

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 6 MARCH 2019**

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

SUBJECT: **OUTLINE APPLICATION FOR RESIDENTIAL
DEVELOPMENT AT MEGS LANE, BUCKLEY.**

**APPLICATION
NUMBER:** **059387**

SITE: **MEGS LANE, BUCKLEY**

APPLICANT: **MR. TOM HILL**

**APPLICATION
VALID DATE:** **20th DECEMBER 2018**

LOCAL MEMBERS: **COUNCILLOR ARNOLD WOOLEY
COUNCILLOR RICHARD JONES**

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

**REASON FOR
COMMITTEE:** **SCALE OF DEVELOPMENT
LOCAL MEMBER REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is an Outline application with all matters reserved, with the exception of access, for up to 85 dwellings on land to the south of Megs Lane, Buckley.

**2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE
FOLLOWING REASONS**

- 2.01
1. The proposal represents inappropriate development that would detrimentally impact upon the designated green barrier and the purpose and function of the green barrier in this location, and open countryside, contrary to Unitary development plan policies GEN1, GEN3 and GEN4 and national policy contained within Planning Policy Wales (10th Edition – December 2018).
 2. The site is located outside the settlement boundary for Buckley and within open countryside as defined by the adopted Flintshire Unitary Development Plan. It is considered that the weight attached to increasing housing land supply is not considered to outweigh the harm that would

arise from the detrimental impact of such a scale of development would have upon the principles of sustainable development as set out in Planning Policy Wales (10th Edition – December 2018) and contrary to paragraph 6.2 of TAN1 and contrary to Policies STR1, GEN3 and HSG4 of the Flintshire Unitary Development Plan.

3. Insufficient information has been submitted to ensure that the proposal has fully taken the ecology of the site into account. As such it is considered that the proposal is contrary to policy WB1 and WB4 of the Flintshire Unitary Development Plan.
4. In the opinion of the Local Planning Authority the proposal does not adequately provide public open space provision within the site, in accordance with the recommendations of Planning Guidance Note 13- Outdoor Playing Space and New Development. As such the proposal is contrary to policies STR11 and SR5 of the Flintshire Unitary Development Plan.
5. Inadequate information has been provided to demonstrate how the development will meet the required provision of affordable housing within the site, to meet proven local need. As such the proposal is considered to be contrary to policies STR1, STR4 and HSG10 of the Flintshire Unitary Development Plan.
6. Inadequate information has been provided to demonstrate the scope of reinforcements required to overcome the identified biological overload of the Buckley Ty Gwyn Waste Water Treatment Works. In the absence of this information it is not possible to fully assess the impact of the proposal on the available water resources. As such the proposal is considered to be contrary to policies STR10, GEN1 and EWP16 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member Councillor Arnold Wooley

Requests committee determination, refers to comments previously submitted on last scheme:

1) The Well-being of Future Generations Act (Wales) 2015 in that it is unsustainable and both environmentally and ecologically destructive.

2) Policy Wales and particularly TAN 1, in that it is:-

- a) Outside of the existing Development Boundary for Buckley.
- b) Inappropriate development within an essential Green Barrier, where development would conflict with the UDP Such unwarranted intrusion would inevitably lead to the total destruction of the green barrier to the south of Meg's Lane, between Padeswood Road South and Bannel Lane and carry housing development far too close to the industrial site of the cement works alongside the A5118 at Padeswood. Policy GEN 4-17 would appear to apply to this case.

3) If granted, the application would create an unwarranted loss of agricultural land, contrary to Policy EC1 of the existing Unitary Development Plan.

4) While it may be argued that the county does not presently have in place a Joint Housing Land Availability Study and may not be able to demonstrate a fully adequate 5-year supply of land designated for housing, there are no pressing, compelling or exceptional circumstances relating to this particular application, which might argue for approval on any of those grounds.

5) That is particularly so given that there is no infrastructure plan attached to the application. Also, that Buckley is strewn with sites available for the construction of new houses, for which planning permission was granted several, even many, years ago, yet upon which sites there has been no sign of even commencement, let alone completion of the number of houses for which permission has been given. That argues irrefutably against any approval of this application on the grounds of urgent need. I believe that only some 74 houses have been built in recent years against a figure of about 669 units granted planning permission.

