

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **6<sup>TH</sup> MARCH 2019**

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

**SUBJECT:** **FULL PLANNING – CONSTRUCTION OF 33 No. DWELLINGS AND ASSOCIATED WORKS, FOLLOWING THE DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS ON LAND AT BROAD OAK, MOLD ROAD, CONNAH’S QUAY**

**APPLICATION NUMBER:** **058583**

**SITE:** **BROAD OAK HOLDING, MOLD ROAD, CONNAH’S QUAY**

**APPLICANT:** **EDWARDS HOMES LTD.**

**APPLICATION VALID DATE:** **26<sup>TH</sup> JUNE 2018**

**LOCAL MEMBERS:** **COUNCILLOR P SHOTTON**  
**COUNCILLOR A DUNBOBBIN**

**TOWN/COMMUNITY COUNCIL:** **CONNAH’S QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT & MEMBERS REQUEST**

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

**1.00 SUMMARY**

1.01 This is a full planning application for the demolition of an existing dwelling and associated outbuildings to facilitate a development for the erection of 33 no dwellings and associated infrastructure on land at Broad Oak Holding, Mold Road, Connah’s Quay.

This site forms part of the wider housing allocation in the Flintshire Unitary Development Plan, the principle of development is considered acceptable in planning policy terms. Issues in respect of community benefits, design, layout, access, residential amenity and ecology

have been negotiated and resolved.

**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 to provide the following:

- a) Payment of £98,056.00 towards additional education facilities and/ or improvements at Wepre C.P School.
- b) Payment of £5,500.00 in lieu of the shortfall of onsite provision for teenage recreation at Hillside Avenue Play Area, Connah's Quay.
- c) Control the provision of 2 no. 3 bedroomed homes and 2 no. 2 bedroomed homes for affordable rent plus 3 no. 3 bedroomed homes and 2 no. 2 bedroomed homes to be sold at a discounted purchase price of 70% of their market value and all of the affordable dwellings to made available to persons on the affordable housing register.
- d) Payment of £40,000 for enhancement and maintenance of the piece of land in close proximity to the site owned by Flintshire County Council for wildlife and informal recreation.
- e) Provide that a Management Company is incorporated for the management and future maintenance of the onsite public open space and communal landscaping areas.

Conditions

1. Time Commencement
2. In accordance with plans
3. Materials to be submitted and approved
4. Enhanced glazing for the properties constructed directly adjacent to Mold Road
5. Detailed scheme for Hard and Soft Landscaping including the retention of the south western, northern western and north boundary hedgerows, boundary treatments and surfacing of roadways, parking and turning areas and implementation
6. None of the trees shown to be retained shall be removed
7. Specification for the type, location and amount of play equipment to be provided
8. Reasonable Avoidance Measures and Mitigation Scheme to safeguard the SAC and Great Crested Newt Population

9. No tree felling or hedge removal during the bird nesting season
10. Detailed scheme for the provision of the footway along the site frontage with the B5126 Mold Road
11. Detailed Scheme for the provision of the site access
12. Siting, layout and design of means of access in accordance with details to be submitted and approved
13. The works associated with forming the means of site access shall be kerbed and completed to carriageway
14. Visibility splays of 2.4m x 43m
15. Visibility splays to be made available and kept free from obstruction during site construction work
16. Gradient of the access from the edge of the existing carriageway and for a minimum of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
17. Garages to be set 5.5m from the footway
18. Detailed layout, design, means of traffic calming and signing, surface water drainage and lighting and construction of the internal estate roads
19. Positive means to prevent surface water run-off onto the highway
20. Construction Traffic Management Plan
21. Foul water connection shall be made at or downstream of manhole reference SJ28682702
22. No surface water or land drainage to connect directly or indirectly with the public sewerage network

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### Councillor A. Dunbobbin

Requests the application be heard at Planning Committee and that a site visit is undertaken for the following reasons:

- Access and egress
- Size of development
- Affordable homes

##### Councillor P. Shotton

Requests the application be heard at Planning Committee for the following reasons:

- Access
- Affordability

Connah's Quay Town Council

No response at time of writing.

