

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13 MARCH 2024**

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

SUBJECT: **FULL APPLICATION- ERECTION OF 70 DWELLINGS, CONSTRUCTION OF A NEW VEHICULAR ACCESS, LANDSCAPING AND ASSOCIATED WORKS AT LAND AT WREXHAM ROAD, ABERMORDDU, HOPE**

APPLICATION NUMBER: **FUL/000769/22**

APPLICANT: **CASTLE GREEN**

SITE: **LAND AT LAND AT WREXHAM ROAD, ABERMORDDU, HOPE**

APPLICATION VALID DATE: **12TH DECEMBER 2022**

LOCAL MEMBERS: **COUNCILLOR G HEALEY**

TOWN/COMMUNITY COUNCIL: **HOPE COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SIZE OF PROPOSAL RELATIVE TO SCHEME OF DELEGATION**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for the erection of 70 dwellings, construction of a new vehicular access on land at Wrexham Road, Abermorddu, Hope. This site is a housing allocation in the Flintshire Local Development Plan.
- 1.02 This is one of a number of housing sites that are allocated in the adopted LDP where there is a need for them to begin to deliver the LDP housing requirement they contribute to. This requires them to gain planning approval, to enable developers to build and complete homes in accordance with the committed delivery rates in the LDP housing trajectory. Failure to achieve this will put pressure on the

ability of the plan to maintain delivery levels which in turn will bring pressure for speculative development proposals to be submitted

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

2.01 Planning Obligations

The conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:

- Secondary School contributions for Ysgol Castell Alun- The required contribution would be £221,628.00
- TRO 10k for extension of 20mph speed restrictions along A541
- TRO £6,538.80 inc VAT for the alteration of the existing parking restrictions along the A541 (Wrexham Road)
- The provision of the identified affordable homes to be of a housing mix and tenure to be agreed with the Local Planning Authority, and to remain affordable in perpetuity.
- Provision of a Management agreement for the upkeep of the footways and public open space

Conditions

1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
2. The development shall be carried out in accordance with the following approved plans and documents:
 - Application forms
 - Location Plan
 - Heritage Impact Assessment v2
 - Alderton Brick Elevations
 - Alderton Render Elevations
 - Alderton Floor Plans
 - Beaumont Brick Elevations
 - Beaumont Render Elevations
 - Beaumont Floor Plans
 - CNR Brick Elevations
 - CNR Render Elevations
 - CNR Floor Plans
 - 4P2B Brick Elevations

- 4P2B Render Elevations
- 4P2B Floor Plans
- 5P3B Brick Elevations
- 5P3B Render Elevations
- 5P3B Floor Plans
- Henley Brick Elevations
- Henley Render Elevations
- Henley Floor Plans
- Marlow Semi Brick Elevations
- Marlow Render Elevations
- Marlow Floor Plans
- Oxford Brick Elevations
- Oxford Render Elevations
- Oxford Floor Plans
- Stafford Brick Elevations
- Stafford Render Elevations
- Stafford Floor Plans
- WBUR Brick Elevations
- WBUR Render Elevations
- WBUR Floor Plans
- Wentworth Brick Elevations
- Wentworth Render Elevations
- Wentworth Floor Plans
- Landscaping Layout rev B
- Planting Plan rev B
- Drainage Strategy
- Topographical Sheet 1
- Design and Access Statement
- Screen Fencing Plan
- Gate with Screen Fencing
- Free Standing Brick Wall
- Site Layout rev C
- GRP Plinth rev 5
- Preliminary Ecological Appraisal
- Great Crested Newt and eDNA survey
- PAC report
- Soil Analysis Results Jan 22
- Bat Activity report
- Bluebell Survey
- Grassland Mitigation Scheme v2
- Detailed Botanical Survey Field 1
- Reptile Survey
- Bat and Barn Owl Survey
- Arboricultural Impact Assessment
- Flood Consequence Assessment
- Transport Statement

3. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
4. No development shall take place until full details of the existing ground levels and proposed finished floor levels and ground levels have been submitted to the Local Planning Authority for written approval. The development shall thereafter be carried out in accordance with the approved details.
5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the substantial completion of the development, whichever is the sooner and any trees or plants which, within a period of 5 years of the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation
7. No works associated with the proposed development of the site shall commence unless and until a detailed scheme for the: a) Widening of the footway to a minimum width of 2.0m along the site's frontage with the A541 Wrexham Road. b) Provision of parking bays on the westerly side of the A541. has been submitted to and approved by the County Council. Such works shall become the subject of a Section 278 Agreement under the 1980 Highways Act prior to their implementation.
8. The siting, layout and design of the means of site access shall be in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works

