

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **21st JUNE 2023**

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

SUBJECT: **CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT OF 141 NO. DWELLINGS AND ASSOCIATED WORKS**

APPLICATION NUMBER: **FUL/000034/22**

APPLICANT: **EDWARDS HOMES**

SITE: **FIELD WEST OF HIGHMERE DRIVE, CONNAHS QUAY, CH5 4YH**

APPLICATION VALID DATE: **16TH MAY 2022**

LOCAL MEMBERS: **COUNCILLOR A HUGHES**
COUNCILLOR D RICHARDSON

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

REASON FOR COMMITTEE: **DUE TO THE SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application seeks for the proposed erection of 141 dwellings on land at Highmere Drive, Connah's Quay. The 5 hectare site is allocated for residential development under policy STR1 of the recently adopted Flintshire Local Development Plan and is seen as an important site to deliver the housing projections as set out in the plan.
- 1.02 There are a number of constraints to the site, namely ecological matters including protected species and trees but these have all been considered at length and it has been demonstrated that any impact

can be adequately managed and the developer is proposing to make a financial contribution to enhance existing wildlife habitats close to the site.

- 1.03 Concerns have been raised by local residents and the Town Council with regards to the impact on the existing highway network and raise safety concerns with regards to traffic. Both the Councils Highways department and the North Wales Fire and Rescue Authority do not raise any objection to the proposal. A number of conditions are proposed including details of active travel linkages.
- 1.04 The proposal meets all local guidance in terms of separation distances, amenity spaces and public open space. Contributions towards education facilities, open space and the 35% affordable housing provision on site are to be secured through a Section 106 Agreement.
- 1.05 A number of objections have been received from local residents, including the submission of a petition. Concerns raised include the above mentioned highway safety, impact on infrastructure, protected species and living conditions. All of these matters have been considered and are dealt with fully in the report. It is considered necessary to advise Members however that most of the comments received reflect those submitted during examination of the Local Development Plan. The Inspector dealt with all of those matters and raised no concerns with the allocation.
- 1.06 The application is considered to be compliant with local and national planning policy and I therefore recommend that Members resolve to grant planning permission subject to the conditions as set out at paragraph 2.01 of this report.

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:
- Payment of a financial contribution towards Education of £367,710 towards Golftyn CP School
 - Provision of 35% Affordable Housing on the site
 - Payment of a financial contribution of £70,000 to enhance an existing MUGA pitch at Connah's Quay High School
 - Payment of a financial contribution of £85,000 to enhance and/or for the maintenance of wildlife habitats and informal

recreation in the community (the Town Council area of Connah's Quay)

- The establishment of a Management Company for the management and future maintenance of the onsite public open space and communal landscaping areas.

Conditions

1. Time limit on commencement
2. In accordance with the approved plans
3. Approval of the siting, layout and design of the means of site access prior to commencement of development
4. Construction of the access shall not commence until approved by the County Council
5. Works associated with forming the means of site access shall be kerbed and completed to carriageway base course layer up to the internal tangent point of the entrance radii prior to commencement
6. The proposed access shall have a visibility splay of 2.4 m x 43 m in both directions
7. The stated visibility splays at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
8. Facilities shall be provided and retained within the site for the parking and turning of vehicles
9. The front of the garages shall be set back a minimum distance of 5.5m behind the back of footway line or 7.3m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
10. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads shall be submitted to and approved prior to commencement
11. Positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided prior to commencement
12. The applicant shall apply to the County Council for a public path diversion order, and the footpath shall be diverted prior to commencement of development
13. Provision of the link from the development to Pembry Drive
14. A Construction Traffic Management Plan shall be submitted to and approved prior to commencement
15. A scheme for the sound insulation and noise reduction shall be submitted and approved prior to commencement of development.
16. Submission and approval of a landscaping plan
17. Land contamination remediation strategy

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Chief Officer for Planning, Environment & Economy be given delegated authority to REFUSE the application

3.00 CONSULTATIONS

3.01 **Councillor Andy Hughes (Local Member)**: No formal response received at time of writing report

Councillor D Richardson (Local Member): No formal response received at time of writing report

Connahs Quay Town Council: Objects to the proposal due to concerns over access and ingress and the availability of local amenities

Highways Development Control: No objections subject to the inclusion of conditions

Public Rights of Way: Public Footpath 18 crosses the site and is directly affected by the development. No objection subject to the inclusion of a condition relating to a public path diversion order.