#### Head of Assets and Transportation

No objection subject to the following conditions:

- Detailed scheme for the provision of the footway along the site frontage with the B5126 Mold Road
- Detailed Scheme for the provision of the site access
- Siting, layout and design of means of access in accordance with details to be submitted and approved
- The works associated with forming the means of site access shall be kerbed and completed to carriageway
- Visibility splays of 2.4m x 43m
- Visibility splays to be made available and kept free from obstruction during site construction work
- Gradient of the access from the edge of the existing carriageway and for a minimum of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
- Garages to be set 5.5m from the footway
- Detailed layout, design, means of traffic calming and signing, surface water drainage and lighting and construction of the internal estate roads
- Positive means to prevent surface water run-off onto the highway
- Construction Traffic Management Plan

#### Head of Public Protection

Confirms that there is no objections in principle. However, the site is within close proximity to a busy road. Brief noise readings taken in this area indicate that the site is within Noise Exposure Category (NEC) C during the daytime under the Welsh Guidance Technical Advice Notes 11. This means that specific measures are necessary to protect the amenity of the future occupiers of the properties to be constructed directly adjacent to Mold Road. A condition requiring the windows of these properties to be fitted with enhanced glazing should therefore be imposed to control this.

#### Public Rights of Way

Public Bridleway No.16 abuts the site but does not appear to be affected by the proposed development. The bridleway must be protected and free from interference during the construction phase.

#### Welsh Water/Dwr Cymru

Having reviewed the amended details, we note it is proposed to dispose of foul flows via the public sewerage system in Eurgain Avenue/Ffordd Gelfft and discharge surface water run-off into a soakaway system. Dwr Cymru Welsh Water consider these drainage arrangements to be acceptable in principle. Nonetheless, and for the avoidance of doubt we would kindly request that if you are minded to grant planning permission conditions in relation to foul water

connection to the nominated manhole reference SJ28682702 and to prevent surface water and land drainage connecting directly or indirectly with the public sewerage system.

#### Natural Resources Wales

NRW confirm that they would not object to the proposed development provided suitable measures are put in place by way of condition to secure all avoidance and mitigation measures described in the additional information submitted by the developer to the LPA on the 18/12/18. Providing these measures are secured, NRW is satisfied that the proposals are unlikely to affect the integrity of the protected sites adjacent to the development. Also, NRW do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

NRW advised that the appropriate licences namely for Great Crested Newts will be required.

#### Airbus

Airbus confirm there is no aerodrome safeguarding objection to the proposal based on the information provided.

#### Director of Lifelong Learning

The impact on pupil numbers that this proposed development will have, indicate that Wepre CP School, has the greatest need for additional capacity. Therefore the financial contribution requested is £98,056 for Wepre CP School. This is determined as follows:

School Capacity =  $307 \times 5\% = 15.35$  (15)

$307 - 15 = 292$

Trigger points for contributions is 292 pupils

(No. of units)  $33 \times 0.24$  (Primary Formular Multiplier) = 7.92 (8) no. of pupils generated  $\times$  £12,257 per pupil (Building Cost Multiplier) = **98,056**

**Actual pupils 306 + 8 (from the multiplier) = 314 trigger met.**

It is not our intention to seek a S.106 contribution in relation to Secondary Education at Connah's Quay High School as the trigger has not been met.

#### Play Unit

In accordance with Planning Guidance Note No. 13 POS provision, the development should provide play and recreation facilities. The Authority would require an area of POS to be in the region of 1,850m<sup>2</sup> of designated play and recreation space. It is acknowledged that 1,605m<sup>2</sup> is provided as the onsite provision, which is proportionately distributed as a formal open space and area to the north of the site

and an informal open space area to the south fronting the access and public highway, Mold Road. This equates to a shortfall of 245m<sup>2</sup>, of which there is a need to provide off-site contribution in lieu of the reduced POS on this proposal.

The shortfall would equate to the equivalent of 5 no. properties. The off-site contribution would therefore be 5 x £1,100.00 per dwelling, of which the payment would be used for the provision of teenager recreation at Hillside Avenue Play Area, Connah's Quay.

#### Housing Strategy Manager

The application is to develop 33 no. new dwellings in Connah's Quay which is a semi-urban settlement, whereby the policy requires a 30% provision of affordable housing on site for development of over 1.0ha or 25 dwellings. The policy requirement of 30% would require 9no. affordable units onsite.