9. The forming and construction of the means of site access shall not commence unless and until the detailed design thereof has been submitted to and approved by the County Council.
10. The 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 the commencement of any other site building operations.
11. The proposed access shall have a visibility splay of 2.4m x 120m in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the Applicant and/or Highway Authority and within which there shall be no significant obstruction to visibility.
12. 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.
13. The 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 by the County Council prior to the commencement of any site works.
14. The gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
15. Positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
16. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority
17. Prior to the commencement of development a scheme of enhanced double glazing to the bedroom/living rooms windows of properties adjacent to the A541 shall be submitted to be approved in writing by the LA planning authority prior to

installation. Following the written approval of these details the glazing of these properties shall be in accordance with these approved details and shall remain so in perpetuity.

18. Prior to the commencement of development a scheme for biodiversity enhancement of the site shall be submitted for approval, and thereafter shall be implemented in accordance with the approved details.

19. Prior to the commencement of development a Habitat Management Plan shall be submitted for the written approval of the Local Planning Authority. Thereafter the site shall be managed in accordance with these approved details.

3.00 CONSULTATIONS

3.01 **Local Member (Councillor G Healey):** Objects to the planning application for the following reasons:

1. Phosphates- Existing historic watercourse across the site would act as pathway for water runoff into the Alyn
2. Drainage and Foul Sewage infrastructure- Inadequacies of local system. Recent cases of flooding locally
3. Proximity to Abermorddu School and existing parking issues locally

Hope Community Council: Object to this planning application for the following reasons;

1. There is an official public footpath across the field. Locals have historically used this field for leisure to enjoy the flora and fauna that it contains and access Hope Mountain.
2. Loss of biodiversity/impact on protected species.
3. Sewage system/ flooding/ phosphates
4. Believe that there should be an historical investigation of the site as it is a potential ancient monument.
5. Doctors- Our doctors are already finding it difficult to meet the needs of the community. An increase in patient number would exacerbate the already worrying situation.
6. Schools – At capacity
7. Traffic Impact

Therefore, Hope Community Council strongly object to this planning application as the infrastructure in our villages can't satisfactorily support any more properties. We also need to value our green spaces and historic heritage. But most of all we need to respect and protect

the biodiversity of the site, not destroy the habitat of the area and increase phosphate levels that create dead spots in our river systems.

Housing Strategy: Policy HN3 of the LDP sets out the percentage of affordable dwellings required on sites with ten dwellings or more based upon the housing market area they fall into. The application site sits within the in the South Border sub market area where 30% affordable housing is required on site. The application is for circa 70 dwellings.

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.

Whereas for those registered on the social housing register the greatest demand is for 1 and 2 bed roomed properties. There is also demand for larger 4 bed General needs homes.

In Flintshire, as at the 28/7/22, there were a total of 748 households registered and ready to apply for “Affordable” rental properties and a total 571 households registered and ready to apply for “Affordable” ownership properties (as per Local Authority prospectus December 2022).

Demand for “Social” housing has increased. As at the 26th of October 2022 there were 2519 Applicants on the ‘Social’ housing waiting list, an increase from circa 2088 in July 2021 (as per Local Authority prospectus December 2022). In summary there is high demand for Social housing across Flintshire and this need is evidently increasing.

In addition as per the Local Authority Housing Prospectus dated December 2022 the generic demand for 1 bedroom (57%) and 2 bedroom (27%) properties comprises 84% of households on the Social housing register.

This compares with the Affordable register where 2 & 3 bedroom properties, particularly houses are most in demand for both intermediate rent circa 79% and low cost home ownership circa 90% (as at 21.3.23).

Recommended Mix: Based upon the data on the current housing registers Housing Strategy would generally 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. Mix would generally be based on 30% Affordable dwellings i.e. 21.

Ecology: The submitted Ecological Assessments have undertaken appropriate surveys, which follow on from previous sites surveys to

identify the biodiversity value of the site, its relationship with the adjacent Wildlife Site.