Councillor R Jones

No response at time of writing.

Buckley Town Council

No response at time of writing.

Highways Development Control Manager- There have been no significant changes to the local highway network or traffic patterns since the previous application was considered and therefore the highways recommendation remains unchanged.

Suggests conditions, advisory notes and Section 106 contributions.

Housing Strategy

- Requirement for 30% affordable on site-provision
- LHMA for Flintshire identifies an annual shortfall of 246 affordable units
- In the LHMA Buckley sits within the Buckley and Mold sub area which identifies an annual shortfall of affordable dwellings of 165, which is not being met on an annual basis
- The LHMA identifies a need for primarily 1 bed (14%) 2 bed (31.6%) and 3 bed (28.5%), split evenly between Social rented (56.2%) and intermediate (43.8%) tenures.

Would support 26 no. affordable units to be included on the site with an even split between affordable rent and affordable ownership.

Head of Public Protection

No adverse comments

Aura Leisure

The proposed POS provision in this application does not meet the requirement in LPGN 13- POS Provision and do not support application.

Welsh Water/Dwr Cymru

The proposed development site is crossed by a 150mm, 300mm, 750mm, 1050mm and 1200mm diameter combined gravity public sewers. Under Section 159 of the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times and as such would require an easement of 3m either side of the centreline of the 150mm and 300mm public sewers, an easement of 5m either side of the centreline of the 750mm and 1050mm public sewers and an easement of 6m either side of the centreline of the 1200mm public sewer. No part of any building will be permitted within the easement of the public sewers.

As the current proposal represents a reduction in the maximum number of dwellings DCWW advise that the required reinforcement works at the waste water treatment works need to be revisited and that it will be necessary for a re-assessment of the impact of the proposed development on the waste water treatment works to be undertaken. DCWW consider that an appropriate condition would ensure that any necessary works are carried out before the occupation of the dwellings.

Natural Resources Wales

Request conditions relating to European Protected Species, Ecology and Biosecurity.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

52 Letters of objection received

- Parking issues on surrounding roads
- Loss of local amenity
- Loss of Green Belt
- Traffic issues and road safety
- Lack of local infrastructure and impact of development on local services
- Loss of Privacy/Overlooking
- Ecological Impact
- Proposal does not give adequate regard to “Active Travel” issues (walking and cycling) Transport assessment should fully consider all modes of transport not just cars.

5.00 SITE HISTORY

5.01 057056 – Outline - Erection of up to 100 dwellings - Refused

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
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 10 December 2018
TAN 1 Joint Housing Availability Studies 2015

SPGN 2 – Space Around Dwellings
SPGN 3 – Landscaping
SPGN 4 – Trees and Development
SPGN 9 – Affordable Housing
SPGN 11 – Parking Standards
SPGN 12 – Access for All
SPGN 13 – Open Space Requirements
SPGN 23 – Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 **Proposal**

The proposal is an Outline application for up to 85 dwellings on a site of 3.8 hectares at land off Megs Lane, Buckley. The only reserved matter being put forward for consideration is Access.

A previous proposal, for development of up to 100 dwellings, was refused on the 19th July 2018 for the following reasons:

- 1. Planning Policy Wales (9th Edition – Nov 2016) identifies that weight can be attached to policies in emerging Local Development Plans. The Flintshire LDP is at Deposit stage. It is considered that the proposals amount to a development which, by virtue of its scale and location, would prejudice the LDP by predetermining decisions on the scale and location of development. Accordingly, the proposals are considered to be premature, contrary to the Paragraphs 2.14.1, 2.14.2 and 2.14.3 of Planning Policy Wales (9th Edition – Nov 2016)*
- 2. The proposal represents inappropriate development that would detrimentally impact upon the designated green barrier and the purpose and function of the green barrier in this location, and open countryside, contrary to Unitary development plan policies GEN1, GEN3 and GEN4 and national policy contained within Planning Policy Wales.*
- 3. The site is located outside the settlement boundary for Buckley and within open countryside as defined by the adopted Flintshire Unitary Development Plan. It is considered that the weight attached to increasing housing land supply is not considered to outweigh the harm that would arise from the detrimental impact of such a scale of development would have upon the principles of sustainable development as set out in Planning Policy Wales (9th Edition - November 2016) and contrary to paragraph 6.2 of TAN1 and contrary to Policies STR1, GEN3 and HSG4 of the Flintshire Unitary Development Plan.*
- 4. Insufficient information has been submitted to ensure that the proposal has fully taken the ecology of the site into account. As such it is considered that the proposal is contrary to policy WB1 and WB4 of the Flintshire Unitary Development Plan.*
- 5. In the opinion of the Local Planning Authority the proposal does not adequately provide public open space provision within the site, in accordance with the recommendations of Planning Guidance Note 13- Outdoor Playing Space and New Development. As such the proposal is contrary to policies STR11 and SR5 of the Flintshire Unitary Development Plan.*
- 6. Inadequate information has been provided to demonstrate how the development will meet the required provision of affordable housing within the site, to meet proven local need. As such the proposal is considered to be contrary to policies STR1, STR4 and HSG10 of the Flintshire Unitary Development Plan.*
- 7. Inadequate information has been provided to demonstrate the scope of reinforcements required to overcome the identified biological overload of the Buckley Ty Gwyn Waste Water Treatment Works. In the absence of*

this information it is not possible to fully assess the impact of the proposal on the available water resources. As such the proposal is considered to be contrary to policies STR10, GEN1 and EWP16 of the Flintshire Unitary Development Plan.

The main issues to consider with the current proposals are whether the reasons for refusal have been overcome with the current submission.

Principle of development

The site lies adjacent to the settlement of Buckley in the adopted Unitary Development Plan (UDP), within a designated green barrier. Policy GEN4 does not permit new housing development in green barriers except for very specific forms of development. Furthermore the UDP only permits new development in the open countryside in a limited number of circumstances.

Planning Policy Wales (PPW) provides guidance on green wedges or barriers and Policy GEN4 of the UDP is generally in conformity with that advice and is therefore given significant weight in the planning balance. The proposed housing development does not form one of the types of development that can be permitted in a green barrier and therefore, by definition, the development being proposed here must be treated as 'inappropriate development'.

PPW directs that other forms of development are considered inappropriate development unless they maintain the openness of the green barrier or conflict with the purposes of including land within it. The built development proposed would not maintain the openness of the green barrier. One of the key purposes of the green barrier in this location is to protect the prominent southern edge of Buckley against encroachment of development into open countryside. The development would directly conflict with these purposes.

Main Issues

The main issues are considered to be whether the proposal represents appropriate development within the designated green barrier and in an open countryside location, the impact of the proposal upon adjacent ecology sites as well as the ecology and biodiversity of the site itself, whether there is sufficient provision of public open space, affordable housing and water resources, as well as the implication of the 5 year land supply on the acceptability of the proposal in the overall planning balance.

Whereas on the previous submission it was considered that issues of prematurity were material to the application. This was in connection with other developments in the locality that were under consideration at the same time. When viewed in isolation it is not considered that issues of prematurity cannot be assigned the same weight in the overall planning balance.

Green Barrier

The site is located within a green barrier (GEN4-17) which wraps around the south and eastern edge of Buckley and Drury. This is a well defined green barrier that is fit for purpose when reviewed against the purposes for designating green barriers in section 3.60 of PPW 10, and also an area where there has been considerable pressure for development as part of successive development plans, and presently as part of speculative housing proposals. The

principle and extent of the green barrier has been supported by successive Planning Inspectors as part of the Alyn and Deeside Local Plan and Unitary Development Plan.

Policy GEN4 states that:

Development within green barriers will only be permitted where it comprises the following:

- a. justified development in association with*
- b. essential facilities for outdoor sport and recreation, or cemeteries;*
- c. limited extension, alteration or replacement of existing dwellings;*
- d. limited housing infill development to meet proven local housing need or affordable housing exceptions schemes;*
- e. small scale farm diversification;*
- f. the re-use of existing buildings; and*
- g. other appropriate rural uses/development for which a rural location is essential.*

provided that it would not:

- i. contribute to the coalescence of settlements; and*
- ii. unacceptably harm the open character and appearance of the green barrier.*

The site was submitted as an omission site as part of the UDP for a housing allocation and the Inspector commented '11.96.27. 1996 – *Whilst adjacent to HSG1(2) the site shares only a short boundary with it and is separated from it by a stream and a corridor of trees/vegetation. Although both are greenfield sites, visually there is not a strong relationship between the 2 and development on the objection site would extend further to the south into the rural area. The site is bounded to the north by the backs of properties fronting Megs Lane and lies within the green barrier which seeks to prevent encroachment into an area of open countryside to the south of Buckley where there is pressure to develop. The permission for and start on the construction of a dwelling along the Megs Lane frontage of the site would appear to preclude vehicular access*'.