Ramblers Association: Objects to the proposal and advises that the layout should be amended to provide a clear, direct path through the development in an area of green space. Active travel provision should be fully incorporated within the development and to link to existing services nearby

Community and Business Protection: No objection in principle subject to the inclusion of a condition relating to the inclusion of a condition relating to sound insulation and noise reduction. In respect of any potential contaminated land, following the submission of additional information no objections received subject to the inclusion of conditions relating to remediation strategies.

Capital Projects (Education): The nearest and most suitable schools to the development site are Golftyn C.P School and Connah's Quay High School. Education have confirmed that a contribution of £367,710 is sought for Golftyn C.P. No contribution is sought for Connah's Quay High School.

Housing Strategy: There is demonstrable demand for most property types 2 and 3 bed houses are most in demand for those registered on the Affordable housing register. Whereas for those registered on the social housing register the greatest demand is for 1 and 2 bedroomed properties. There is also demand for larger 4 bed+ homes (93).

Natural Resources Wales: The application site is located within 480 metres of the Deeside and Buckley Newt Sites SAC which supports an internationally important population of great crested newts. Subject to the financial contribution for wildlife mitigation, and the provision of the on-site mitigation measures no objections raised.

Coal Authority: No objections

Airbus: No objections

North Wales Fire and Rescue Service: No objections

4.00 PUBLICITY

4.01 150 Neighbour Notifications were sent to adjoining/nearby properties. The application was also publicised by Site Notice and a Press Notice in a local newspaper. One petition and letters of objection raising the following:

1. Highway safety with increase traffic and access
2. Impact on protected species
3. Drainage concerns
4. Loss of green space
5. Impact on local facilities
6. Lack of affordable dwellings
7. Noise and smell

5.00 SITE HISTORY

5.01 No relevant planning history

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan
Policy STR1: Strategic Growth
Policy STR2: The Location of Development
Policy STR4: Principles of Sustainable Development, Design and Placemaking
Policy STR5: Transport and Accessibility
Policy STR11: Provision of Sustainable Housing Sites
Policy STR13: Natural and Built Environment, Green Networks and Infrastructure
Policy STR14: Climate Change and Environmental Protection
Policy STR15: Waste Management
Policy PC1: The Relationship of Development to Settlement Boundaries

Policy PC2: General Requirements for Development
Policy PC3: Design
Policy PC4: Sustainability and Resilience of New Development
Policy PC5: Transport and Accessibility
Policy PC6: Active Travel
Policy HN1: New Housing Development Proposals
Policy HN2: Density and Mix of Development
Policy HN3: Affordable Housing
Policy EN6: Sites of Biodiversity Importance

Adopted Supplementary Planning Guidance

SPGN No. 2 – Space Around Dwellings.
SPGN No. 8 – Nature Conservation and Development
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 11, February 2021
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

7.00 PLANNING APPRAISAL

7.01 Introduction

This application proposes the construction of 141 no. two-storey dwellings, together with associated highway and drainage infrastructure and public open space on land at Highmere Drive, Connah's Quay.

7.02 Site Description

The application site comprises a linear irregular shaped field measuring around 5.2ha that adjoins existing modern housing to the north and east, along Highmere Drive, Pembry Rise, Degas Close and Courbet Drive.

7.03 A small length of the north-western boundary of the site adjoins a narrow section of Golftyn Lane, with the site's western and southern boundaries, defined generally by native hedgerows and trees, adjoining other farmland and associated buildings.