The Assessments recommend the key ecological features to be retained and enhanced or compensated where this is not possible in line with the mitigation hierarchy PPW12.

While the layout does buffer the Wildlife Site which is welcomed, this will need to be protected during construction and a sensitive lighting plan produced to ensure that impacts are avoided/minimised.

Native hedge, scrub and tree planting as detailed on the landscape drawing will mitigate for the relevant losses.

Considers that the Grassland Compensation Scheme for the translocation of grassland and bluebells, is acceptable.

Highways Development Control: Para. 3.4 of the TA proposes the extension of the 30mph (now 20mph) speed restriction along the A541 (Wrexham Road) road, across the site's frontage. Highways Development Control advise that the cost of such a review and amendment to the traffic order is £10k and this should be covered by a Section 106 agreement.

No objection to proposal. Recommends conditions (Listed as Conditions 7-16 in para 2.01)

Community and Business Protection: No objections in principle to this application. However, the site is on the A541 and can potentially be subject to high levels of traffic noise. Therefore, I would recommend Enhanced glazing condition.

Leisure: The existing play area on the Anwyl development is not an FCC owned facility ,but it makes complete sense to link this development to that play area, is there scope to add further play elements on this development such as an informal five a side area . There needs to be a management agreement in place for the upkeep of the open spaces, pathways etc

Natural Resources Wales: Note that the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). Local Planning Authority must follow NRW advice regarding Phosphates and potential impacts upon designated sites.

Dwr Cymru Welsh Water: confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site, and that Hope WWTW have a valid phosphate license. Requests Conditions (included as condition 3 in para 2.01)

CADW: The proposed development will have no effect on the setting of registered park and garden PGW(C)6(FLT) Bryn Iorcyn or scheduled monument FL020 Caergwrle Castle and will have only a minor adverse and not significant effect on the setting of scheduled monument FL020 Caergwrle Castle.

Ramblers: This site is crossed by a popular and well-used path leading from the metal field gate on the main road to a stile on western boundary, and then to Whitty's pond. Although the path is not currently on the Definitive Map, the path is subject to a path claim lodged in 2015 ref 53/B18.

Suggests that the applicant is invited to re-design the layout to provide an off-main road cycle/path link towards the school/Llys Clark area from the north (Caergwle) end of site, path links to path 306/2/10, and a cross-site path.

Airbus: No aerodrome safeguarding objection to the proposal based on the information given.

4.00 PUBLICITY

4.01 120 Neighbour Notifications were sent to adjoining/nearby properties. A Site Notice was also displayed and the application was advertised by way of a Press Notice in a local newspaper.

52 objections have been received which can be summarised as follows:

1. Inadequate drainage/flooding issues
2. Traffic Issues
3. Dog Fouling
4. Noise
5. Insufficient Doctors/Local Services/School provision
6. Impact upon heritage sites
7. Ecological Impact
8. Phosphates/pollution
9. Loss of green space
10. Use of Parc Celyn play area
11. Amalgamation of Settlements

5.00 SITE HISTORY

5.01 No relevant history

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

Policy STR1: Strategic Growth

Policy STR2: The Location of Development

Policy STR13: Natural and Built Environment, Green Networks and Infrastructure

Policy STR4: Principles of Sustainable Development, Design and Placemaking

Policy STR5: Transport and Accessibility

Policy STR6: Services Facilities & Infrastructure

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 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 EN2: Green Infrastructure

Policy EN7: Development Affecting Trees Woodlands and Hedgerows

Policy EN15: Water Resources

National Planning Policies

Future Wales- The National Plan 2040

Planning Policy Wales 12 (February 2024)

Supplementary Planning Guidance

SPGN2- Space Around Dwellings

SPGN11- Parking Standards

LPGN13- Public Open Space

SPGN23- Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 Site

The site comprises of an approximately 3 hectare greenfield site located in an area adjacent to Abermorddu Primary school site and within the settlement boundary of Abermorddu. The site is currently agricultural fields bounded by established hedgerows and fronting onto the A541 Wrexham Road.

7.02 Proposal

The proposed development subject to this full application is for the erection of 70 residential dwellings. The site is a housing allocation within the adopted Flintshire Local Development Plan.

