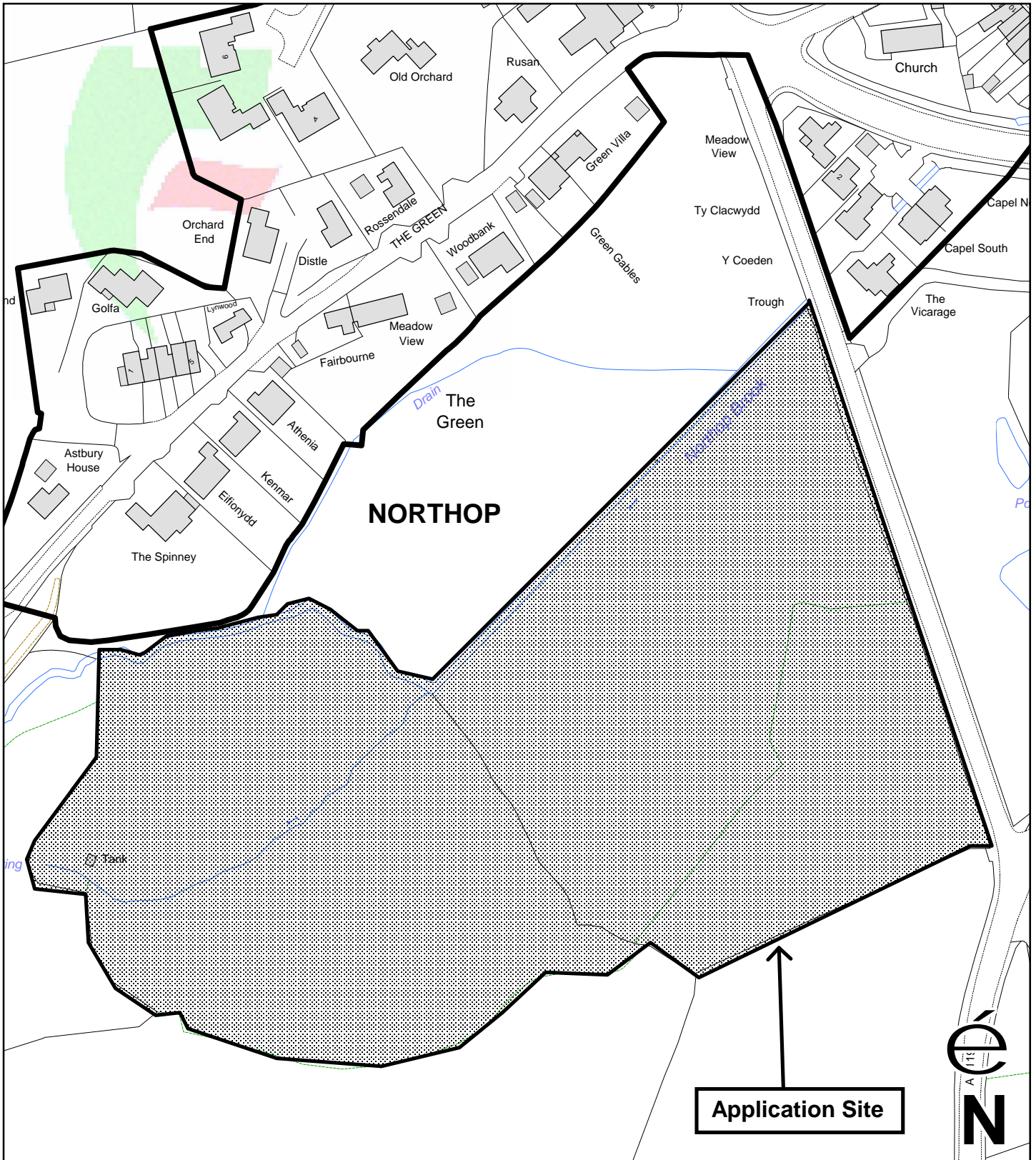
and cannot be described as sustainable development. It is considered that this conflict and the site specific harm identified above outweighs the need to increase the supply of housing in this case.

- 7.02 In reaching his decision, the Inspector took into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. He considered that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
- 7.03 For the reasons given above and having regard to all matters raised, he concluded that the appeal should be dismissed.

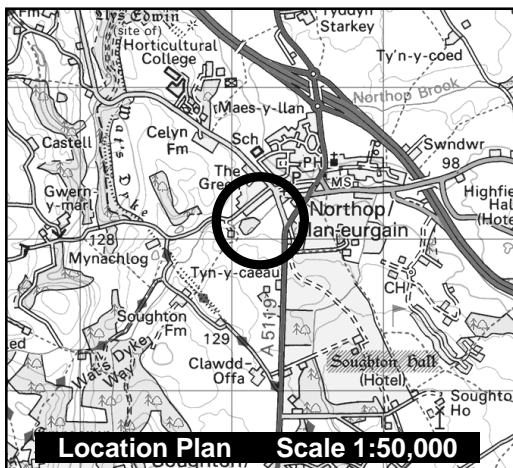
LIST OF BACKGROUND DOCUMENTS

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

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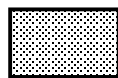


Application Site



Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1750

OS Map ref SJ 2468

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