

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **21st JUNE 2023**

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

SUBJECT: **OUTLINE – PROPOSED RESIDENTIAL
DEVELOPMENT**

**APPLICATION
NUMBER:** **OUT/000496/22**

APPLICANT: **DRIVESTANDARD LIMITED**

SITE: **LAND ADJ FFORDD PENNANT
MAES PENNANT, MOSTYN**

**APPLICATION
VALID DATE:** **29th SEPTEMBER 2022**

LOCAL MEMBERS: **COUNCILLOR P BANKS**

**TOWN/COMMUNITY
COUNCIL:** **MOSTYN COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO
DELEGATION SCHEME AND LOCAL MEMBER
REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline planning application for proposed residential development on a site amounting to approximately 1.9 hectares in area, on land to the north of Ffordd Pennant, Mostyn. All matters save access are reserved for subsequent approval.
- 1.02 For Members information progression of the application has been delayed pending the receipt of additional drainage information, to aid the assessment process.

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

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

- a. Provision of 15% affordable housing within the proposed development
- b. Payment of £1100 on occupation of 25% of the proposed dwellings, towards the provision and enhancement of recreational facilities at the existing play area at Maes Pennant.

Conditions

1. Outline – Reserved Matters.
2. Outline – Time Limit.
3. Materials to be submitted and approved.
4. Full details of highway improvements to Maes Pennant to be submitted and approved.
5. Siting, layout, and design of access to be submitted and approved.
6. Forming and construction of site access not to commence until details approved.
7. Access to have a visibility splay of 2.4m x 43m in both directions.
8. Stated visibility spays to be kept free from obstruction during site construction works.
9. Garages to be set back 5.5m from footway line or 7.3m from edge of carriageway.
10. Design /construction details of internal estate roads to be submitted and approved.
11. Gradient of internal estate roads to be 1:15 and 1:24 within 10m of a road junction and gradient of private driveways not to exceed 1:10
12. 2m wide footway to be provided along Maes Pennant.
13. Positive means to prevent surface water run off on to adoptable highway to be submitted and approved.
14. Travel Plan to be submitted within 3 months of first occupation.
15. No development to commence until a Construction Traffic Management Plan has been submitted and approved.
16. Protection of Footpath 106b during site construction works
17. Foul and surface water drainage strategy to be submitted and approved.

18. Details of potable water supply to serve the development to be submitted and approved.
19. No development to commence until an acoustic and lighting scheme has been submitted and approved.
20. No development to commence until a Great Crested Newt Method Statement detailing Reasonable Avoidance Measures has been submitted and approved.
21. No development to commence until a Biosecurity Risk Assessment and Method Statement have been submitted and approved.
22. No development to commence until a Construction Environmental Management Plan has been submitted and approved.
23. No hedgerow removal to be undertaken during the bird nesting season (March – September inclusive)
24. Existing trees to be safeguarded with protective fencing /exclusion zones during construction work in accordance with details to be submitted and approved.
25. Phase 2 land contamination survey to be undertaken at Reserved Matters Stage.
26. Remediation measures as required by Phase 2 land contamination survey to be undertaken in accordance with scheme agreed and prior to occupation of dwellings.
27. Submission and agreement of a scheme for the provision of a doorstep play facility of not less than 100m² with details of maintenance /management prior to the commencement of development.

3.00 CONSULTATIONS

- 3.01 **Councillor P Banks (Local Member):** Request Site Visit and Planning Committee determination in order to assess the adequacy of highways to serve the scale of development proposed.

Mostyn Community Council: No response received at time of preparing report

Highways: Recommend that any permission includes conditions to secure off site and internal highway works to serve the proposed development.

Community and Business Protection: No objection from Pollution Control subject to the imposition of a condition requiring the submission of a Noise Report to ensure the implementation of good acoustic design in the development. Advise that a Phase 1 Land Contamination Assessment has been submitted and considered acceptable but request the imposition of a condition requiring a Phase 2 site investigation, prior to the commencement of development and

implementation of identified and agreed measures prior to the occupation of the dwellings.