7.03 Principle of Development

The site is a housing allocation within the adopted Flintshire Local Development Plan (HN1.9) for up to 80 dwellings and subject to the stipulation that any development demonstrates a retention of hedgerows, the creation of attractive development frontage and where the layout is be sensitive to wildlife and break of slope along western edge of site.

7.04 Policy STR2 identifies Hope, Caergwrlle, Abermorddu, Cefn y Bedd (HCAC) as a Tier 2 Local Service Centre and is therefore a sustainable location to accommodate growth. The site is located on the edge of the settlement and being physically well defined by Wrexham Rd and the housing opposite, by the break of slope and by the school and recent Anwyl development. It is therefore considered to represent a sustainable and logical urban extension in close proximity to a range of services and facilities and public transport. The LDP inspector agreed with this and found the site sound as part of the overall soundness of the LDP.

7.05 As the development is in accordance with the housing allocation within the adopted Local Development Plan it is considered that the principle of development is acceptable.

7.06 Layout and Design

The proposed site was accepted as a housing allocation partly as it was considered to represent a logical extension to the settlement, being situated to the west of Wrexham Road on a naturally contained parcel of land.

7.07 The proposed layout takes account of the topographical changes across the land, to ensure that none of the proposed dwellings will be more than 2-storeys in height. The house and plot sizes are reflective of the local character, incorporating a mix of terraced and detached properties. The affordable homes have been pepper-potted

throughout the proposed development, and these properties will be indistinguishable in their appearance from the open market homes.

- 7.08 Plots 5 to 8 and 60 to 67 maintain a frontage on to Wrexham Road (served via private drives off the new internal access road). This reflects the development facing them on the other side of Wrexham Road.
- 7.09 The layout reflects the linear nature of existing development and works with the natural topography of the land and residential garden area for the proposed dwellings have been orientated in relation to each other such a way as to protect the residential amenity and privacy of future residents, as well as existing nearby dwellings/land-uses, and prevent issues of overbearing and overlooking.
- 7.10 The net developable site area, minus the public open space and landscaping and buffer zone areas, is approximately 2.06 hectares, which equates to a density of roughly 34 dwellings per hectare, which is in accordance with policy HN2 of the Flintshire Local Development plan, which prescribes a general density of more than 30 per hectare as appropriate. In terms of dwelling and plot size the proposed development is considered to be analogous to other development in the vicinity of the site.
- 7.11 Given the proximity of the A541 to the dwellings on the site frontage there has been a request from Community and Business Protection for a condition to be applied requiring a scheme of enhanced glazing, in order to protect the amenity of the future occupants of these dwellings from adverse noise arising from traffic.
- 7.12 The proposed dwellings are two-storey houses both detached, and terraced and finished primarily in brick with some rendered details throughout the site. In terms of both scale and design the proposal is in keeping with the prevailing character of the locality, particularly those properties on Llys Clark and Wyndenham drive to the south. The house designs are considered to be appropriate to the location.
- 7.13 Ecology and Green Infrastructure
- The site comprises semi-improved grasslands, poor semi-improved grassland, broadleaved mixed deciduous woodland, wet alder woodland, bramble & blackthorn scrub, bracken, hedgerows, treelines, a stream and two ditches. To the west of the site is the designated Caeau Abermorddu Wildlife Site
- 7.14 The submitted Ecological Assessments have undertaken appropriate surveys, which follow on from previous sites surveys to identify the biodiversity value of the site and its relationship with the adjacent Wildlife Site.

- 7.15 The Assessments recommend the key ecological features to be retained and enhanced or compensated where this is not possible in line with the mitigation hierarchy of PPW12.
- 7.16 While the layout does buffer the Wildlife Site, this will need to be protected during construction and a sensitive lighting plan produced to ensure that impacts are avoided/minimised. This will be controlled by condition to ensure that this is the case.
- 7.17 It is considered that the native hedge, scrub and tree planting as detailed on the landscape drawing will mitigate for potential losses of existing features as a result of the proposal.
- 7.18 Two areas of semi-improved grassland are present on site. It is accepted that the grassland cannot be feasibly retained in situ, and therefore in accordance with PPW12 and the mitigation hierarchy, a mitigation and compensation scheme is required to retain where possible or to specify translocate where this is not possible. This Grassland Compensation Scheme, which has been submitted in support of the application, details a range of actions, in order to provide compensation for the species-rich grassland and associated fringe habitats to be lost within the development site. A strategy for the translocation of native bluebell is also included, as are measures to reduce light spill onto the adjacent Caeau Abermorddu Wildlife Site and retained woodland on site.
- 7.19 These actions comprise the translocation of grassland via both turves and as individual plant plugs, enhancement and creation of hedgerows, woodland and scrub creation, bluebell translocation, seeding of the attenuation basin and creation of hibernacula and control of injurious weeds. A robust monitoring scheme will also be input to monitor the success of the actions proposed and will recommend remedial actions where necessary.
- 7.20 It is proposed to condition the preparation of a Habitat Management Plan to ensure the ongoing favourable management of habitats on site, including both new and retained habitats. This is included as condition 19 in the recommendation.
- 7.21 Planning Policy Wales 12 notes how the quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.
- 7.22 It is considered that the layout, landscaping buffers, generous area of public open space and translocation and management of the

