

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **WEDNESDAY 12<sup>TH</sup> DECEMBER 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **FULL APPLICATION – ERECTION OF 20 NO. SEMI-DETACHED DWELLINGS, PART RECONFIGURATION OF EXISTING (UNADOPTED) ROAD AND EXTENDING TO FORM NEW ROAD LAYOUT**

**APPLICATION NUMBER:** **048610**

**APPLICANT:** **M.J. DAVIES LIMITED**

**SITE:** **LAND OFF FAIR OAKS DRIVE, CONNAH'S QUAY, FLINTSHIRE. CH5 4RR**

**APPLICATION VALID DATE:** **12<sup>TH</sup> MAY 2011**

**LOCAL MEMBERS:** **FORMER COUNCILLOR E.W. OWEN**  
**COUNCILLOR P. MACFARLANE**  
**COUNCILLOR P. SHOTTON**

**TOWN/COMMUNITY COUNCIL:** **CONNAHS' QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST, SIZE AND SCALE OF DEVELOPMENT AND REQUIREMENT FOR SECTION 106 AGREEMENT**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

- 1.01 This is a full application for the erection of 20 no. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout at land off Fair Oaks Drive, Connah's Quay. Following the consultation response from the Head of Play Unit and requirements of open space provision, subsequent consultations with the Housing Strategy Manager and Director of Lifelong Learning and their requirements the application was considered on development of the site for 14 units. Both their requirements for a scheme of 20 units will be reported as late observations to Committee. The site forms part of a much larger area of land allocated for residential development in the Flintshire Unitary

Development Plan. During consideration of the application issues in respect of design, layout, access, residential amenity, ecology, affordable housing, recreation provision and educational requirements have been negotiated and resolved subject to the imposition of conditions and the completion of a Section 106 Legal Agreement.

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

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

- a) Enhancement and maintenance of the adjacent piece of land owned by Flintshire County Council for wildlife and informal recreation.
- b) Provision for the re-examination of the scheme viability if the permission is not implemented within 3 years of the date of this permission.

2.02 The proposal is recommended for approval subject to the following conditions:

2.03 Conditions

- 1. Time limit on commencement.
- 2. In accord with approved detail.
- 3. Samples of all external materials to be submitted and approved prior to commencement.
- 4. Detailed scheme of hard and soft landscaping to be further submitted and approved in writing prior to commencement.
- 5. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads to be submitted to and approved by the Local Planning Authority prior to commencement of any site works.
- 6. Siting, layout and design of the means of site access to be in accordance with submitted drawings and further details to be submitted to and approved by the Local Planning Authority prior to commencement of any site works.
- 7. Section of carriageway and footway (hatched blue) shall be constructed to adoptable standard prior to commencement of any development on site.
- 8. Proposed amended private drive access, at junction with proposed adopted road shall have visibility splays of 2.4m x 43m measured along nearside kerb line. Visibility splays are to be over land within control of the applicant and/or Highway Authority and within which there shall be no obstruction to visibility in excess of 0.6m above nearside channel level of adjoining highway. All private drives shall have internal

- visibility requirement of 2.4m x 3.3m
9. The front of garages shall be set back a minimum distance of 5.5m behind back of footway line or 7.3m from the edge of carriageway in case where crossing of a grassed service margin is involved.
  10. Facilities shall be provided and retained within the site for the parking, turning, loading and unloading of vehicles associated with the proposal and associated operations.
  11. Positive means to prevent run off of surface water from any part of the site into the highway shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority prior to commencement of any site works.
  12. No development shall take place, including site clearance work until a Construction Traffic Management Plan has been submitted to, and approved in writing by the Local Planning Authority.
  13. Foul water and surface water discharges drained separately from site.
  14. No surface water to connect, directly or indirectly to public sewerage system unless approved by Local Planning Authority.
  15. Land drainage run-off not permitted to discharge, directly or indirectly into public sewerage system.
  16. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and approved by the Local Planning Authority.
  17. No buildings on the application site shall be brought into beneficial use earlier than 31<sup>st</sup> March 2013, unless the upgrading of the waste water treatment works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority.
  18. Prior to commencement of development, details of existing and proposed site levels and proposed finished floor levels of the buildings shall be submitted to and approved in writing by the Local Planning Authority.
  19. No development to begin until details of a “Design Stage” Assessment and related certification have been submitted to and approved by the Local Planning Authority. Development carried out entirely in accordance with approved assessment and certification unless otherwise approved in writing by the Local Planning Authority.
  20. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 1 credit under Category Ene 1 in accordance with the requirements of code for sustainable homes – Technical Guide April 2009.
  21. No dwelling shall be occupied until a code for sustainable