Dwr Cymru Welsh Water: No objection to the discharge of surface water flows to a nearby watercourse and foul flows to a sewer in Ffordd Pennant. Recommend that any permission be subject to the imposition of a condition to secure a potable water supply to serve the development.

Natural Resources Wales: No objection subject to the imposition of conditions in respect of protected species and biosecurity.

Council Ecologist: Consider the submitted Ecological Appraisal to be acceptable to assess impact of development on protected species. Recommend that any permission be subject to conditions in respect of lighting and requirement for a Construction Environmental Management Plan.

Capital Projects & Planning: Do not require Primary/ Secondary Educational Contributions as adequate capacity exists within existing schools to serve the proposed development.

Public Rights of Way (PROW): Public Footpath 106b abuts the site but appears unaffected by the development. The path must be protected and free from interference during construction.

Leisure Services (AURA): No objection. Advise that a door-step play facility of not less than 1000m² be provided on site with an associated off-site contribution of £1100 towards the improvement / enhancement of the existing Maes Pennant Play Area

4.00 PUBLICITY

4.01 13 Neighbour Notifications were sent to adjoining properties. The application was also publicised by way of Site Notice and by Press Notice in local newspaper. No responses received at time of preparing report.

5.00 SITE HISTORY

5.01 279/89 – Outline Residential Development – Refused 26/5/89

826/89 – Outline Residential Development – Refused 26/5/89
Appeal Dismissed 5/6/90

037911 – Erection of 158 dwellings (Outline) – Refused 25/10/04

047951 – Erection of 71 No houses – Refused 22/2/13
Allowed on Appeal 13/1/14

056313 – Application for variation of condition 2 attached to planning permission 047951 to allow further period for submission of reserved matters – Refused 5/1/18

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan (LDP)

STR2 – The Location of Development

STR4 – Principles of Sustainable Development, Design and Placemaking

STR5 – Transport and Accessibility

STR11- Provision of Sustainable Housing Sites

STR13 – Natural and Built Environment, Green Networks, and Infrastructure

PC1 – The Relationship of Development to Settlement Boundaries

PC2 – General Requirements for Development

PC3 – Design

PC5 – Transport and Accessibility

HN2 – Density and Mix of Development

HN3 – Affordable Housing

EN1 – Sports, Recreation and Cultural Facilities

EN2 – Green Infrastructure

EN6 – Sites of Biodiversity Importance.

EN15 – Water Resources

EN16 – Development on or near Landfill Sites or Derelict and Contaminated Land

EN18 – Pollution and Nuisance

Supplementary Planning Guidance Notes (SPGN)

SPGN2 – Space Around Dwellings

SPGN3 – Landscaping

SPGN8 – Nature Conservation and Development

SPGN9 – Affordable Housing

SPGN11 – Parking Standards

SPGN13 – Outdoor Play Space (Under Review)

SPGN23 – Developer Contributions to Education

National Policies

Planning Policy Wales PPW Edition 11

Technical Advice Note 2 – Planning & Affordable Housing

Technical Advice Note 5 – Nature Conservation & Planning

Technical Advice Note 6 – Planning for Sustainable Rural Communities.

Technical Advice Note 12 – Design

Technical Advice Note 18 – Transport

Technical Advice Note 24 – The Historic Environment

Design Manual for Roads and Bridges (DMRB)

7.00 PLANNING APPRAISAL

7.01 Introduction

The site the subject of this application amounts to approximately 1.9 hectares of agricultural land, located to the north of Ffordd Pennant, Mostyn to the east of Bychton Hall farmhouse and outbuildings, west of Bodhyfryd, and north of Bychton Cottage (formerly The Bungalow), it being within the settlement boundary as defined in the Flintshire Local Development Plan (LDP).

