

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **20TH NOVEMBER 2024**

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

SUBJECT: **PROPOSED ERECTION OF 2 X 3 BED SEMI DETACHED DWELLINGS**

APPLICATION NUMBER: **FUL/000789/24**

APPLICANT: **NEIL PETERS**

SITE: **LAND ADJACENT 1 MOORE COTTAGES, ELFED DRIVE, BUCKLEY**

APPLICATION VALID DATE: **7TH OCTOBER 2024**

LOCAL MEMBERS: **COUNCILLOR C ELLIS**

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

REASON FOR COMMITTEE: **APPLICATION REFERRED BY COUNCILLOR CAROL ELLIS DUE TO THE IMPACT ON THE HIGHWAY AND EXISTING ROAD JUNCTIONS**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application for the proposed erection of two three bedroom semi-detached dwellings on land adjacent 1 Moore Cottages, Elfed Drive, Buckley. The application is a resubmission following the delegated decision to refuse application FUL/000367/24. The application was refused due to insufficient information in regards to land contamination only. All other matters at the time of determination were considered acceptable by officers.

This application is considered acceptable in policy terms and would have no adverse impact from land contamination, there would be no adverse effect from phosphates on ecology and no detrimental effect

on the living conditions of future occupiers, on the highway, the character and appearance of the locality or on biodiversity.

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

- 2.01
1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
 2. In accordance with approved details:
 - Application form
 - Existing site location and block plan dwg no. P100 01
 - Amended proposed block and site plan dwg no. P100 02
 - Proposed floor plans and elevations dwg no. P100 03
 - Site section, elevations and perspectives dwg no. P100 04
 - Proposed drainage plan dwg no. P100 50
 - Drainage details dwg no. P100 51
 - Exceedance plan dwg no. P100 53
 - Proposed drainage plan dwg no. P100 53
 - Storm water/SUDs maintenance plan report ref: SuDS_001 Rev –
 - Storm sewer design 27/09/2024
 - Groundsolve Ltd soakaway testing report
 - Groundsolve Ltd phase 1 preliminary risk assessment report 06/08/2024
 - Groundsolve Ltd phase 2 ground investigation report 27/09/2024
 - Coal mining report
 - Design statement A 101 DS
 3. A report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted, including measures to verify the approved works, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The site shall be remediated in accordance with the approved measures prior to occupation of any dwelling. If during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination and subsequent verification details shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.
 4. The vehicular footway crossings serving the site shall be constructed in accordance with the highway specification provided.

- 5 Prior to the commencement of development a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority
6. All planting in the approved details of landscaping approved by condition 5 shall be carried out in the first planting season following the substantial completion of the development 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. Notwithstanding the approved details, prior to the commencement of development a scheme for biodiversity enhancement of the site, including the number, locations and type of enhancements proposed shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to first occupation of the dwellings.

3.00 CONSULTATIONS

- 3.01 **Local Member (Councillor Carol Ellis):** Requests a site visit and Committee determination on the grounds of potential impact on the highway and proximity to existing entrances and roads.

Buckley Town Council: No observations.

Highways Development Control: The revised submission addresses previous concerns. Should the application be recommended for approval then a condition securing the vehicular footway crossing are constructed in accordance with the submitted specifications should be imposed.

Community and Business protection (Pollution Control): If planning permission is granted, the remediation scheme and subsequent verification of that scheme on a plot by plot basis should be secured by a suitable condition imposed upon the planning permission and the first use/occupation of the development should not take place until verification reports have been received and approved.

NRW: This application for the erection of a dwelling proposes connection of foul water to the mains sewer. Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste

material. As the controlled waters onsite are not of the highest environmental sensitivity, we would advise you to consult with the Local Authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation and if appropriate, remedial work for any contaminants present.

Dwr Cymru/Welsh Water: This site is crossed by public watermains with their approximate position being marked on the Statutory Public Watermain Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. No part of any building will be permitted within the protection zone of the public watermains measured 4.5 metres either side of the centreline of the 20" public watermain, and 4.2 metres either side of the centreline of the 12" public watermain. Our strong recommendation is that your site layout takes into account the location of the assets crossing the site and should be referred to in any master-planning exercises or site layout plans submitted as part of any subsequent planning application.

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. The proposed development site is located in the catchment of a public sewerage system which drains to Buckley Wastewater Treatment Works (WwTW) and ultimately discharges to a river Special Area of Conservation (SAC). We would advise that this WwTW has a phosphorus consent limit and is currently compliant with the 95% quartile for its flow passed forward (FPF) performance, at the time of this consultation. Accordingly, we would advise there is currently suitable hydraulic capacity in the public sewerage system and downstream WwTW to accommodate foul water flows from the development subject of this application.

Airbus: Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria. Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information given.

4.00 PUBLICITY

- 4.01 Twelve Neighbour Notifications were sent to adjoining/nearby properties. Two objections have been received which can be summarised as follows:

1. Land contamination and works carried out on site prior to appropriate tests being carried out and without planning permission;
2. Poor drainage;
3. Congestion and parking issues on Elfed Drive;
4. Noise, dust and general disruption during works on site

5.00 SITE HISTORY

5.01 FUL/000367/24 - Proposed erection of 2 x 3 bed semi-detached dwellings – Refused 28/08/2024

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

- STR1 Strategic Growth
- STR2 The Location of Development
- STR4 Principles of Sustainable Development Design and Placemaking
- STR5 Transport and Accessibility
- STR6 Services, Facilities and Infrastructure
- STR13 Natural and Built Environment, Green Networks and Infrastructure
- STR14 Climate Change and Environmental Protection
- PC1 The Relationship of Development to Settlement Boundaries
- PC2 General Requirements for Development
- PC3 Design
- PC4 Sustainability and Resilience of New Development
- PC5 Transport and Accessibility
- EN6 Sites of Biodiversity Importance
- EN15 Water Resources
- EN16 Development on or near Landfill Sites or Derelict and Contaminated Land

Supplementary Planning Guidance (SPGN)

- SPGN No.2 Space Around Dwellings
- SPGN No.3 Landscaping
- SPGN No. 8 Nature Conservation and Development - SPG 8a - Great Crested Newt Mitigation Requirements
- SPGN No.11 Parking Standards

National Policy

- Planning Policy Wales Edition 12
- Future Wales: The National Plan 2020-2040

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the proposed erection of two three bedroom semi-detached dwellings on land adjacent 1 Moore Cottages, Elfed Drive, Buckley. The application is a resubmission following the delegated decision to refuse application FUL/000367/24.