grassland assists in meeting the objectives and outcomes of net biodiversity benefit and green infrastructure and ensuring compliance with policies STR13 and EN2 of the Flintshire Local Development Plan and PPW12.

7.23 Highways and Access

The proposal is served by a single central vehicular access onto the A541. There are a number of pedestrian links from the site onto the footway of the A541 along the site frontage. This application was subject to pre-application discussions between Highways and the applicant and their advice has been incorporated into the proposal.

7.24 Highways Development Control have raised no objection to the proposal subject to suggested conditions, and the requirement of the cost of Traffic Regulation orders for both the extension of the 20mph speed restriction along the A541 (Wrexham Road) road, across the site's frontage as well as the alteration of the existing parking restrictions along the A541 (Wrexham Road).

7.25 Objections have been received regarding the problems currently associated with Abermorddu primary school and parking on the road during school drop off and pick up times. It is not considered that this is a matter that should weigh against the proposed development as there is no suggestion that the dwellings being proposed will in any way add to this issue, which is a pre-existing one. Parents of children who attend this school from the development site will have a short walk from their homes to the school, utilising the pedestrian links to the existing footway network.

7.26 Public Open Space

In accordance with policy EN1 of the Flintshire Local Development Plan all new residential developments will be required to include provision for public open space or sports and recreational facilities in accordance with the Council's adopted standard and be well related to the development it is intended to serve. In accordance with the advice within the Local Planning Guidance Note 13: Open Space Requirements, where proposals seek to develop 25 or more dwellings, but less than 100, the minimum standard to be applied will be 56.65 square metres per dwelling. This equates to 3,965 Square metres.

7.27 Public open space will be provided in the southern parcel of the Site and is approximately 4.11 acres in size, or 16,632 square metres. Part of this area will include an attenuation basin as part of the surface water drainage strategy. Footpath connections will be provided through this space from the site to the adjacent equipped area of play that was delivered as part of the nearby Llys Clark residential

development. Leisure Services have confirmed that this is an acceptable and logical arrangement.

7.28 The area of public open space provided meets the required area as set out in LPGN13, and it is considered that providing a link to the existing play area adjacent to the site is an acceptable and sensible design solution.

7.29 Heritage Assets

The application site is close to a number of scheduled ancient monuments, including sections of both Offas and Watts Dyke, Cergwrle Castle and the packhorse bridge at Caergwrle and the bridge at Ffrith as well as the Caer Estyn Hillfort. Planning Policy Wales and Technical Advice Note 24 Historic Environment requires the Planning Authority to assess the impact of the development upon these heritage assets as this is a material consideration in the balanced assessment of a site.

7.30 Of particular importance is the proximity and impact of the proposed development upon scheduled monument FL020 Caergwrle Castle and the registered park and garden PGW(C)6(FLT) Bryn Iorcyn as the development is potentially inter-visible with these designated historic assets.

7.31 A Heritage Impact Assessment has been submitted in support of the application. This report concludes that there is a slight impact upon the setting of Caergwrle castle, although the proposal does not extend built development any further along Wrexham Road than existing development on the east side of Wrexham Road and therefore maintains an open buffer to the conservation area and castle.

7.32 The views of CADW were that the proposed development will have no effect on the setting of registered park and garden PGW(C)6(FLT) Bryn Iorcyn or scheduled monument FL020 Caergwrle Castle and will have only a minor and not significant effect on the setting of scheduled monument FL020 Caergwrle Castle.

