

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 21 JANUARY 2015**

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

SUBJECT: **048042 - GENERAL MATTERS - OUTLINE APPLICATION - FOR THE DEMOLITION OF 'SUNNYSIDE' AND 66A MOLD ROAD AND THE ERECTION OF 58 HOUSES INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE AT LAND REAR OF 66A MOLD ROAD, MYNYDD ISA, MOLD.**

1.00 APPLICATION NUMBER

1.01 048042

2.00 APPLICANT

2.01 MULHILL ESTATES LLP

3.00 SITE

3.01 LAND REAR OF 66A MOLD ROAD,
MYNYDD ISA, NEAR MOLD.

4.00 APPLICATION VALID DATE

4.01 18th. November, 2010

5.00 PURPOSE OF REPORT

5.01 To seek clarification of the stance to be adopted by the Local Authority in contesting the appeal against the refusal of planning permission in relation to the above development. The appeal has been on hold since 2013 but it has now been cleared to proceed by way of Informal Hearing. In accordance with the Hearing Procedure Rules the Statements of Case have to be submitted to the Planning Inspectorate by 28th. January.

6.00 REPORT

- 6.01 Members may recall that Planning permission for the residential development of this land to the south of Mold Road and east of Rose Lane was refused at Committee on 24th. July, 2013, despite the land being allocated for residential development in the UDP. An appeal was then lodged and a report was brought back to committee on 4th. Sept. 2013 to seek guidance regarding the reasons for refusal. That report is attached as Appendix 2 and Members will note that the resolution resulted in the four reasons for refusal, which read as follows in the decision notice.
- 6.02
1. The Council considers the proposals as submitted do not provide for 30% affordable housing within the scheme, thereby restricting the community's accessibility to the facilities and thereby contrary to Policy HSG10 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 9 'Affordable Housing'.
 2. The proposed development would be likely to result in an increase in the volume of traffic which is likely to include the conflict in traffic movements close to existing junctions to the detriment of highway safety and contrary to Policy GEN1 and Policy AC13 of the Flintshire Unitary Development Plan.
 3. The Council considers the proposals as submitted do not make adequate provision for public open space, thereby restricting the community's accessibility to the facilities and thereby contrary to Policy GEN1 and Policy SR5 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 13 'Open Space Requirements'.
 4. The Council considers that the shortfall in the maximum parking standards of the development has not been justified resulting in inadequate parking provision and thereby detrimental to highway safety, contrary to Policy AC13 of the Flintshire Unitary Development Plan.
- 6.03 The initial resolution to refuse the development in July, 2013 cited six reasons for refusal and from the commentary regarding these in the 4th. Sept. report (Appendix 2) Members will note that concerns were expressed in relation to the robustness of each. Nevertheless, the four reasons were given in the decision and each of these must now be defended if they are to remain part of the Council's case.
- 6.04 In relation to reason no. 2 we are aware that the appellants have engaged a firm of Highway Engineers to prepare and present evidence on their behalf which will show that the proposed access meets required standards of design and safety. Members will again recall that at the time of determination this was also the advice of the Council's own Highway Engineers and a firm of independent highway consultants we had engaged to assess the detailed traffic modelling

and design specifications which the applicants had submitted during the lengthy negotiations on the application.

- 6.05 Where a decision is taken contrary to officer recommendation and the resultant appeal is to be considered by way of Inquiry or Hearing it is current practice that we usually engage consultants to act for the Authority. In this particular case the reasons for refusal cover a range of disciplines and we have in turn approached five large consultancies who have the requisite range of professionals to undertake the work. Whereas the timing over the Christmas period has been unfortunate, but beyond our control, none of the five are prepared to undertake the consultancy, either because of unavailability or what they view as the weakness of the case. I believe that this is particularly so in relation to the case regarding the highway safety implications of the perceived “conflict in traffic movements close to existing junctions”.
- 6.06 As reason no. 4 also refers to highway safety it is likely that the appellant’s highway consultant would present evidence in support of the adequacy of the parking provision. Members will again recall that it was the Council’s Highway Engineer’s advice that the shortfall in parking provision is acceptable in view of the location of the site and the Council’s own maximum parking standards, making this reason very difficult to substantiate.
- 6.07 The remaining reasons for refusal, referring to the lack of affordable housing and insufficient open space, are both linked to viability. The developer provided documentation to show that the full raft of community benefits was not viable because of development costs and instead made an offer of £212,000, to be disaggregated as the Council saw fit. At Committee, Members were not prepared to accept any reduction in provision and reasons for refusal nos. 1 and 3 reflect this.
- 6.08 In conclusion, I consider that we are not going to be able to provide any meaningful evidence to support reasons no. 2 and 4 and that in respect of reasons 1 and 3, there is clear merit in the Council seeking to maximise the community benefits from the development and in resisting any under provision, but again the evidence regarding viability will be a significant factor. Nevertheless, I would anticipate that a planning consultant could put up a case for the Council with regard to these two issues, based on the relevant UDP policies. The question for the Inspector would then be whether or not these are outweighed by other considerations.

7.00 RECOMMENDATIONS

- 7.01 That the Planning Inspectorate be advised that the Local Planning Authority does not intend to rely on reasons for refusal Nos. 2 and 4 (outlined above) and that a planning consultant be engaged to represent it in respect of contesting the appeal against reasons no. 1

and 3.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

Appeal Documents

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