The need for affordable housing for the area of Connah's Quay is as follows:

| Unit Size | Affordable Rent | Affordable Ownership |
|-----------|-----------------|----------------------|
| 2.Bed     | 11              | 14                   |
| 3.Bed     | 5               | 18                   |

There is a high demand for social rented properties in Connah's Quay with households registered on the Housing Register (SARTH) requiring a range of sizes.

I support the provision of 9 no. affordable properties on site and agree to the proposed mix set out in the application:

- 2 no. 3 bedroomed homes and 2 no. 2 bedroomed homes for affordable rent, to be delivered by our partner Housing Associations who would acquire the units direct from the developer; and
- 3 no. 3 bedroomed homes and 2 no. 2 bedroomed homes for shared equity delivered in partnership with Grwp Cynefin Housing Association as the Council's nominated agent for affordable ownership.

## **4.00 PUBLICITY**

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

- **1 no.** representation received raising concerns of the existing trees and the need for their retention and that all natural water courses, ponds and public rights of way are retained and properly cared for.

## **5.00 SITE HISTORY**

5.01 None for this site, only the adjoining housing development of which this site and the application site forms part of the wider UDP housing allocation. The principle applications were:

051266 - Erection of 37no. dwellings and associated external/drainage works and part-reconfiguration of existing road – Refused 08.11.13 – **APPEAL APP/A6835/A/14/2211737 Allowed with conditions 23.07.14**

050800 – Erection of 42 No. dwellings – Withdrawn 18.09.13

048610 – Erection of 20 No. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout – Refused 25.02.13

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR7 – Natural Environment.

GEN1 – General Requirements for Development.

GEN2 – Development Inside Settlement Boundaries.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

TWH1 – Development Affecting Trees & Woodlands.

TWH2 – Protection of Hedgerows.

L1 – Landscape Character.

WB1 – Species Protection.

WB2 – Sites of International Importance.

WB3 – Statutory Sites of National Importance.

AC13 – Access & Traffic Impact.

AC18 – Parking Provision & New Development.

HSG1 (7) – New Housing Proposals – Adj. Fair Oaks Drive, Mold Road, Connah's Quay.

HSG8 – Density of Development.

HSG9 – Housing Mix & Type.

HSG10 – Affordable Housing within Settlement Boundaries.

SR5 – Outdoor Playing Space & New Residential Development.

EWP12 – Pollution.

EWP13 – Nuisance.

IMP1 – Planning Conditions & Planning Obligations.

SPGN No. 2 – Space Around Dwellings.

SPGN No. 8 – Nature Conservation and Development

SPGN No. 8a – Great Crested Newt Mitigation Requirements

SPGN No. 9 – Affordable Housing  
SPGN No. 11 – Parking Standards  
SPGN No. 23 – Developer Contributions to Education

PGN No. 13 – Open Space Requirements.

National

**Planning Policy Wales Edition 10, December 2018**

TAN 1: Joint Housing Land Availability Studies

TAN 2: Planning & Affordable Housing.

TAN 5: Nature Conservation & Planning

TAN 11: Noise

TAN 12: Design

TAN 16: Sport, Recreation & Open Space

TAN 18: Transport

As the site forms part of the larger housing allocation of HSG1 (7), the principle of residential development on the site is acceptable in principle, subject to open space, affordable housing, educational and ecology mitigation contributions being provided.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full planning application for the demolition of an existing dwelling and associated outbuildings to facilitate a development for the erection of 33 no dwellings and associated infrastructure on land at Broad Oak Holding, Mold Road, Connah's Quay.

7.02 Site Description

The application site extends for 1.3ha and adjoins the western edge of the existing built up limits of Connah's Quay. The site is bounded by Mold Road (B5126) to the south with the site frontage running parallel to the highway. The site is for the most part a paddock which slopes gently towards Mold Road. The south eastern corner comprises an old detached two storey farmhouse and small yard to the rear with several redundant outbuildings; which are in poor condition. The existing farmhouse and yard is independently accessed from Mold Road.

7.03 A 1m high post and wire fence travels along most of the application site's road frontage, with the remaining boundaries being mainly defined by established hedgerows. The hedgerows to the south and north western boundaries include a number of mature trees.

7.04 A public bridleway (no.16) passes alongside the site's south western boundary, over a short section of road that provides access to a large detached property and outbuildings near the site's north western corner. The property is known as Hillcrest. A field ditch runs outside and along the application site's south western boundary, next to the

access road.