- homes "Post Construction Stage" assessment has been carried out in relation to it, a final certificate has been issued for it certifying that Code Level 3 and 1 credit under Ene 1 have been achieved in writing by the Local Planning Authority.
22. Prior to commencement of development, details of all boundary treatments to be submitted and approved.
  23. Prior to commencement of development, a scheme of reasonable avoidance measures to mitigate against great crested newts to be submitted and approved. Agreed scheme implemented thereafter.
  24. Final dwelling not occupied until all roads and pavements completed to adoption standard.

### **3.00 CONSULTATIONS**

#### **3.01 Local Members:**

##### Councillor P. MacFarlane

Requests application be referred to Planning Committee as it is a significant development which will impact on the character of the existing houses. Requests site visit to see how proposals would alter and impact on the existing nature of the properties and likes to make the following observations:

- Since completion of the last phase, the road has yet to be adopted owing to the failure of the developer to complete the necessary work
- No further permissions should be considered on this site until the road is brought upto an adoptable standard.

##### Councillor P. Shotton

Requests that the application be referred to Planning Committee due to strong residents concerns.

##### Connah's Quay Town Council

Requests any further development should be in character and reflect the nature and types of existing development in the area. Therefore, request a site visit with local Members invited.

##### Head of Assets and Transportation

Recommends that any permission shall include suggested conditions.

##### Head of Public Protection

No adverse comments to make regarding the proposals.

##### Director of Lifelong Learning

Impact of pupil numbers that proposed development based on 14 units will have indicates that Wepre CP has the greatest need for additional capacity. Financial contributions requested are £10,500 for Wepre CP School.

#### Public Open Spaces Manager

Based on 20 units, an area of land measuring approximately 1,120 sq m which is to be located to the south of the site adjacent to the proposed open space, being provided by the developers of the southern section of the allocation be provided. The open space would need to be enclosed, equipped with children's play equipment and landscaped to the satisfaction of the authority.

#### Housing Strategy Manager

Due to public open space requiring a reduction in units, the site will only have 14 units of which 30% is required for affordable housing which is 4 units. Preferred options are:-

- 4 units mix would be 4 x 2 bed for affordable rental
- 2 units to be sold at 50% of the market value with the Council retaining 50% ownership
- Commuted sum for £157,136

#### Environment Agency Wales

Standard advice applies.

#### Welsh Water/Dwr Cymru

Requests that if minded to grant planning consent for the above development that suggested conditions and advisory notes are included within the consent. Proposed development would overload the existing waste water treatment works. Improvements are planned for completion by 31<sup>st</sup> March 2013. Suggests imposition of Grampian condition.

#### Countryside Council for Wales

No objection to the suggested proposals.

#### Clwyd Badger Group

Setts located in proximity to the site. Badgers not being able to extend their territory. Development site is a foraging area, without it badgers will not be able to get their food.

#### SP Energy Networks

Have plant and apparatus within area. Developer be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the electrical apparatus.

#### National Grid

No response received to date.

#### Wales & West Utilities

The developer is to note the presence of intermediate/high pressure gas main(s) in the proximity to the site. No excavations are to take place above or within 10m of the confirmed position of these mains

without prior consultation.

Airbus

Do not have any comment on this development as it is below the height required for CAA consultation purposes.