7.04 The site has a frontage of around 130m onto Highmere Drive, which terminates a little distance from its southern tip. Highmere Drive joins Golftyn Lane / Ffordd Llanarth to the east: a traffic-calmed main road

through the town that runs northwards from the B5126 Mold Road to connect with the B5129 Kelsterton Road.

- 7.05 The land rises from east to west, and from north to south (a difference of around 30m in the latter instance).
- 7.06 Proposed Development
This application proposes the development of the land to provide 141 dwellings with a mix of 10 no. different house types and designs are proposed, which include detached, semi-detached and terraced units. 35% of the proposed dwellings will be affordable.
- 7.07 Vehicular access is proposed via a single new priority access off Highmere Drive. Pedestrian and cycle connections would also be made to Pembry Rise and Courbet Drive, and the existing public right of way that crosses the northern part of the site from Highmere Drive to Golftyn Lane would be retained, albeit that it would follow a diverted route.
- 7.08 A green corridor is proposed alongside the eastern edge of the site, which links three areas of public open space, with the central one including equipped play facilities for younger children.
- 7.09 Principle of Development
Land at Highmere Drive has been identified and allocated for housing development in the Local Development Plan. Policy STR1 identifies that the Plan will seek to provide 7,870 new homes to meet a housing requirement of 6,950 homes. Specifically the policy outlines that that 5 hectare land can provide for up to 150 dwellings with improved cycle, pedestrian and emergency access linking onto Courbet Drive / appropriate ecological avoidance and mitigation measures.
- 7.10 Detailed highway/active travel linkages and ecological matters are considered further into the report but are policy compliant.
- 7.11 Whilst the density of development at 27 dwellings per hectare (dph) is slightly below the 30 dph as set out on STR2, it is considered that the unique site constraints including ecological and overhead powerlines are a sufficient justification for the slight reduction.
- 7.12 The application site is in a highly sustainable location with access to schools, shops and employment opportunities. In addition, public transport links are close to the site and active travel linkages are proposed to be improved through the provision of a footpath link.
- 7.13 Overall the principle of the development of this allocated site is acceptable.

7.14 Layout, Character and Appearance

The mix of dwellings provides visual interest and each house type design incorporates architectural features that add character and provide vertical emphasis, such as pitched roofs, bay windows, gables and narrow window openings.

7.15 A varied palette of materials is proposed, which include red brick, white painted rough cast sections, and mainly grey or dark red roof tiles.

7.16 A green corridor of varying width (between 5 metres to 10 metres at its widest) runs along the route of the brook and eastern boundary of the site, linking three proposed areas of public open space. The northern area proposes a combined footpath and cycle path to link the development to the existing footpath at the top of Pembry Rise. The central area of open space would include an equipped play area.

7.17 In part, the provision of the green corridor, which would be supplemented by additional planting of a mix of ornamental and native shrubs and wildflowers, is a function of the need to site the proposed dwellings outside the buffer zone of the overhead powerlines.

7.18 Residential Amenity

In consideration to the siting, orientation and distance of the proposed dwellings, none of the proposed dwellings would cause an unacceptable reduction or harm to the amenities of any existing neighbouring properties or future occupiers in terms of privacy, loss of light or obtrusiveness.

7.19 In terms of the size of the proposed garden depths, separation distances between the proposed dwellings etc these meet the guidelines within the SPGN no. 2 'Space Around Dwellings' by ensuring no instances of habitable rooms directly facing and where this is the case, separation distances meet the standard of 22m. Overall garden sizes are minimal for certain plots but they do meet the minimum requirements as set out in SPGN No.2.

7.20 Highway Safety

The application proposes a new vehicular access off Highmere Drive. Each 3-bedroom unit would be provided with 2 no. off-road parking spaces, while the 4-bedroom houses would have 3 no. spaces.