- 7.05 The application site's northern boundary adjoins a development of 37 dwellings that is currently under construction on an area of land measuring around 1.1ha, pursuant to a planning permission granted on appeal in 2014, ref:051266. That site, together with the application site, forms part of an allocated housing site in the Flintshire UDP. However, the old farmhouse and adjoining yard that form part of the application site are excluded from the housing allocation.
- 7.06 To the west of the site is open countryside, which forms part of the designated Green Barrier.
- 7.07 Proposed Development  
The proposed development would involve the erection of 33 no. dwellings (29 detached and 4 semi-detached), which includes a 3 bedroom bungalow in replacement of the existing farmhouse on the site. The development consists of 4 no. 2 bedrooomed units, 24 no. 3 bedrooomed units and 5 no. 4 bedrooomed units of varying house types. 9 no. units have been allocated as the affordable housing provision, meeting the necessary 30% requirement. All dwellings with the exception of the replacement bungalow, are two storey in height and are a mixture of brick and render external finishes under tiled roofs. Each dwelling has parking provision and rear private gardens.
- 7.08 The proposed development includes the construction of a new access road off Mold Road and the provision landscaped areas, comprising an area of public open space (POS) in the north western corner of the site, together with a further area providing informal open space located to the south of the site, fronting Mold Road. Along the south western and north western boundary of the site, the existing hedge is to be retained, together with the hedgerow along the northern boundary. All mature oak trees along the south western boundary are to be retained.
- 7.09 Principle of Development  
The site forms the southern part of the housing allocation HSG1 (7) land adjacent Fairoaks Drive, Mold Road, Connah's Quay within the Flintshire Unitary Development Plan.
- 7.10 It is also located within the settlement boundary of 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, education and ecological mitigation contributions being provided.

- 7.11 As explained above, the application site together with the land to the north makes up the UDP allocation HSG1 (7). The total allocation extends for an area of 2.9ha, and was expected to deliver up to 87 dwellings. This figure is calculated on the basis that allocated sites should aim to deliver a net housing density of 30 dwellings per hectare. This approach is reaffirmed in UDP policy HSG8.
- 7.12 When the land was allocated, it was anticipated that a development proposal would come forward which would deliver the whole allocation. However, the land has instead been split in three parts. This comprises a small development of 8 units as a continuation along Fair Oaks Drive which are now occupied, 37 units on the land adjacent which are currently under construction, and 33 units as part of this application. The allocation would therefore deliver 78 dwellings in total, resulting in a shortfall of 9 dwellings and an overall net density of 27 units per ha.
- 7.13 With regards to the shortfall in housing (9 units), UDP policy HSG8 acknowledges that the individual circumstances will vary according to the site location and the character of the area. Therefore given the site's constraints and provision of open space the net density of 27 dwellings per ha is entirely acceptable, and should not prejudice the final delivery of residential development on this allocation.
- 7.14 As a result of the shortfall, there is a knock on effect to the overall provision of affordable housing. The small scale development of 8 units would not have met the policy trigger. The development of 37 units which was allowed at appeal provides 8 affordable units which is a shortfall of 3 considering 30% provision would have required 11 units to be provided. However, the Inspector ruled that the viability arguments made confirmed the view that 8 affordable units would be proportionate to the overall viability of the development. Market conditions have since changed and the proposed residential scheme subject to this application provides 9 affordable units in accordance with UDP policy HSG10. Despite the overall shortfall, the allocation has been subject to a number of separate applications of varying scales, and therefore the relevant policies and developer requirements have been applied accordingly.
- 7.15 Moreover, whilst the allocation may not deliver the number of units hoped, the application site together with the scheme to the north, contribute to the overall housing supply deficit, bringing forward and completing an allocated site. Developer requirements such as affordable housing, education contributions and contributions towards ecological mitigation have been honoured. As too has the provision of public open space, which has been located and designed in order to link and complement the wider allocation.

#### Character and Appearance

- 7.16 The site and areas to the west and south beyond are predominantly

rural in character. However, to the north and east lies residential development whereby the prevailing house types are large, detached and of two and two half storey.