**4.00 PUBLICITY**

**4.01 Press Notice, Site, Notice, Neighbour Notification**

A petition with 130 signatures and approximately 158 letters of objection received. Approximately 117 letters received upon the reconsultation of the amended plans. The grounds of objection are summarised below:-

- Existing road remains unadopted with no street lighting or pavements upon first phase
- Not in keeping with or considerate of existing homes
- Increase in anti social behaviour arising from proposed development
- Proposed parking likely to cause a problem as no area for visitors, which will lead to overspill causing a hazard to children, cyclists and other motorists
- Proposed development will be to the detriment to all families lives
- Loss of light and privacy upon adjoining occupiers
- Nuisance in terms of dust, noise and pollution whilst homes under construction
- Additional traffic and roadside parking will cause further traffic congestion, create a bottleneck of traffic and lead to safety hazards for pedestrians and motorists
- No play provision or affordable housing shown on the plans
- Exacerbate existing drainage problems
- Shouldn't be any homes built under power lines
- Local schools and other services are already full to capacity
- Detrimental impact on local wildlife
- Questions need, given vast 650 housing development on former RAF Sealand base
- Already low voltage problems
- Don't want another Badgers Walk estate
- Standard of properties will not be maintained
- Already an abundance of cost effective housing
- Will lead to dogs being allowed to roam freely and leave excrement in area
- Applicant on forms says he has informed people on application but hasn't.
- Discrepancies on plans
- Placing social housing in the midst of existing properties will devalue properties.

- Detrimental impact upon views.
- Increased risk of flooding.
- Numerous unoccupied properties in Deeside that would be occupied.
- Hedges are protected by law.

## **5.00 SITE HISTORY**

5.01 None relevant

5.02 Adjoining Site

**34942**

Erection of 8 No. detached dwellings and estate road – granted 12<sup>th</sup> February 2008

**01/5/391**

Outline erection of 7 No. dwellings – granted 29th November 2001

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR4 – Housing

Policy STR7 - Natural Environment

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy TWH1 – Development Affecting Trees and Woodlands

Policy TWH2 – Protection of Hedgerows

Policy L1 – Landscape Character

Policy WB1 – Species Protection

Policy WB2 – Sites of International Importance

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG17 – New Housing Proposals

Policy EWP12 – Pollution

Policy EWP13 – Nuisance

Policy HSG8 – Density of Development

Policy HSG9 – Housing Mix and Type

Policy HSG10 – Affordable Housing within Settlement Boundaries

Policy SR5 – Outdoor Playing Space and New Residential Development.

Policy IMP1 – Planning Conditions and Planning Obligations.

Local Planning Guidance Note2 – Space Around Dwellings

Local Planning Guidance Note 13 – Open Space Requirements

National

- 6.02 Planning Policy Wales 2011  
TAN2 – 2006 – Planning and Affordable Housing  
TAN5 – 2009 – Nature Conservation and Planning  
TAN11 – 1997 - Noise  
TAN12 - 2009 – Design  
TAN16 – 2009 – Sport, Recreation and Open space  
TAN22 – 2010 – Sustainable Buildings
- 6.03 The site forms part of a larger area of land allocated for housing in the Flintshire Unitary Development Plan. It is also located within the settlement boundary for Connah's Quay in the Flintshire Unitary Development Plan which is a Category 'A' settlement with an array of facilities and services together with the sites allocation for residential development reflects both the strategy of the Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context there is a clear policy framework supporting the principle of residential development on the site, subject to open space, affordable housing and educational contributions being provided.

## **7.00 PLANNING APPRAISAL**

- 7.01 The site comprises 0.55ha of relatively flat land forming part of a larger agricultural field. It is of an irregular shape, with its eastern boundary bordering onto an access road and rear gardens to residential dwellings, its northern, southern and western boundaries lie adjacent to fields and agricultural land bordered by fencing and hedgerows. There are no trees that are present within or on the boundary of the site. Electricity power lines are above the site to the east which run across in a north-south direction. The site is located in a predominantly rural area. To the east, the site is located adjacent to a late 20<sup>th</sup> century housing estate and a small private residential development.
- 7.02 It is located upon the western limits of the built up area of Connah's Quay, off an unadopted estate road servicing a small residential development of Fair Oaks Drive. This in turn is served off Mold Road.
- 7.03 The development is for the erection of 20 No. semi-detached dwellings, of which 10 units will be 3 bedroomed with the other 10 units being 4 bedroomed. At present, there is no vehicular access onto the site. To the eastern boundary, an adopted highway, Fair Oaks Drive terminates at the boundary and an existing unadopted road continues from this point northwards to serve the 8 No. existing dwellings. It is proposed to reconfigure the section of the unadopted road that links Fair Oaks Drive to the proposed access road within the site and thus upgrading it to adoptable standards.
- 7.04 Issues  
The main issues to consider within the determination of this application are the principle of the development in planning policy



