

**FLINTSHIRE COUNTY COUNCIL**  
**PLANNING COMMITTEE**  
**LATE OBSERVATIONS**  
**COMMITTEE DATE: 6<sup>TH</sup> MARCH 2019**

<b>Agenda No.</b>	<b>Application Number</b>	<b>Location</b>	<b>Consultee / Date Received</b>	<b>Observations</b>
6.1	058489	Land to the rear of 81 Drury Lane, Drury.	Agent acting on behalf of applicant – Received 5 <sup>th</sup> March 2019.	<p><b>ADDITIONAL</b>            Following publication of report wish to comment as follows:-</p> <ol style="list-style-type: none"> <li>1. It has never been the applicant's intention to develop any form of housing on the eastern side of Bank Lane. A planning condition would ensure that this would be controlled at Reserved Matters Stage.</li> <li>2. It is not the applicant's intention to construct physical play equipment on the proposed open space to the east of Bank Lane. It would be informal and does not offend Green Barrier policy.</li> <li>3. The Open Space can be laid out so it is overlooked by new dwellings – to be determined at Reserved Matters Stage.</li> <li>4. That part of the site where housing is proposed is within the settlement boundary and therefore there is an acceptance that some form of development on it would be acceptable.</li> <li>5. No reference in the committee report to the recent appeal decision at Bank Lane - an unallocated site in the built up area. The Inspector considered a lack of a 5 year housing land supply was an important factor and is a</li> </ol>

				<p>material consideration in determination of this application.</p> <p>6. Planning Policy Wales encourages the efficient use of land with the urban area. The density seeks to make efficient use of the land on the site. Report does not identify harm to residents as a result of the proposed density.</p> <p>7. Inclusion of the site within the development boundary provided a clear indication that the site was suitable for development. Perverse that the Council seek to prevent development of the site citing loss of agricultural land as a reason.</p> <p><b>NOTED.</b> It is considered that with the exception of point 5 above that the issues raised have been addressed in the planning committee report. In respect of point 5 this is not relevant as:-</p> <p>The total area of the appeal site referenced was within the settlement boundary of Drury.</p> <p>There are concerns regarding the impact on the Green Barrier/density that are specific in respect of this current application which outweigh the lack of a 5 year housing land supply.</p>
6.2	057165	Land adjacent Mill Lodge, Mill Lane, Buckley.	Buckley Town Council – Received 27 <sup>th</sup> February 2019.	No observations.
6.3	059387	Land South of Megs Lane, Buckley	AMENDMENT TO REPORT	On the 19 <sup>th</sup> February 2018 a Draft Unilateral Undertaking was submitted to the Local Planning Authority by the Applicant.

				<p>The agreement is in draft only, and consequently has no legal effect. The draft agreement proposes the following: An upgrade to the Biological process at the Ty Gwyn Welsh Water Waste Treatment plant, an Affordable housing provision of 26 units (representing 30% of the site) A scheme for public open space, and payment for the public consultation process for a Traffic Regulation Order.</p> <p>Due to the late submission of the agreement there has been insufficient time for the Legal Officer to determine if the agreement is formally compliant with Section 106.</p> <p>Furthermore, due to the applicant's request that the agreement remain private and confidential the agreement has not been shared with Welsh Water and therefore there is no certainty if the content of the agreement can overcome the 6<sup>th</sup> proposed reason for refusal.</p> <p>Similarly there can be no certainty for the Council that the Council's policy requirements regarding the provision of affordable housing and the mitigation required in relation to provision of open space will be met as the terms set out in the draft agreement at the moment do not satisfy the Council's policies.</p> <p>Therefore the content of the draft agreement does not overcome the 4<sup>th</sup> and 5<sup>th</sup> proposed reason for refusal at this stage.</p> <p>Officer's therefore recommend that although a late draft agreement has been submitted to the Council the content of that agreement does not provide the Council with the certainty that it can amend the recommended reasons for refusal and the recommendation remains unchanged.</p>
6.4	059352	Land at Hawarden Road, Penyffordd	AMENDMENT TO REPORT	<p>Following the publication of the Planning Committee Agenda the agent has expressed that they consider the contribution which is required for Castell Alun High School is not be CIL compliant. This is based on the view taken by the Inspector who determined the</p>