7.17 The development comprises a majority two storey scheme with the exception of the replacement bungalow. The development would deliver 4 no. semi-detached properties, with the remaining units as detached properties with pitched roofs and dormers. The external materials of which will be tiled roofs with a mixture of brick and render walls, with solid course detailing to the surrounds of window and door openings. This combined with dormer roof details, brick opening details and porch and bay window features all adds variation and interest to the development.

7.18 The site layout is conventional in style and is considered to reflect the general layout of surrounding roads and properties where the dwellings directly front onto the main access road.

7.19 The character and design of the proposed development has been informed in part by the pattern and appearance of the existing nearby recent and late 20th century dwellings, which are of a modern suburban appearance, and in part by the need for a development that responds not only to the physical constraints of the site (gas main, overhead power lines, proximity to adjoining residents and protection of mature trees etc) but also to the current housing market requirements. The latter indicates that there is no shortage of larger, detached four or five bedroom 'executive-style' houses, but a general need for smaller, more affordable family dwellings with three bedrooms.

7.20 A repetition of these adjoining larger, detached, 'executive-style' houses would be contrary to both national and local planning policies, which seek to ensure that new housing developments include a reasonable mix and balance of house types and sizes so as to cater for a range of housing needs.

7.21 The density of development equates to approximately 25 dwellings per ha for this particular application. HSG8 of the Flintshire Unitary Development Plan advises that on allocated sites in Category A settlements, the general minimum net housing density should aim to achieve 30 dwellings per ha. Whilst the proposed density is less than the stipulated 30 dwellings per ha, Policy HSG8 does acknowledge that the individual circumstances will vary according to the site location and the character of the area. Therefore given the site's constraints and factoring in developer requirements for developments such as this, the developable area of this site can only deliver 25

7.22 dwellings per ha. The need to ensure the retention of the mature oak trees and hedgerows is an important factor both for the character and appearance of the site and wider area, but also to support the ecological elements given the site's close proximity to sensitive

receptors.

- 7.23 Whilst a detailed landscaping scheme does not form part of the submitted details, the requirements and delivery of appropriately landscaped spaces can be adequately controlled through the imposition of conditions. It is envisaged that this will comprise of grass and shrubbery strips to the sides of the driveways to provide visual interest as well as demarcate the boundaries between public and private spaces and between units. The existing hedgerows located on the south western, northern western, and northern boundaries will be retained along with the identified mature oak trees within the south western boundary. This together with additional shrubbery and a mixture of trees to the front gardens, a large landscaped area and public open space in the north western and southern corners of the site will add to the rural feel of the development.

#### Impact on Existing and Proposed Residents

- 7.24 It is considered that the distances between and proposed and existing properties meets the minimum distance separation guidelines outlined in SPGN no. 2 Space Around Dwellings. The proposed and existing properties would face back to back, with properties along the northern boundary within the adjoining development and properties along 'The Highcroft, Fair Oaks Drive' being most at risk. The distances from the first floor habitable rooms including garden depths range between 22 and 26m, with the majority of cases being the latter.

- 7.25 In consideration of the siting, orientation and distance of the proposed dwellings relative to existing residential properties, none of the proposed dwellings would cause any unacceptable reduction or harm to the amenities of the existing occupiers in terms of privacy, loss of light or obtrusiveness. In terms of the size of the proposed garden depths, separation distances between the proposed dwellings etc these also meet the guidelines within the SPGN no. 2 'Space Around Dwellings'.

- 7.26 Further to the consultation exercise, the Head of Public Protection expressed concern regarding the noise levels recorded along Mold Road and the impact this would have on the properties proposed directly to front the highway. As a means of mitigating any such adverse impact in relation to noise disturbance, it is considered necessary to impose a condition which requires the windows of the properties proposed to directly front Mold Road are installed with enhanced glazing.

#### Highways

- 7.27 The proposed development includes the construction of a new 5.5m wide access off Mold Road, which would provide access to two private shared driveways, each serving 4 dwellings, and a 4.5m wide shared surface adoptable road. A visibility splay of 2.4m x 43m is

proposed to be provided at the junction of the new cul-de-sac and Mold Road.

