

FLINTSHIRE COUNTY COUNCIL

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

DATE: **7TH NOVEMBER 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY DEVELOPMENT SECURITIES PLC AGAINST THE NON DETERMINATION OF OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT AND FORMATION OF NEW ACCESS AT LAND AT BROUGHTON PARK, BROUGHTON – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 38189

2.00 APPLICANT

2.01 Development Securities Ltd

3.00 SITE

3.01 Broughton Park,
Broughton.

4.00 APPLICATION VALID DATE

4.01 30th July 2004

5.00 PURPOSE OF REPORT

5.01 To inform Members of the decision in regards to an appeal against the non determination of outline planning permission for residential development together with the formation of a new access at land at Broughton Park, Broughton. Following a public inquiry, the appeal was determined by the Welsh Minister for Environment & Sustainable Development rather than by the Planning Inspector due to it involving residential development of more than 150 houses and on a site of more than 6 hectares. The Minister agreed with the Inspector's recommendation to grant planning permission subject to conditions.

6.00 REPORT

6.01 Issues

The Inspector considered the main issues were as follows:-

- i. Principle of residential development on an allocated site.
- ii. Highways.
- iii. Provision of affordable housing.
- iv. Provision of a health centre on site.
- v. Flooding.
- vi. Ecology.

6.02 In Regards to the Principle of Residential Development on an Allocated Site

The Minister agreed with the Inspector that the development is acceptable and accords with UDP Policy HSG1 (25) in so far as this relates to the residential allocation. It was considered the restriction on the density referred to in the policy has not been justified in terms of evidence on highway safety and that the shortfall in housing clearly outweighed this component. It was considered the density cap should be regarded as a guide rather than as a ceiling, as set out in UDP Policy HSG8.

6.03 In Regards to Highways

The Minister agreed with the Inspector that the proposal was acceptable in terms of highway considerations. The Inspector noted the evidence and analysis showed that the traffic generated by the appeal site would have no material effect on the capacity of the local network. Whilst the Inspector noted the residents concerns about traffic congestion, be recognised these factors had been accounted for in the analysis. The Inspector was of the view that the provision of a pedestrian/cycle link between the appeal site and Broughton Hall Road offered the potential of an improvement in the situation as more people opt for alternative modes of transport.

6.04 In Regards to Provision of Affordable Housing

The Minister imposed a planning condition requiring 30% of housing be affordable in accordance with the definition of affordable housing in Annex B of TAN2: Planning and Affordable Housing and which shall also be subject to the requirements of the Section 106 undertaking which the appellant has entered into.

6.05 In Regards to Provision of a Health Centre on Site

The Inspector was of the view that there was no clear and transparent evidential basis to conclude that the provision of a health centre site was needed to enable the development to go ahead, or if the development went ahead without the provision, then that would result in harm by the inability to be seen by a doctor in the local health practice. The Inspector saw no compelling evidence to indicate that the provision of the site fairly and reasonably related in scale and kind

to the development and he placed limited weight on the fact that the appellant considered it appropriate to negotiate and agree to the provision of a health centre site during the course of the planning application. The Inspector was of the view that as the health board would want to review all potential site options and it was no means clear that it preferred the particular site at appeal or others in the developer's ownership. The Inspector noted that critically, the health board may not gain the funding from the Welsh Government if it fails to show that the most appropriate site from all other options sites had been selected and the health board had not indicated the appeal site is needed now or within the next 5 years, the prospect of its developing part of the appeal site had not been shown and that this was borne out in its strategy up until 2015 by identifying the scheme in Broughton as a Phase 2 project. The Minister agreed with the Inspector's view that the provision for a health centre on the site was neither necessary or reasonable.

6.06 In Regards to the Flooding Issue

The Minister accepted the Inspector's view that problems concerning drainage related to the maintenance of the drainage system and there was no compelling evidence that the proposed development would make the existing situation worse and that the proposal was acceptable in terms of flooding and drainage.

6.07 In Regards to Ecology

The Minister saw no reason to disagree with the Inspector in regards to his view that the proposed development would not impact adversely on any European Protected Species bearing in mind the mitigation measures consisting of a newt reserve and wildlife corridors.

7.00 CONCLUSION

7.01 The Minister concluded that the proposed development should be allowed and granted outline planning permission subject to conditions and to terms of a revised Section 106 Unilateral Undertaking agreed by the appellant which provided for the following:-

- i. Public open space, multi-use games area and the provision of a buffer strip along the western boundary of the site.
- ii. An educational contribution of £500,000 for the use of classroom accommodation in the primary and secondary schools that would potentially cater for the occupants of the development and for that payment to be required prior to the occupation of the first dwelling.

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