terms, the provision of open space and affordable housing together with educational contributions, whether the site is viable, the highway implications and the effects of the development upon the character and appearance of the area, the amenities of adjoining residents, wildlife and drainage of the area

7.05 Principle of Development

The whole site forms part of a larger area of land allocated for housing in the Flintshire Unitary Development Plan (HSH1(7) – adj. Fair Oaks Drive, Mold Road, Connah's Quay.

7.06 It is also located within the settlement boundary for Connah's Quay in the Flintshire Unitary Development Plan which is a Category 'A' settlement with an array of facilities and services as the site's allocation for residential development reflects both the strategy of the Flintshire Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context therefore, there is a clear policy framework supporting the principle of residential development on the site, subject to the requisite open space, affordable housing and educational contributions as detailed below being provided.

7.07 Recreation and Public Open Space Provision

Initial consultation with the Head of Play Unit indicated, that based on 20 units, an area of land measuring approximately 1,120sqm has to be provided on site which has to be located to the south of the site adjacent to the proposed open space, being provided by the developers of the southern section of the allocation. The open space would need to be enclosed, equipped with children's play equipment and landscaped to the satisfaction of the authority. As this amount of open space would have to be required on site and to the south, in essence, it takes 6 units off the 20 proposed by the applicant, leaving the scheme with a total of 14 units.

7.08 Consultation with the Council's Ecologist indicates that approximately 4m of the southern boundary hedgerow has to be removed for pedestrian and maintenance linkage with the proposed southern development site. This is deemed unacceptable upon the loss of part of a wildlife habitat for birds and bats.

7.09 The Head of Play Unit subsequently indicates that if this pedestrian and maintenance access way cannot be provided then it would be difficult to create a quality play space for this development at this location. It is also indicated that unless an area of open space could be identified adjacent to the 3<sup>rd</sup> phase of the development site, the Authority may wish to consider seeking an off site capital payment in lieu of on site provision for this application.

7.10 Affordable Housing

The Head of Housing Strategy has indicated that due to the loss of 6 units upon the site, it will only have 14 units, of which 30% is required

for affordable housing which equates to 4 units. The preferred options of delivery of these units are as follows:-

- 4 units. Mix would be 4 x 2 bed for affordable rental. (This means properties have to be rented at 70% of the market value within the area to local people who are in employment but do not qualify for social housing and who would not be able to afford or sustain private rental; or
- 2 units to be sold at 50% of the market value with the Council remaining 50% ownership in order for the Council to provide a local shared ownership scheme;
- Commuted sum of £156,000.

7.11 Educational Contributions

Consultation with the Director of Lifelong Learning indicates that based on a scheme of 14 units, the impact on pupil numbers at this development will have, indicates that Wepre CP School has the greatest need for additional capacity. Therefore, the financial contribution requested is £10,500 for Wepre CP School.

7.12 Viability

The application has been the subject of lengthy and detailed negotiations in relation to the viability of the site in terms of its ability to yield the level of planning gains identified above in accordance with the provisions of the Flintshire Unitary Development Plan. For clarity these relate to public open space, affordable housing and education provision.

7.13 Studies undertaken by the developer have been the subject of independent assessment by the Valuation Office Agency (VOA). This assessment confirms that the viability assessment is accurate and do indeed indicate that, as a combination of the small size of the site, the current economic situation and the abnormal cost associated with the development of the site (diversion of the high pressure gas main), the profits arising from this scheme would not reasonably allow for the provisions of the identified issues in strict accordance with the requirements of the Flintshire Unitary Development Plan policies in this respect.