				<p>approved appeal at this site. In light of the requirement of the Council to ensure that it has correctly considered lawful compliance with the CIL regulations officers recommend that this application is deferred until this matter has been considered further, as it would be unsafe to advise members that the proposed contribution can be taken into account as a material consideration at this stage.</p>
6.4	059352	Land at Hawarden Road, Penyffordd	<p>Cllr D. Williams – Received 27<sup>th</sup> February 2019</p>	<p>The applicant has been very cooperative with the community of Pen-y-ffordd, and meetings and communication with the relevant parties has been very welcome and productive. The role that planning officer James Beattie has played by liaising in meetings has been greatly appreciated and set an excellent example, and the assistance of Sue Thomas and Colin Simpson from Highways has also been appreciated and very helpful.</p> <p>However there are still unresolved issues the community and I still have, and would be grateful that the concerns are considered again, and if necessary, conditions applied to try to help. I do want to stress though, that this particular applicant has been very cooperative and accommodating, and do not wish to cause any delays with commencement of work, but hope that the collaborative working can bring about acceptable compromises.</p> <p>The outstanding issues we have are.</p> <p>1. Open market properties on the site are all relatively expensive detached properties. Unfortunately this matter has not been discussed during our meetings due to the welcome provision of affordable housing on the site that resulted in the matter being overlooked. The compromise we would like to see would be that some of these designs are</p>

			<p>modified and turned into two or three bedroom semi-detached that would help first time buyers onto the housing ladder. This could possibly result in additional properties on the site, but we believe that this would be acceptable due to the benefits that could result. If the applicant is willing consider this proposal I would hope that it could be made a condition and our planning department can be obliging with support..</p> <p>2. Despite the assistance of highways, we still believe that the entrance to the site needs to be amended to opposite Famau view drive. This was a matter that the Inspector identified where he stressed that a mini roundabout in this location would be a much safer inclusion rather than a new access point close to the bypass entrance. Although the proposed access location complies with all highway requirements, there is no doubt that despite possible calming measures, the position of this access is potentially very dangerous.</p> <p>As discussed with all relevant parties, this may require an amended plan to the existing and the one approved on appeal, but for the long term benefits and increased road safety in this location, I would hope that planning, highways and the applicant can come to an acceptable compromise to try to accommodate the move of the access and inclusion of mini roundabout as advised by the Inspector during his site visit.</p> <p>With regards to other matters that I am requesting to be taken into account, these are as follows.</p> <p>a. It has been discussed that the design of the dwellings could potentially have improved character, and although this may be a subjective matter, given</p>
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				<p>the location it is hope that the external finishes can be reviewed in consultation with applicant, village representatives and appropriate officers. The potential benefits of making any possible improvements could not just be for the benefit of the appearance and streetscene view at and highly visible location, but could also benefit the reputation of the developers product. It is therefore hoped that this suggestion can be taken on board by the applicant and conditioned accordingly.</p> <p>b. POS is an agreed contribution to the Millstone playing fields. The Community Council has set up a recreation/amenities fund where the village is engaged in a range of initiatives to make improvements at a number of locations. It has been accepted that a commuted sum be made in lieu of play provision on</p> <p>the site, but the request here is for this to be paid into the Communities fund to be allocated where the community considers most appropriate for the overall benefit of the village.</p> <p>c. Given the extensively used location that the site is located in, I would ask that the applicant considers an additional landscaping scheme outside the development land with the permission of the LA. By undertaking a sensitive planting scheme on the corner of the site and along its frontage of the local road, the site and village could be enhanced considerably for the benefit of both the appearance of village and developers promotional purposes. If this can be agreed in principal, further discussions can take place to consider appropriate schemes as the scheme evolves.</p> <p>I trust these comments will be taken into account in</p>
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making the decision and put to committee, and I reserve the right to add further comments at a later date as may be needed.