7.02 The site occupies a position on rising ground above the existing settlement, abutting areas of open countryside. It is generally flat across its northwest – southeast axis but there is a steady gradient sloping towards the existing residential estate at Bodhyfryd to the northeast. The site topography is reflective of the landform in the wider area.

7.03 Proposed Development

This outline application seeks to establish the principle of residential development on the site. Although submitted in outline with all matters save access reserved for subsequent approval, indicative plans submitted as part of the application, show its potential development for the erection of up to 64 dwellings.

7.04 Whilst the indicative plans carry limited weight in the overall planning balance, it is useful to understand how the site could potentially be developed. The precise details for development of the site would however need to be secured as part of any reserved matters application, as it is only the principle of development of the site for residential development, that is being sought at this stage.

7.05 Main Planning Considerations

The main planning considerations to be taken into account, in assessment of this application include:

- i. Principle of development having regard to planning policy framework and background planning history
- ii. Scale of development
- iii. Adequacy of access
- iv. Impact on living conditions
- v. Affordable housing provision
- vi. Public open space and recreational provision
- vii. Adequacy of drainage.
- viii. Ecology
- ix. Contamination

These are addressed in further detail below

7.06 Principle of Development

The site is located within the settlement boundary of Mostyn which is a Tier 3 Sustainable Settlement as defined in the LDP, where provision is made for windfall sites coming forward, which help to contribute to the overall housing land supply and help to deliver the plans housing requirement.

7.07 It is also important to note and a material planning consideration, that residential development on the site was previously allowed on appeal by the Planning Inspectorate in 2014, under 047951 for the principle for the erection of 71 No dwellings. Having regard to the policy framework /history referenced, there is therefore no objection to the principle of development of the site, subject to the safeguarding of relevant development management considerations.

7.08 Scale of Development

The site the subject of this application amounts to approximately 1.9 hectares in area. The potential erection of 64 No dwellings would represent a density of approximately 35 dwellings per hectare (dph), which is above the 30dph specified as a minimum referenced in Policy HN2 of the LDP, that is sought to be achieved to make the most efficient use of available land.

7.09 It is considered that the density of development proposed would be acceptable having regard to the appeal decision in respect of 047951 whereby the density proposed at that time was 38dph. Notwithstanding this, the final numbers and the layout will need to be subject to a separate Reserved Matters Application, where matters such as density and Space About Dwellings, can be considered in terms of the proposed layout.

7.10 Adequacy of Access

Vehicular access to serve the development is proposed to be derived from Maes Pennant Road, the submitted plans proposing that a new access be formed into the application site, approximately 39m to the northeast of Bychton Hall. It is also proposed that Maes Pennant Road be widened to facilitate the provision of a pedestrian footway along the site frontage with the provision of an associated crossing point.

7.11 Consultation on the application has been undertaken with the Highway Development Manager, the application being accompanied by a Transport Statement and Interim Travel Plan, recognising the time that has elapsed since the appeal decision in 2014. As a result, it is confirmed that there is no objection to the development from a highway capacity / technical perspective, subject to the imposition of conditions as referenced in paragraph 2.00 of this report.