7.14 For clarity, it concludes that the proposed scheme of 14 units with on site public open space is not viable if there is any requirement to provide affordable housing or a commuted sum in this respect and the educational contributions required. In addition, a scheme for 20 units with off site public open space contributions is also non viable if there is any requirements to provide affordable housing or contributions in this respect and the educational contributions required.

7.15 Highways

The main access to the site is proposed off the unadopted road serving the existing development of 8 houses off Fair Oaks Drive to

the south east of the site. The existing road will be reconfigured to allow access to both the proposed development and the existing residential properties. This will, in part leave a piece of land in front of No. 26 Fair Oaks Drive 'vacant' and still in the ownership of the applicant who has indicated that this will be landscaped as part of the development. Internal roads are also proposed within the site serving the proposed houses, with two proposed car parking spaces per unit coming off them.

- 7.16 The Head of Assets and Transportation considers these arrangements to be acceptable, subject to appropriately worded conditions. The existing road serving the existing small development is unadopted, with this subject to Condition No. 7 attached to planning application 34946, having been breached is now subject to investigation by the Enforcement Section. It is believed that works have now been undertaken by the developer to this road and footways to bring it upto adoptable standard. Similar conditions are proposed to be attached to this consent to ensure the roads and footways are brought upto acceptable standard. Again, enforcement action will be taken if these are breached.
- 7.17 Character and Appearance of Area  
The site and the areas to the west, north and south are predominately rural in character. However, to the east lies residential development.
- 7.18 The development will be a mix of 2-3 storey semi-detached dwellings with pitched roofs and dormers. The external materials of which will be of concrete tiled roofs with facing brick walls and soldier course detailing to window and door openings. This combination of varying 2-3 storey ridge heights, dormer roof details, brick opening details and porch features adds variation and interest to the development.
- 7.19 The site layout is conventional in style and it is considered reflects the general layout of surrounding roads and properties where the properties directly front onto the main access road.
- 7.20 A landscaping scheme is proposed which will comprise of grass and shrubbery strips to the sides of driveways to provide visual interest as well as demarcate the boundaries between public and private spaces and between units. Existing hedgerows located on both the western and southern boundaries will be retained and additional shrubbery and a mixture of trees to front gardens will add to the rural feel of the development.
- 7.21 Impact Upon Adjoining Residents  
It is only on the eastern boundary whereby the proposed properties back onto the existing properties on Fair Oaks Drive and The Highcroft. However, the proposed dwellings meet the separation distances within the guidance of 'Space Around Dwellings'. Therefore, it is considered there will not be a significant detrimental

impact upon either the amenities of the existing and proposed occupiers in terms of loss of light, privacy and obtrusiveness etc. In terms of size of private amenity space of the proposed dwellings this also meets the maximum required as stated within the guidance.

7.22 Ecology

The Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) designated for great crested newts (GCN) and known breeding sites occur within 500m to the south of the site.

7.23 European Protected Species (EPS) and their breeding sites and resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and under Article 12 of the EC Directive 92/43/EEC in the United Kingdom. Plans or projects that could affect EPS must satisfy the appropriate Article 16 derogation and two mandatory tests. Disturbance to an EPS whilst occupying a place of shelter and/or obstruction of access to a place of shelter are also prohibited under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

7.24 Regulation 9 (1) and 9 (5) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to ensure compliance with and to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC). Consequently the Local Planning Authority decision making must be undertaken in accordance with the compliance of the Habitats Directive.

7.25 The Local Planning Authority must be satisfied that a proposal satisfies the appropriate Article 16 derogation and two mandatory tests as part of the planning decision process. The need is to consider this derogation is specifically identified in TAN5 and Regulation 53 of the Conservation and Habitats and Species Regulations 2010. In consideration of these requirements is it considered that the proposals seek to establish the principle of the use of the site for the purposes of residential development. The site lies within the identified settlement boundary of Connah's Quay and is identified as part of a site specifically allocated for residential development. National Planning Policies seek to direct the majority of new development of this form to existing urban centres upon sites which, by virtue of their location in close proximity to existing infrastructure and services, would also satisfy the sustainability aims of national policy.