In general the Inspector recognised the role of the green barrier in safeguarding the countryside from encroachment and protecting the setting of this prominent urban edge. The Inspector also recognised potential coalescence with built development at Padeswood.

PPW10 states that (para 3.70) "Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge." In the submitted Green Barrier Assessment it is noted that there is an ongoing Green Barrier Review which has been undertaken, but the findings are not yet public, and that the results of this review could have a significant impact upon the proposed site. Until the results of the review are released into the public domain this is speculation and I consider that the material planning weight rest on the Development plan and the current designation.

In a 2017 appeal decision in Bryn Y Baal (Planning application ref. 056672 Appeal ref. APP/A6835/A/17/3175048) the Inspector set out the implications of the advice in PPW, which at the time was PPW9, 'This is a stringent and demanding test, and the planning balance is different to that applicable for land outside the green barrier'.

The Inspector concludes that the lack of 5 year supply does not outweigh the harm to the green barrier 'My conclusions are that the development would be harmful to the openness of the green barrier and to the character and appearance of the area and would erode the gap between Mynydd Isa and New Brighton. These harmful effects warrant considerable weight. I also conclude that there is a lack of a 5 year supply of housing land, and that the need to increase the supply of housing land warrants considerable weight, provided the development would comply with development plan and national policies. If the site was not located in a green barrier, these arguments would be finely balanced. However, the proposal is for inappropriate development in the green barrier, and PPW advises that such development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm the development would do to the green barrier. That demanding balance would not be achieved in this case, and I conclude that the development would be contrary to development plan and national policy'.

This area of open countryside, located at the south eastern area of Buckley has an existing and well defined southern extent to the settlement, from which the countryside then gently drops away. It is the openness of this context setting band of open countryside that is remarkably unaltered due to the green barrier designation, and in spite of long standing pressure for development, is important to maintain and not permit its reduction or erosion.

I do not consider that the proposal complies with either relevant development plan policies, or national planning guidance in respect of its impact upon the character and openness of the designated green barrier.

Sustainability

Buckley is a category A settlement in the UDP and several allocations were made in the settlement in the UDP. In the UDP Buckley is in the top tier of the 5 tier hierarchy and is a main service centre and this reflects its level of sustainability. In broad terms it is a sustainable settlement to accommodate development. However the Welsh Governments principles and objectives for sustainable development encompasses far more than just providing for growth and development, with matters such as environmental protection also being important. The provision of green wedges and barriers is an important part of Chapter 4, 'Planning for Sustainability', of PPW. It is an integral part of how sustainability is to be achieved. If the proposed development is inappropriate development in a green barrier then it cannot represent sustainable development unless there are exceptional circumstances to justify the harm caused. There was a recent appeal decision at Rhosrobin, Wrexham (Appeal ref: APP/H6955/A/14/2229480) where the Inspector considered a green barrier site, and was of the opinion that the lack of a 5 year housing land supply did not outweigh the conflict with the development plan and national planning policy. The Inspector concluded '*I conclude that the development is inappropriate development in the green barrier and very exceptional circumstances do not exist to clearly outweigh this harm....*'. Although it may be considered that Buckley as a settlement could be described as sustainable due to the presence of services and public transport, this differs from the consideration of the sustainable credentials of the development proposed. As such I do not consider the proposal to represent sustainable development, given the

detrimental impact upon the green barrier.

Housing Land Supply

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.

The disapplication of paragraph 6.2 of TAN1 on 18th July 2018 has significantly altered the sustainability test. A lack of a five year land supply still remains a material planning consideration however the Local Planning Authority now considers what weight should be attached to this matter in the overall planning balance rather than the assumption set out in paragraph 6.2 that considerable weight is always attached to this matter.