7.28 In accordance with SPGN no. 11 Parking Standards, the 2 and 3 bedroomed dwellings are to be provided with a minimum of 2 no. off road car parking spaces, with 3 no. spaces being provided for the 4 bedroom houses. The routes within the development would be direct and clearly defined for both pedestrians and road users and would flow naturally into the existing road and pedestrian layout. The proposed development lies within a reasonable walking distance to bus stops along Mold Road, close to the junction with Fair Oaks Drive. These provide access to regular services to Mold and Chester as well as to the local railway network. The accessibility of other modes of transport within easy access of the site further promotes sustainable travel opportunities, responding to wellbeing and active travel legislation and helps stimulate positive behaviour change.

7.29 It is not considered that the proposed development will generate traffic levels that would be detrimental to the local road network or harm the free and safe flow of traffic. Further, Highways confirms that it has no objection to the development subject to the imposition of conditions.

#### Drainage

7.30 Dwr Cymru Welsh Water have reviewed the amended details, and note that it is proposed to dispose of foul flows via the main public sewerage system. Details of the proposed sewer arrangements and connection are illustrated on the Proposed Site Plan. Surface water is to be discharged by means of a Storm-water Aquacell Infiltration unit. Welsh Water note that the surface water run-off is to be disposed of by soakaway system and raise no objection in this regard.

7.31 Welsh Water consider the drainage arrangements to be acceptable in principle, however suggest the imposition of conditions in relation to the connection of foul water to the nominated manhole reference SJ28682702 and to prevent surface water and land drainage connecting directly or indirectly with the public sewerage system.

#### Ecology

7.32 The application site is located approximately 15m from the Deeside and Buckley Newt Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) designated for great crested newts (GCN) and known breeding sites.

7.33 The application site consists of an open horse grazed paddock, bounded by hedgerows and trees but with a fence adjacent to Mold Road and the associated farmhouse and outbuildings. To the north and east of the site is residential development beyond which lies Connah's Quay wetland area. The wetland has the potential to provide an accessible natural green space for informal recreation as

well as terrestrial habitat for newts and other amphibians. The site has a number of well walked desire lines and the public right of way to the west of the site is well used. To the west of the application site lies open countryside and the designated Green Barrier. To the south, beyond Mold Road, lies the designated SAC and SSSI.

The key ecological features are the natural boundaries which in turn have potential for protected species such as:

- 7.34
- Great Crested Newts (GCN) – feature of the SAC/SSSI;
  - Badgers – known sett locally and potential for others within the hedgerow; and
  - Nesting birds – not always reliant on trees and shrubs but also rough hedge margins.

7.35

As explained above, there are hedgerows along the north, north western and south western boundaries of the site. There are a number of mature oak trees within the south western hedgerow, which along with the hedgerows identified are to be protected and retained as part of the proposed development. There are a number of low quality trees (5) next to the farmhouse that will need to be removed, as to will a section of the hedge along the road frontage in order to provide the vehicular access with adequate sightlines to the site.

7.36

The application is accompanied by the relevant ecological assessments in relation to GCN, Badgers, Nesting Birds and Bats. These assessments have been undertaken by Arbtech Consulting Ltd.

7.37

Due to the proximity of the planned development to both the SAC and SSSI, records of smooth/palmate larvae in a nearby pond 20m from the boundary of the application site and records of GCN within the nearby SAC/SSSI, both the direct and indirect effects on great crested newts needs to be assessed. A Preliminary Ecological Appraisal Survey dated June 2018 has been submitted with the application and has identified that no aquatic features will be directly affected by the development. The presence of Mold Road to the south of the site 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 the GCN population.

7.38

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.

As identified within the additional information submitted ‘Great Crested Newt Mitigation Plan’ prepared by Arbtech Consulting Ltd.

7.39 dated December 2018, 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. The developer also proposes additional mitigation methods to be implemented, these being trapping and translocation techniques.

7.40 Translocation and trapping is considered by the Council's Ecologist and NRW to be an appropriate method of mitigation that ensures GCN populations are allowed to continue to thrive. There are several areas in close proximity to the site maintained by Flintshire Countryside Services that provide suitable habitat for GNC. These areas include Connah's Quay Wetland and an orchard field. A financial contribution has been offered by the Applicant, with a payment of £40,000 to secure the long term maintenance of the GCN habitat surrounding the site including the enhancement works of the translocation site to be identified by the Council and for the avoidance of recreational impacts. This will be secured through the proposed Section 106 Agreement.