7.21 Concerns have been raised by local residents and the Town Council in relation to the impact of the development on the existing access of Highmere Drive and the surrounding cul-de-sacs which feed into this singular point of access. Whilst these comments have been considered during determination of the application no concerns are raised from an emergency access point of view, nor from a highway safety perspective.

- 7.22 Whilst the details are acceptable it is recommended that if planning permission is granted that a number of conditions relating to the proposed point of access, parking and layout are submitted for approval. These are standard conditions that are not unusual given the scale of the development.
- 7.23 Public Rights of Way
Public Footpath 18 crosses the site and is directly affected by the development. The footpath as it's currently recorded on the Definitive Map would be affected by the proposed Open Space/L.E.A.P. and also cross the frontages of at least three properties.
- 7.24 The applicant was advised that they would therefore be required to apply to divert the footpath under the Town and Country Planning Act or amend their site design proposals to incorporate the public footpath on its current alignment. As the applicant has chosen not to amend their layout then they will need to pursue a public path diversion order, and it is recommended that a condition be imposed on any planning permission that no development could take place until the public footpath was successfully diverted.
- 7.25 The footpath, irrespective of its alignment, would also need to be temporarily closed during the construction of the development. The applicant would need to contact the Access Team directly to discuss this.
- 7.26 In terms of active travel linkages, a new footpath link is proposed to Pembry Drive which is considered significant to improve the active travel options in the area as it will allow connections to the facilities at the nearby Ffordd Llanarth shopping centre.
- 7.27 Education
Education colleagues were consulted on the application and advised that in line with SPGN No.23 the nearest and most suitable schools to the development are Golftyn County Primary and Connah's Quay High School. They determine that based on the size of the development it is reasonable to calculate that a further 33 pupil places for primary and 24 pupil places for secondary would be generated.
- 7.28 Education colleagues have provided evidence that in this instance only the primary school would have a capacity issue as a result of the proposed development. As Connah's Quay High School is currently undersubscribed it would be unreasonable to require a financial contribution to support the additional secondary pupil places.
- 7.29 In contrast however, there is a significant need and demand for education services to expand schooling facilities for Golftyn CP in order to accommodate the additional number generated by the development. As Members will note above, the total requested from

the Education department is £367.710. The Developer has confirmed that they are willing to enter into a Section 106 Agreement to secure this contribution.

7.30 Affordable Housing

Policy HN3 of the LDP sets out the percentage of affordable dwellings required on sites with ten dwellings or more based upon the housing sub-market area they fall into. The application site sits within the Connahs Quay, Queensferry and Broughton sub-market area where 35% affordable housing is required on site. The application is for 141 dwellings therefore circa 49 units should be for Affordable housing.

7.31 Although there is demonstrable demand for most property types 2 and 3 bed houses are most in demand for those registered on the Affordable housing register.

7.32 Whereas for those registered on the social housing register the greatest demand is for 1 and 2 bedroomed properties. There is also demand for larger 4 bed+ homes (93).

7.33 Based upon the data on the current housing registers Housing Strategy would recommend the mix calculated on bedroom need as per FCC Prospectus for Social and as a percentage of those registered on Tai Teg for affordable rent and purchase. This can be secured through the S106 Agreement.

7.34 The applicant is providing the required 49 dwellings on site which are located sporadically throughout the site and are semi-detached two and three bedroom dwellings with a variety of tenures as set out above. The mix of dwellings has been considered by Housing Strategy and is considered acceptable.

7.35 Public Open Space

The application proposes three areas of public open space are to be provided, totalling around 8,055 square metres of these a formalised equipped play area is proposed which will be maintained by a private management company.

7.36 In accordance with the guidance contained within PGN No.13 due to the scale of development provision for a MUGA or wheeled sports area should also be considered. Given the constraints of the site it is not considered possible to provide those facilities onsite. Accordingly, and in negotiation with Aura Leisure Services the developer intends to make a financial contribution of £75,000 to enhance an existing MUGA located at Connah's Quay High School.