7.02 Application Site

The application site is located inside the settlement boundary for Buckley and consists of amenity space associated with 1 Moore Cottages, located to the north of the dwelling. The site was previously bound by wooden fence panels and hedgerow and had several relatively mature trees but has recently been cleared, providing access from Elfed Drive, directly into the site.

7.03 Proposal

The application proposes to erect two three bedroom semi-detached dwellings.

7.04 Main Issues

The main issues are considered to be:

- Land contamination
- Impact from phosphates on the SAC
- Effect upon the living conditions of future occupiers
- Impact on the highway
- Impact on the character and appearance of the locality
- Effect on biodiversity.

7.05 Principle of Development

The application proposes 2 moderately sized residential dwellings within the Buckley settlement boundary, a Tier 1 Main Service Centre within the LDP. Main service centres allow for market and affordable housing on windfall sites, and as the proposals fall below the threshold for an affordable contribution, the principle of two market dwellings is acceptable. The proposals would allow the development of this parcel of land for two family homes in the highly sustainable location in accordance with Policy STR2 of the Flintshire Local Development Plan.

7.06 Land Contamination

The proposed development site is located in an area where coal has been mined extensively in the past and which has an extensive history of potentially contaminated land uses. The applicant was requested to provide a land contamination assessment to include a mine gas/ground gas risk assessment.

7.07 The land contamination assessment has subsequently been assessed by the Councils Land Contamination Officer who has confirmed that the development is acceptable, subject to a suitable condition being imposed. The condition will be required to ensure that the remediation scheme, and subsequent verification of that scheme, has been submitted to and approved in writing by the LPA, on a plot by plot basis, prior to the first occupation of the development.

7.08 The proposal has been supported with the submission of sufficient evidence that any possible land contamination that has been identified and any potential issues will be properly remediated as part of the development process and that verification reports will be required on a plot by plot basis to demonstrate that the remediation measures outlined in the supporting documents submitted with the application have been carried out. It is considered that the proposal is compliant with policy EN18 of the Flintshire Local Development Plan.

7.09 Drainage and Phosphates

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 phosphorus 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 (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC.

7.10 Under the Habitats Regulations any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

7.11 The proposal will connect to the public wastewater system. Dwr Cymru/Welsh Water have confirmed that there are no local capacity issues and that the waste water treatment works to which foulwater generated by this development shall go has a valid and up to date phosphate permit. The foulwater flows deriving from this development would be capable of being treated within the phosphate permit limits.

- 7.12 It is considered therefore that No Likely Significant Effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of additional phosphorus or pathway for impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice.
- 7.13 Living Conditions of Future Occupiers
The proposed dwellings have been designed for modern day living for families, with adequate internal room sizes, a good degree of amenity space located at the rear and sufficient separation distances between the existing development to avoid any overlooking and adverse impact. 1.8m high fencing is proposed to be provided at the rear to separate the existing and proposed dwellings and further 1.8m high fencing is proposed along the northern boundary to provide privacy and security for the occupants. A low wall along the northern boundary, towards the highway, would allow views out from the development and would also allow visibility for pedestrians, other users of the highway. There would be no adverse effect on the living conditions of future occupiers.
- 7.14 Parking and Impact on the Highway
The application includes parking provision in the form of a driveway for 2 vehicles at the side of each dwelling, which accords with the Councils parking standards set out in SPGN No.11 for a three bedroom dwelling. Whilst concerns have been noted in regards to highway safety and the nearby road junction, the Highway Authority have assessed the proposals, and subject to conditions, it is not considered that there would be any adverse effect on the highway.
- 7.15 Character and Appearance
The proposed dwellings would be located at the side of and in line with the existing cottages to the south, being similar in scale and form to the existing development. A driveway would be located at the side of each property, grass service strips at the front adjacent to the highway and an area of amenity space located at the rear. 1.8m high composite fencing would separate the proposed dwellings and the existing dwelling at the rear and further 1.8m high fencing along the northern boundary would provide privacy to a low level brick retaining wall is proposed along the boundary to the north. The proposed dwellings would complement neighbouring development and would appear acceptable in the locality.
- 7.16 Green Infrastructure and Biodiversity
Planning Policy Wales 12 (PPW) has recently been issued by the Welsh Government, where Chapter 6 has been amended to require development to take account of green infrastructure, net benefit for biodiversity, and the protection afforded to Sites of Special Scientific Interest and trees and woodlands.

7.17 The site has been assessed as having low ecological value and the land has already been cleared and some relatively mature trees and a section of hedgerow lost. The application does however contain recommendations for ecological enhancements at the site, including the addition of new native hedgerows, landscaping to include native species where appropriate, hedgehog friendly fencing, and high-level recessed wall and ridge vents to support bats and birds. Limited information has been provided in regards to these, therefore a condition is being recommended to require further details to be provided.

8.00 **CONCLUSION**

It is considered that the proposal is in accordance with the relevant Local Development Plan policies, and having considered the objections received and all other matters I recommend that the application is approved.

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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