7.41 Pitfall traps are to be utilised and will be placed adjacent to the fence on the development side. These will be placed at intervals, 1 in every 10m, which gives a planned total of approximately 90 no. traps for this site. This practice has been taken from the recommendations of the GCN Mitigation Guidelines in order to further avoid harm to newts which may be present on site.

7.42 The above proposals will therefore prevent harm to GCN, if present on site, ensure maintenance of the range and dispersal route for GCN and provide for the long term prospects of the nearby wetland as terrestrial habitat, while enhancing local recreation through public right of way and local green space enhancements. It is considered that the assessments submitted are acceptable in principle, proposing appropriate reasonable avoidance measures. To further ensure the protection of the identified species, it is recommended that a suitably worded condition is imposed in order to require a detailed scheme for the reasonable avoidance measures and mitigation is submitted and approved prior to works commencing on site.

7.43 The assessments submitted conclude that there is no requirement for further surveys to be undertaken in respect of Badgers. Whilst the data set reveals badger records present 350m south of the site, the field is flat and no evidence was recorded during the survey period. It is considered there should be no long term effects of the development upon the badgers in the wider locality.

7.44 The existing hedgerows identified upon the boundaries of the site together with the mature oak trees located on the south western boundary will be retained, and therefore it is considered there will be no detrimental impact upon these habitats for bats or breeding birds.

Further to the above, it is considered reasonable to impose a condition which restricts works to felling trees and hedgerow removal during the bird nesting season.

### Trees

7.45 An Arboricultural Tree Survey has been submitted in support of the application undertaken by Urban Forestry Group, dated April 2018. In addition to the assessment, an Arboricultural Method Statement and Tree Protection Plan has been prepared by the Applicant's appointed consultant, Urban Forestry Group. These statements have been informed by the recommendations of the comprehensive Tree Survey submitted.

7.46 The report concludes that all of the mature oak trees (11) and hedgerows along the north, north west and south western boundaries of the site are to be retained and appropriately protected in accordance with the Tree Protection Plan submitted. Such protection measures include fenced off areas to mark the root protection zone of each individual tree, ensuring the protection of the tree and any future growth of that tree. Further to the representation received which expressed concerns for the retention of the oak trees along this boundary, this has been confirmed and I therefore trust that this provides comfort in this respect.

7.47 A section of hedgerow along the road frontage will need to be removed in order to provide the vehicular access to the site and the required sightlines. Whilst this loss would equate to 50% of the identified Group 1 hedge along this boundary, it is considered the hedge can be transplanted in areas practicable to offset its loss, or be replaced by appropriate new planting as part of the soft landscaping works to be conditioned.

7.48 The report also identifies the loss of a group of trees (5) comprising 3 apple and 2 silver birch, next to the existing farmhouse and outbuildings. Whilst their loss is required to enable the development scheme, the trees have been considered in the survey to be of low quality and of no significant amenity value, and therefore not worthy of retention. The loss of these trees is not considered to cause any detriment in respect of the sensitive ecological constraint identified on this site. It is considered that like that of the loss of the hedgerow fronting Mold Road, an appropriate landscaping scheme could offset any negative effects. The application is supported by a detailed site layout plan which illustrates an indicative landscaping scheme. However, for the purposes of ensuring that the site is appropriately landscaped and the trees identified retained, a robust hard and soft landscaping scheme will be required. I therefore propose a condition to this effect.

### Affordable Housing

The proposed development would make adequate provision for

7.49 affordable housing in accordance with UDP Policy HSG10 and SPGN no.9. The development is therefore proposing to deliver the necessary 30% which would equate to 9 no affordable dwellings as part of the residential scheme. The affordable units will be as follows:

- 2 no. 3 bedroomed homes and 2 no. 2 bedroomed homes for affordable rent, to be delivered by our partner Housing Associations who would acquire the units direct from the developer; and
- 3 no. 3 bedroomed homes and 2 no. 2 bedroomed homes for shared equity delivered in partnership with Grwp Cynefin Housing Association as the Council's nominated agent for affordable ownership.

7.50 Based on the support of the Housing Strategy Manager it is recommended that the proposals for affordable housing within the development are acceptable. The proposed Section 106 Agreement will ensure that the agreed arrangement is delivered.