- 7.37 Protected Species
The application site is located within 480 metres of the Deeside and Buckley Newt Sites SAC which supports an internationally important population of great crested newts.
- 7.38 In addition the site is close to and could impact on the Connah's Quay Ponds and Woodland SSSI. Natural Resources Wales consider that any impacts can be moderated against through the inclusion of conditions and subsequent mitigation measures including a financial contribution of £85,000 for off-site wildlife enhancements.
- 7.39 The existing hedgerows and watercourse that bound the site provide off-site habitats that function as stepping stones or corridors for mitigation, dispersal, foraging and genetic exchange purposes. The applicant has addressed initial concerns regarding the loss of the hedgerow and now intends for them to be retained.
- 7.40 A preliminary ecological assessment has been submitted with the application which proposes a number of enhancements/mitigation measures including tree planting, native hedgerow and fruit tree planting, creation of ponds, installation of bat bricks and in-built bird boxes. Despite this information it is still considered necessary to include a condition relating to the approval of a detailed landscaping plan to indicate exactly where those mitigation measures will be located.
- 7.41 Contaminated Land
The application has been supported by a Stage 1 and 2 Geo-Environmental Assessment in relation to potential ground gas sources from shallow mine workings/shafts. The preliminary information is considered acceptable for the purposes of determining the application but as is standard practice it is recommended that a remediation strategy be included on any planning permission.
- 7.42 Other Matters
Concerns have been raised by local residents that the local infrastructure will not cope with additional residential dwellings. As outlined above Connah's Quay is a Main Service centre where there is access to a range of facilities including shops and healthcare including the nearby Ffordd Llanarth shopping centre. Betsi-Cadwaladr Health board were consulted on the application but made no comment with regard to capacity issues.
- 7.43 S.106 and CIL Compliance
The infrastructure and monetary contributions that can be required from the 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.

7.44 As triggered by the proposed scale of the development, there is a developer requirement towards primary and secondary education and affordable housing. In line with SPGN no. 23 the nearest and most suitable schools to the proposed development are Golftyn CP School and Connah's Quay High School. The Developer has agreed to provide a total payment of £367,710 towards primary education. The money will be spent on an identified project as confirmed by Education Services who have also clarified that the project has not received more than 5 contributions to date.

7.45 In addition, the developer is proposing to make a contribution of £70,000 to enhance an existing MUGA pitch at Connah's Quay High School in lieu of on-site provision. Colleagues in Aura Leisure have confirmed that no more than 5 contributions for this project have been received.

7.46 Finally, a contribution of £85,000 is proposed to enhance/provide mitigation towards protected species in the Connah's Quay Town area. No more than 5 contributions have been received.

7.47 It is considered that the contribution required meets the Regulation 122 tests.

8.00 CONCLUSION

This application seeks planning permission for the proposed erection of 141 dwellings on land at Highmere Drive, Connah's Quay. The 5 hectare site is allocated for residential development under policy STR1 of the recently adopted Flintshire Local Development Plan and is seen as an important site to deliver the housing projections as set out in the plan.

8.01 There are a number of constraints to the site, namely ecological matters including protected species and trees but these have all been considered at length and it has been demonstrated that the impact can be adequately managed.

8.02 Significant concerns have been raised by local residents with regards to the impact on the existing highway network and raise safety concerns. Both the Councils Highways department and the North Wales Fire and Rescue Authority do not raise any objection to the

proposal. A number of conditions are proposed including details of active travel linkages.

8.03 The proposal meets all local guidance in terms of separation distances, amenity spaces and public open space. Contributions towards education facilities, open space and the 35% affordable housing provision on site are to be secured through a Section 106 Agreement.

8.04 The application is considered to be compliant with local and national planning policy and I therefore recommend that Members resolve to grant planning permission subject to the conditions as set out at paragraph 2.01 of this report.

8.05 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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