- 7.12 Impact on Living Conditions
Of particular importance in consideration of this application, is ensuring that the privacy of the occupiers of the proposed dwellings and those existing dwellings adjacent to the site are safeguarded as part of the proposed development. Whilst recognising that the site layout submitted carries limited weight in the assessment process, it does take into account the relationship of proposed dwellings to existing development confirming that it is possible to design a layout meeting adequate interface separation distance having regard to Supplementary Planning Guidance Note 2 – Space About Dwellings.
- 7.13 Affordable Housing Provision
As referenced in Policy HN3 of the LDP there is a requirement for the proposed development to provide an element of affordable housing this being 15%, given the sites location within the Flint and Coast submarket area.
- 7.14 Of the 64 No dwellings referenced within this application, 10 No units would be required to meet an affordable housing need although this figure may need to be revisited should the density of development be reduced at Reserved Matters Stage. The requirement to secure the provision of 15% of the development for affordable housing can however be secured through a Section 106 Obligation / Unilateral Undertaking, with the precise mix of house types / affordable housing need within the locality being addressed at Reserved Matters Stage.
- 7.15 Public Open Space and Recreational Facilities
Consultation on the application has been undertaken with Leisure Services (AURA) who have requested both i) the provision of a doorstep play facility within the site, of not less than 1000m² and ii) given the proximity of the site to the existing Maes Pennant Play Area, approximately 300m to the east, an off-site financial contribution of £1100 towards its improvement and enhancement.
- 7.16 The off -site commuted sum payment as requested can be secured through the completion of a legal obligation requiring payment on 25% occupation of the proposed dwellings. The provision of the onsite doorstep facility and details of its future management and maintenance can be secured through the imposition of a planning condition.
- 7.17 The infrastructure and monetary contributions that can be required from 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'.
- 7.18 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of

a development, if the obligation does not meet all of the following Regulation 122 tests.

1. be necessary to make the development acceptable in planning terms.
2. be directly related to the development.
and
3. be fairly and reasonably related in scale and kind to the development.

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

7.20 Members are advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into in respect of the leisure contribution requested, and that on application of the tests set out above the contributions would satisfy these requirements.

7.21 Adequacy of Drainage

The adequacy of the drainage system to serve the proposed development has been the subject of consultation with Dwr Cymru/Welsh Water, who raise no objection to the proposed connection of the foul drainage system into the public sewer on Ffordd Pennant, with surface water discharge into a nearby watercourse, although this element will need to be the subject of a separate application to the SuDS Approving Body (SAB). It is recommended that this drainage strategy be secured by condition together with the imposition of a condition to secure the provision of a potable water supply to serve the development.

7.22 Ecology / Trees

Consultation on the application has been undertaken with Natural Resources Wales (NRW) and Council Ecologist who both raise no fundamental objection to the development having regard to the Ecological Appraisal submitted as part of the application.

7.23 The Ecological Appraisal has assessed the potential impact of development on protected species including Great Crested Newts (GCN) and bats, it being considered, that this is acceptable to aid the assessment process. It is however requested that this outline application be the subject of the imposition of conditions in respect of lighting, the submission of a Construction Environmental Management Plan, GCN Reasonable Avoidance Measures and Biodiversity.

7.24 In addition, it is important to note that there are 2 No mature trees adjacent to the site's northern boundary, a woodland adjacent to the northeast corner of the site that is covered by a Tree Preservation Order, and a green space designation by virtue of Policy EN2: 133 of the LDP. These trees are proposed to be retained as part of the development, recognising that they are key landscape features. Whilst the indicative layout as indicated carries limited weight in the assessment process, it does show that these are to be safeguarded with the introduction of buffer zones. It will however be necessary to secure their protection during construction works, this being controlled by the imposition of a planning condition.

7.25 Contaminated Land

A Phase 1 Land Contamination Report has been submitted as part of the application, recognising the sites association with former coal mining activity in the locality. The report recognises the requirement for further intrusive ground survey work to be undertaken by way of a Phase 2 report, with appropriate mitigation where required. This approach is supported by the Council's Contaminated Land Officer and can be secured by condition, requiring this to be addressed at reserved matters stage.

8.00 CONCLUSION

This outline application seeks to establish at this stage the principle of development only of the site for residential development. Although an illustrative site layout has been submitted showing the potential development of the site for 64 No dwellings, this carries limited weight in the assessment process other than to confirm that it would be possible to develop the site for the scale of development proposed whilst meeting relevant development management considerations. No objections have been received from a highway, ecological, landscape, or drainage perspective, and it is therefore recommended that permission be granted subject to the completion of a legal obligation and imposition of conditions as referenced in paragraph 2.00 of this report.

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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