When looking at the context of the site in Buckley there is a site to the west of it which has detailed planning permission for housing and a short distance away is the Well Street site (which is being progressed as part of the SHARP programme) and Rose Lane allocated site which has been allowed on appeal. Elsewhere in Buckley there are other sites being developed by different developers. It is not clear what the need is for an additional site in this location.

It is not considered that the development would otherwise comply with development plan policies and national planning policies. As such the weight to be given to the lack of the 5-year requirement is not sufficient to outweigh other material factors in determining this application.

Ecology and Biodiversity

The site is primarily improved grassland with potential habitats, including watercourses and hedgerows within the site. The site lies within 2 Kilometres of the Buckley Claypits and Commons SSSI and Deeside and Buckley Newt Sites SAC, although the site lies outside the buffer zones for these designated areas. The development would result in the loss of approximately 3ha of improved grassland habitat and 0.1ha of scrub.

The application site also contains field hedges as well as overgrown historic hedgerows that cross the centre of the site. These hedges are shown on the 1st Edition OS maps and are well established and species rich. These hedgerows are a Priority Biodiversity Habitat under the Environment (Wales) Act 2016. The hedgerows are considered to be good wildlife corridors with connectivity to the wider landscape.

The site has potential to support common amphibian species, bats and nesting birds during the breeding season. There are likely impacts upon these species and their habitats as a result of the development. Numerous field signs of Badger activity is evident on site although no Badger Setts have been recorded on the site

There is a wildlife site, Bistre Wood, to the south west of the site which is ancient woodland which requires a minimum 15m buffer zone between this area and development. In addition the trees, shrubs and woodland flora adjacent to the brook on the western boundary are a remnant of this woodland, which forms an important wildlife corridor and similar requires protection.

Whilst this is an outline application with all matters reserved except for access it is considered that due to the potential presence of protected species and habitat that supports protected species that this is a fundamental matter which is required to be addressed at this stage of the planning process.

As there is insufficient information to show with any confidence how the loss of hedgerows and trees likely to be removed will be sufficiently mitigated against, or how the proposal will impact certain protected species, in particular bats and wild birds the proposal conflicts with Policy TWH1, TWH2, WB1, WB4 and WB6 of the Flintshire UDP.

Public Open Space

Opportunities for both formal and informal recreation are essential to the health and happiness of people of all ages. Recreational open space areas are a vital element of the community, allowing free movement, free expression and social interaction. In accordance with the recommendations provided in Planning Guidance Note 13 the provision of public open space will be an important consideration within proposals for new residential developments. In addition to aiding the general well-being of the community by providing for sport and recreation, public open space can also contribute to biodiversity, the conservation of nature and landscape, air quality, the protection of ground water, and can enhance the appearance of a locality.

The required public open space provision for a development of this scale would be an area of some 4500 metres located centrally to the development. The proposed provision proposed by the development does not meet these requirements. The proposal is therefore in conflict with Policy SR5 and SPGN 13 as it does not propose any onsite open space provision.

Affordable Housing

Paragraph 4.2.25 of PPW 10 states that *“A community’s need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies”*. Whilst the Planning Statement for the development states that the development proposal will be in full compliance with the relevant unitary development plan policies governing affordable housing provision, no details have been provided to demonstrate how the required provision shall be provided.

Policy HSG11 of Flintshire UDP for Affordable housing in the Open Countryside is considered to be the policy given the edge of settlement location of the proposal. In this policy, where there is a demonstrable need for affordable housing to meet an evidenced and genuine local need, and where there are no suitable alternative sites within the settlement boundary.

In terms of the evidence of need, the Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units and in 2015/2016 124 affordable units were delivered- a combination of supported

housing, social and intermediate rent as well as shared equity. In the LHMA Buckley sits within the Mold and Buckley sub area which identifies an annual shortfall of affordable dwellings of 165, which is not being met on an annual basis. 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.

The need for social rented housing for the area of Buckley is currently 92 registered for 1-bed room properties, 10 for 2-bed and 8 for 3-bed. The need for affordable rent/ownership is as follows:

Size	Affordable Rent	Affordable Ownership
2bed	10	19
3bed	5	10
4bed	1	1

Given the above it is clear that there is an identifiable need within the area for affordable housing options. As such it is considered that it would be appropriate to seek a 30% provision of affordable housing on site, which would equate to 26 no. units. Without details being provided of how this will be achieved there is a lack of clarity concerning the compliance of the proposal with the relevant development plan policies and national policy.