#### Public Open Space Provision

7.51 Approximately 1,605m<sup>2</sup> of public open space will be provided as part of the proposed development. An area of 1,055m<sup>2</sup> located within the north-west corner is recognised as the formal POS for this site. This area has been carefully positioned alongside the POS that is to be laid out on the adjoining residential development currently under construction. As part of the consented scheme a gap in the hedge was created along the northern boundary, therefore by locating the POS in this location, utilises the gap for which it was intended, linking the proposed POS with the POS on the adjoining site, allowing greater opportunities for additional POS to be incorporated within the wider scheme and vision of the allocated site.

7.52 A further area of informal POS is located to the south of the site, fronting Mold Road. Whilst there are opportunities for this to be used as POS, this area also services as an additional purpose by means of accommodating the proposed surface water attenuation area. This area equates to 550m<sup>2</sup>.

7.53 In accordance with Planning Guidance Note No. 13 POS provision, the development should provide play and recreation facilities. The Authority would require an area of POS to be in the region of 1,850m<sup>2</sup> of designated play and recreation space. It is acknowledged that 1,605m<sup>2</sup> is provided as the onsite provision, which is proportionately distributed as a formal open space area to the north of the site and an informal open space area to the south fronting the access and public highway, Mold Road. This equates to a shortfall of 245m<sup>2</sup>, of which there is a need to provide off-site contribution in lieu of the reduced POS on this proposal. The applicant acknowledges the need for a commuted sum in this regard and it is referenced at paragraph 2.75 of the submitted Planning Statement.

7.54

7.55 Through consultation with the Council's Play Design Officer, it has been confirmed that the shortfall would equate to the equivalent of 5 no. properties. Therefore an off-site contribution would be required at 5 x £1,100.00 per dwelling, of which the payment would be used for the provision of teenager recreation at Hillside Avenue Play Area, Connah's Quay. The commuted sum will be secured by the proposed Section 106 agreement.

7.56 The applicant confirms that the proposed areas of POS are not envisaged to be adopted or maintained by the Council. Therefore as part of the proposed Section 106 Agreement, provision will be made to ensure the POS and landscaped areas are appropriately managed and maintained for the lifetime of the development.

#### S.106 Contributions & CIL Compliance

7.57 The infrastructure and monetary contributions that can be required from proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. 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.

7.58 A payment of £98,056 is required for Wepre CP School which has been identified as having the greatest need for additional capacity due to the impact of the proposed development. The adopted Supplementary Planning Guidance Note No.23 Developer Contributions to Education sets out the formula for calculating contributions as follows:

School Capacity = 307 x 5% = 15.35 (15)

307 - 15 = 292

Trigger points for contributions is 292 pupils

(No. of units) 33 x 0.24 (Primary Formular Multiplier) = 7.92 (8) no. of pupils generated x £12,257 per pupil (Building Cost Multiplier) = **98,056**

**Actual pupils 306 + 8 (from the multiplier) = 314 trigger met.**

There have not been 5 contributions towards this project to date. It is considered that this meets the Regulation 122 tests.

7.59 A payment of £5,500.00 in lieu of sufficient onsite provision to provide teenager recreation facilities at Hillside Avenue Play Area, Connah's Quay. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where the necessary on site provision is not possible. There have not been 5 contributions towards this project to date. It is considered that this meets the Regulation 122 tests.

7.60 A payment of £40,000 is offered by the applicant as the site is in an area with known great crested newt records and has the potential to cause indirect impacts through increased recreational impacts on the SAC, a compensation scheme is required to offset these impacts. This approach is set out in the Supplementary Planning Guidance Note 8a Great Crested Newt Mitigation. The commuted sum will be spent on securing the long term maintenance of the GCN habitat surrounding the site including the enhancement works of the translocation site to be identified by the Council and for the avoidance of recreational impacts. It is considered that this meets the Regulation 122 tests.

## **8.00 CONCLUSION**

The site forms the southern part of the housing allocation HSG1 (7) land adjacent Fairoaks Drive, Mold Road, Connah's Quay within the Flintshire Unitary Development Plan.

It is also located within the settlement boundary of 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. This comprehensive report details in full the areas that required scrutiny, this being the impact on occupiers both existing and new, the character and appearance, the identified ecology and tree implications, highways and drainage, and the requisite developer contributions. It is considered that these matters have been satisfied, and I therefore recommend that planning permission is granted subject to conditions and the completion of a legal agreement as set out within paragraph 2.01 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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