7.26 The application site comprises an area of land which is part of an allocation in the Flintshire Unitary Development Plan. First allocated in 2003 in the deposit plan, the site has been through the full scrutiny process associated with the plan including public consultation and

public inquiry. The site and its circumstances have been judged against a number of sustainability criteria via the strategic environmental assessment carried out on sites in the plan. This noted the potential for EPS, in this case GCN and recognised the need to carry out appropriate surveys prior to development. Having assessed the site in this way, both the development plan process and public inquiry has allowed for alternative local sites to be both considered and evaluated with none having been found to be more suitable than the application site. The site was therefore retained within the plan as an allocated site, identified to meet both local and County wide housing needs.

- 7.27 Due to the proximity of the planned development to both the SAC and SSSI, and records of great crested newts within the site boundary in 2003, both the direct and indirect effects on great crested newts need to be considered. An extended Phase 1 Habitat Survey has been submitted with the application and has identified that no aquatic features will be directly affected by the development and there are no permanent ponds within 250m of the site. The nearest mapped ponds are 350m to the north-west and 400m to the south. The presence of Mold Road to the south of the sit represents a significant barrier to movement of amphibian species. Due to the above, it is considered that there will be no adverse direct impact of the development upon these two designated sites.
- 7.28 The indirect effects on the great crested newt population in relation to the designated sites and its value as terrestrial habitat, as a link to the wider countryside and the increased recreational pressures especially when considered in conjunction with other developments in the Deeside and Buckley area (“in combination effects”) have also been assessed.
- 7.29 The applicant intends to implement an amphibian exclusion fence around the boundary of the development, to be kept in place, monitored and maintained throughout the duration of works on site. However, it is anticipated that amphibian trapping will not be necessary as the development site and adjoining land is currently maintained as short grassland, with the grass being regularly cut to a length less than 10cm. The developer also proposes to work together in a long term partnership in the enhancement and maintenance of an adjacent piece of land owned by Flintshire County Council. Therefore any displacement caused by the development is locally offset by the improvement of this adjacent green space land. In addition, a pedestrian access will be provided into this piece of land.
- 7.30 Immediately adjacent to the northern boundary of the field – some 80m from the site, is wetland managed by Flintshire County Council as a ‘natural greenspace’. This habitat offers potential terrestrial habitat for newts and other amphibians as well as informal recreation. The development will result in the change of an area of improved

agricultural grassland to residential housing and gardens. There will be no negative effect on the hedgerows surrounding the development and no mature trees will be adversely affected as these features are beyond the development site boundary/outside the site.

- 7.31 Given the above, it is considered that the development will have no significant adverse impact upon the ecological value of the SAC or SSSI directly and that any indirect adverse effects can be adequately mitigated against.
- 7.32 The above proposals will avoid any significant adverse effect on the features and integrity of Deeside & Buckley Newt SAC and SSSI.
- 7.33 In relation to badgers there are no known setts on the development site itself and the development will not result in a significant loss of foraging habitat.
- 7.34 The hedgerows upon the boundaries of the site will be retained and therefore there will be no detrimental impact upon this habitat for bats or breeding birds.
- 7.35 Adequacy of Foul/Surface Drainage and Flood Risk  
Representations have been made to the effect that the existing drainage infrastructure in the locality is inadequate to serve the proposed scale of the development. The proposals have been the subject of the consultation with Dwr Cymru Welsh water who advise that in relation to foul drainage that a programme of system improvements are planned and are expected to be completed by April 2013. Accordingly, they request that a Grampian Style condition restricting the occupation of the proposed dwellings to a point not earlier than the 1<sup>st</sup> April 2013. This has been imposed as a condition upon the recommendation. Subject to the imposition of other conditions in respect of the submission, agreement and implementation of detailed drainage schemes, there is no objection to the proposal on drainage grounds.
- 7.36 The site lies outside of any flood zone but consultation has been undertaken with Environment Agency Wales, who accordingly advise that they raise no objection to the development on these grounds.

## **8.00 CONCLUSION**

It is considered that the detailed matters of this development are acceptable on this part of the wider housing allocation. I therefore recommend accordingly.

- 8.01 In considering this planning application 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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