Education Provision

Consultation has been undertaken with the Capital Projects and Planning manager with regard to capacity at local schools and the impact of this development. There is existing capacity at both Westwood CP Primary School and Elfed High school and after applying the standard formulas the triggers for requiring contributions were not met. As such, should the application be approved, it would not be the intention of the Education department to require financial contributions.

Waste Water provision

On the previously submitted scheme A Clean Water Hydraulic Modelling Assessment and a Feasibility study were undertaken by Welsh Water after pre-application discussions. The conclusion of the Clean Water Hydraulic Modelling assessment indicated that under current network conditions the development of 85 dwellings within land off Megs land is viable, and flows, velocities, pressures and head losses are all above DCWW serviceability levels.

The assessment of the impact of the proposal on the DCWW Buckley Ty Gwyn wastewater treatment plant concluded that whilst the increase in flows is small and the Primary settlement tanks and Humus settlement tanks have capacity to accept the additional flow.

However, with the increase in the organic load there is an increased risk of overloading the biological process at a site which has a restricted consent, particularly relating to levels of ammonia. As such the recommendation of the assessment was to upgrade the biological process to allow the proposed development to connect. Welsh Water considered that whilst there is no scheme for improvements at this facility in their current asset management plan, and the determination of the business plan for the new asset management plan isn't expected until 2020 it may be possible for developers funding to accelerate

reinforcement to accommodate new development. Welsh Water considered that it would be possible to maintain suitable control with an appropriate worded condition, should the Local Planning Authority feel it was reasonable and appropriate to impose a condition requiring further impact assessments to identify the scope of the reinforcements required, and then if necessary a scheme of upgrading to accommodate the increased foul water discharge into the existing waste water treatment facility.

As the current proposal represents a reduction in the maximum number of dwellings DCWW advise that the required reinforcement works at the waste water treatment works need to be revisited and that it will be necessary for a re-assessment of the impact of the proposed development on the waste water treatment works to be undertaken.

It was previously considered that without the establishment of the scope of the required upgrades such a condition would be premature and that insufficient information had been received to give a firm assurance that the current water resources are sufficient to be able to accept the new capacity a development of the size of the proposal would entail. I do not consider the situation with the current proposal to be any different to the previous position.

Highways and access considerations

Spon Green provides the main access route to the application site but capacity of this road is limited by residential on-street parking. The concern has been raised with the applicant who has suggested a scheme of parking restrictions which would assist with the free flow of traffic. The Chief Officer for Streetscene has undertaken a more detailed study and produced a revised design for the traffic management. On this basis, any consent would need to be subject to a Section 106 agreement requiring the payment of a fee to cover the costs incurred by the Council for undertaking a public consultation exercise and the advertising and making of a Traffic Regulation Order. Commuted sums would also be required for a street lighting system that is to be powered and maintained at public expense.

Although accompanied by a Travel Plan Framework this document makes no reference to the Active Travel Wales and if the current proposal were to be successful then any future reserved matters application should be accompanied by a full Travel Plan.

Other Matters

Objections have also been advanced in respect of the perceived impact of the proposal 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.

In addition, concerns have been raised over the impact of any new dwellings on existing neighbouring amenity. As this application has been made in outline with all matters reserved it is not possible to address these issues as the details surrounding the positions of the proposed dwellings relative to existing dwellings, or their various design merits as these details are not available at outline stage.

8.00 CONCLUSION

The proposal represents inappropriate development within the Green barrier and is in clear conflict with the provisions of the policies of the unitary development plan as well as national guidance. The proposal would cause undue harm to the open countryside and green barrier. I do not consider that the lack of a housing land supply sufficiently outweighs the above considerations.

Inadequate details have been provided with regards to safeguarding the ecology of the site, the provision of public open space and affordable housing provision and to ensure that the capacity of the local water resources meet the need of the development. It is not considered that the current submission overcomes the reasons for refusal previously applied on this site and I therefore recommend accordingly.

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

Contact Officer: James Beattie
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