7.33 Given the above it is considered that there are no significant impacts upon local heritage assets as a result of this development.

7.34 Phosphates and Drainage

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC.

Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. NRW have also issued Planning Advice (August 2023) which gives specific advice in respect of foul drainage arrangements for new developments

- 7.35 The proposal intends to connect to the public sewer system. Having reviewed the submitted drainage strategy (7896/SK02) Dwr Cymru acknowledge that the applicant proposes to discharge foul flows to manhole SJ30568601 and have confirmed that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.
- 7.36 They further advise that Hope WwTW has a valid and up to date phosphate permit.
- 7.37 In line with NRW advise it is considered likely that a conclusion of no likely significant effect could be drawn in some cases in the context of water quality impacts where the following apply:
- the environmental permit for the associated wastewater treatment works has been reviewed against revised conservation objectives for water quality
 - there is capacity in place to accommodate the additional wastewater in compliance with revised permit limits.
 - the sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows
- 7.38 These criteria apply to the proposal and given the confirmation from Dwr Cymru that capacity exists to accommodate the development, and that the Hope WwTW has a valid phosphate permit, which was subject to re-permitting in 2023, it is considered that a no likely significant effect conclusion can be drawn in this instance and the proposal is in accordance with policy EN15 in the Flintshire Local Development Plan.
- 7.39 Dwr Cymru have confirmed that subject to the submitted drainage plan being implemented they have no objection to the proposal.
- 7.40 The Local Member has raised concerns regarding the possibility of phosphates entering the River Alyn directly through surface water run off. It should be noted that as part of the development process the site will be subject to SAB approval for a surface water drainage solution which will address any issue with water leaving the site.
- 7.41 Planning Obligations
- The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be

assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.42 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.

7.43 Planning obligations sought with this development consists of education contributions and with regard to the proposed affordable dwellings, and their tenure.

7.44 Education

In consideration of the proposed development, and with regard to the advice within SPGN 23: Developer Contributions to Education the following obligations would be sought.

Secondary School: Ysgol Castell Alun

- The required Section 106 contribution would be £221,628.00

7.45 It is considered that the education contributions would meet the regulation 122 tests. The Local Education Authority have confirmed that Ysgol Castell Alun does not appear to have received more than 5 contributions and therefore the limitations of regulation 123 does not apply.

7.46 Affordable Housing

The site sites within the South Border housing market area. Policy HN3 of the LDP requires 30% on site affordable housing delivery within this market area. The proposal for 21no. affordable dwellings meets this requirement of HN3. Whilst the application does not identify the tenure of these affordable dwellings, it will be possible to decide upon the relevant mix through the legal agreement, and will ensure that the development meets the most up to date identified need. The Local Housing Market Assessment (LHMA) currently identifies the need for a tenure split of 30% social rented, 30% intermediate rented and 40% low cost home ownership.

7.47 Policy HN2 of the LDP requires residential developments to incorporate a mix of dwelling types and sizes. As per para 8.6 of the LDP, applications should make reference to the evidence contained

within the LHMA and provide a range of housing types and sizes on site in order to meet identified needs.

7.48 The proposal features 14 no. 2 bedroom affordable dwellings and 7 no. 3 bedroom dwellings. Housing Strategy have commented that 2 & 3 bedroom properties are most in demand on the affordable register, particularly houses, for both intermediate rent circa 79% and low cost home ownership circa 90%.

7.49 The proposal provides the percentage amount of dwellings identified by LDP policy HN3, and the sizes of dwellings being proposed will meet identified affordable housing need as shown on the register. It is therefore considered that the proposal is in accordance with policy Flintshire Local Development Plan policy HN3.

7.50 Other Matters

Reference has been made in third party submissions to a public footpath that runs through the site. It has been confirmed that this is not a designated public right of way.

7.51 The proposal will require SAB approval to agree the surface water drainage solution on the site. As such this is not a matter for consideration as part of the planning application.

8.00 CONCLUSION

This proposal, for residential development is on a site allocated for such development. Due to the sustainable nature of the development and its location, and the fact that this is a development that would also provide the full complement of affordable housing in accordance with the relevant policy requirement and adequately addresses the site constraints, in particular the ecological issues on site, it is considered that the development is acceptable in principle.

It is therefore recommended that the application is approved subject to the commuted sums and conditions outlined in paragraph 2.01

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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