Thank you for your time and work on this application.

Regards,  
Cllr David Williams.

Officers response:

**1. The current proposal follows the granting of planning permission on appeal and represents a largely identical scheme. The housing mix comprises of 6 2-bed dwellings, 11 3-bed dwellings and 15 4-bed properties. This includes 10 affordable dwellings, which represents the full 30% of the scheme, in accordance with policy. The plot sizes and sizes of the dwellings are largely commensurate with the extant permission. This is a material consideration of considerable weight when considering this proposal.**

**2. The issue of a revised access and mini roundabout on the public highway has been discussed with the applicant. They are unwilling to deviate from the approved highways position. Given the acceptability of the access from a Highways point of view, and the extant permission on site it is not considered that this is a position that could be imposed upon them. Long term use and capacity of the highway network is a matter for the Highways Authority to consider.**

**a. The proposed dwellings are predominantly brick finished, with render elements on some of the housetypes. This mix is appropriate to the locality. The exact materials to be used in the external**

				<p>finishes of the building is to be conditioned.</p> <p><b>b. In compliance with the CIL regulations it is not possible to pool monies received for unspecified community use. The extant permission and legal agreement does not require either education contributions or financial provision for POS. As such it is not considered reasonable to require these provisions on the current proposal.</b></p> <p><b>c. Landscaping within the site will be conditioned. Imposing conditions for further landscaping outside the site would not be reasonable and would fail the legal tests for planning conditions.</b></p>
6.4	059352	Land at Hawarden Road, Penyffordd	Cllr Cindy Hinds – Received 5 <sup>th</sup> March 2019	<p>The village is growing to the extreme and our roads need looking into for the future.</p> <p>With each individual planning application this is not taken into account.</p> <p>This application's access and egress is too near a junction coming from the by-pass. It would be safer with a mini roundabout from Ffammau View. It would also take the traffic from many estates off Penymynydd Road and Penymynydd Road itself.</p> <p>There is Crossways, then Spar (which is causing many problems) and then a site which 300 houses come off onto this road. This then links with Chester Road (another 190 houses being built) which is another main road into the village which is at its junction with Hawarden Road. Drivers use it to cut through the village</p>



				<p>There is a restaurant with a car park then proposed is the Co-op, which is needed for the village, a childrens playground a youth club and scout headquarters then all this leads out of the village with Corwen Road on the right to the by-pass and train station across the by-pass. Continuing up Hawarden Road is the Vounog (which has all roads and many houses) and that leads to the junction with the A550</p> <p>A lot of thought needs to be put into this by Highways, not just say it is ok. It has to be safe for all the people that live here.</p> <p>The whole picture needs to be taken into consideration</p> <p>Also just a pair of semi bungalows are needed mainly for residents who are disabled whether old or young.</p>
6.4	059352	Land at Hawarden Road, Penyffordd	Penyfford Community Council – Received 5 <sup>th</sup> March 2019	<ul style="list-style-type: none"> <li>• The proposed access is in a very dangerous location and members wish to support the request of our other Councillors for the entrance to be opposite Fammau View with the creation of a mini roundabout.</li> <li>• Members are grateful for the affordable provision on the site, but would ask for slight amendments to the proposals to include some smaller houses to give local residents the chance to get on the housing ladder. All open market houses are detached and relatively expensive properties, and the village has been flooded with these sort of styles in all previous applications. Members feel that it would be in everybody's interest, including the developers, to have some smaller, maybe two bedroom semi-detached properties on the development for open market sale.</li> </ul>

				<ul style="list-style-type: none"><li>• Members support the recommendation for POS to be an off-site contribution to go towards the Communities recreation/amenities fund.</li><li>• Members would like the cooperation of the applicant in considering a landscaping scheme on the outside of the site to be designed in consultation with local people.</li><li>• Members are concerned about the external appearance of some of the dwellings and would like a condition to be applied that any external finishes are decided in consultation with Officers.</li></ul>
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