

Pecyn Dogfen Gyhoeddus

Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



At: Cyng David Wisinger (Cadeirydd)

CS/NG

Cynghorwyr: Marion Bateman, Sean Bibby,
Chris Bithell, Derek Butler, David Cox,
Adele Davies-Cooke, Ian Dunbar, Carol Ellis,
David Evans, Veronica Gay, Patrick Heesom,
Dave Hughes, Kevin Hughes, Christine Jones,
Richard Jones, Richard Lloyd, Billy Mullin,
Mike Peers, Neville Phillips ac Owen Thomas

12 Gorffennaf 2018

Nicola Gittins 01352 702345
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Annwyl Syr / Fadam

Bydd cyfarfod o'r **PWYLLGOR CYNLLUNIO** yn cael ei gynnal yn **SIAMBR Y CYNGOR, NEUADD Y SIR, YR WYDDGRUG CH7 6NA** am **DYDD MERCHER, 18FED GORFFENNAF, 2018** am **1.00 PM** i ystyried yr eitemau a ganlyn.

Yn ddiffuant

Robert Robins
Rheolwr Gwasanaethau Democraidd

HYSBYSIAD GWEDDARLLEDU

Bydd y cyfarfod hwn yn cael ei ffilmio a'l ddarlledu'n fyw ar wefan y Cyngor. Bydd y cyfarfod cyfan yn cael ei ffilmio oni bai fod eitemau cyfrinachol neu wedi'u heithrio dan drafodaeth.

Yn gyffredinol ni fydd y manau eistedd cyhoeddus yn cael eu ffilmio. Fodd bynnag wrth i chi ddod i mewn i'r Siambr, byddwch yn cydsynio i gael eich ffilmio ac i'r defnydd posibl o'r delweddau a'r recordiadau sain hynny ar gyfer gweddarlledu a/neu ddibenion hyfforddi.

Os oes gennych chi unrhyw gwestiynau ynglŷn â hyn, ffoniwch aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

RHAGLEN

1 **YMDDIHEURIADAU**

2 **DATGAN CYSYLLTIAD**

3 **SYLWADAU HWYR**

4 **COFNODION** (Tudalennau 5 - 10)

I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 20 Mehefin 2018.

5 **EITEMAU I'W GOHIRIO**

6 **ADRODDIADAU'R (CYNLLUNIO, AMGYLCHEDD AC ECONOMI)**

Mae adroddiad y Prif Swyddog (Cynllunio, Amgylchedd ac Economi) yn amgaeedig.

ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI)
AR GYFER Y PYLLGOR CYNLLUNIO 18 GORFFENNAF 2018

Rhif yr eitem	Cyfeirnod y Ffeil	DISGRIFIAD
<u>Ceisiadau sy'n cael eu hadrodd er penderfyniad (A= adroddiad er cymeradwyaeth, R= adroddiad er gwrthodiad)</u>		
6.1	058237 - R	Cais llawn - Codi 435 o anheddau preswyl ac uned manwerthu 450 m2 yn Fferm Spon Green, Spon Green, Bwcle. (Tudalennau 11 - 42)
6.2	057056 - R	Cais amlinellol ar gyfer datblygiad preswyl ar Megs Lane, Bwcle. (Tudalennau 43 - 64)
6.3	058304 - A	Cais Llawn - Datblygiad preswyl ar gyfer 41 annedd a gerddi cysylltiedig a manau parcio yn Nant y Gro, Prestatyn. (Tudalennau 65 - 78)
6.4	058212 - A	Cais Amlinellol - Datblygiad preswyl, yn cynnwys mynediad, man agored a'r holl waith cysylltiedig yn Woodside Cottages, Bank Lane, Drury. (Tudalennau 79 - 96)
6.5	058229 - A	Cais Llawn - Codi 14 annedd a gwaith cysylltiedig yn Within Cottage a Cheshire Lane, Ffordd Alltami, Bwcle. (Tudalennau 97 - 114)
6.6	058282 - A	Newid defnydd o C3 (aneddau) i C4 (tyŴ amlfeddiannaeth) yn 15 Bridge Street, Shotton. (Tudalennau 115 - 124)
6.7	057388 - A	Cais Amlinellol - Codi hyd at 36 uned o dai ymdeol i bobl dros 55 oed a seilwaith cysylltiedig gyda manylion mynediad i'r safle yn Rhos Road, Penyffordd. (Tudalennau 125 - 152)
6.8	058310 - A	Cais Llawn - Adeiladu 24 annedd a gerddi a man parcio ceir cysylltiol ar y tir i'r gorllewin o Greenwood Grange, Chester Road, Dobshell. (Tudalennau 153 - 166)
6.9	058270 - A	Cais Llawn - Adeiladu a Rhedeg Cyfleuster Rheoli Gwastraff er mwyn Rheoli Gwastraff Trefol, Masnachol a Diwydiannol, gan gynnwys: Neuadd i Dderbyn y Gwastraff gydag Ardal Tipio Lefel y Ddaear, Neuadd i Sortio'r Gwastraff gydag Offer Cysylltiedig i Wahanu a Phrosesu, Neuadd Tanwydd yn Deillio o Sbwriel, Ystafell Reoli, Ystafell Drydanol a Chyfleusterau i Weithwyr, Fferm Tanc Treulio Anaerobig ac Isadeiledd Cysylltiedig ar dir oddi ar Weighbridge Road, Parc Diwydiannol Glannau Dyfrdwy. (Tudalennau 167 - 192)

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 4

PLANNING COMMITTEE **20 JUNE 2018**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 20 June 2018

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Adele Davies-Cooke, Ian Dunbar, David Evans, Veronica Gay, Patrick Heesom, Dave Hughes, Kevin Hughes, Christine Jones, Richard Jones, Richard Lloyd, Billy Mullin, Mike Peers, Neville Phillips and Owen Thomas

APOLOGIES: Councillors: Sean Bibby and Carol Ellis

ALSO PRESENT: The following attended as a local Member:
Councillor Carolyn Thomas - for Agenda Item 6.1 (057943)

IN ATTENDANCE:

Chief Officer (Planning, Environment & Economy); Development Manager, Service Manager - Strategy; Senior Planners; Senior Engineer – Highways Development Control, Senior Solicitor and Democratic Services Officers

The Senior Solicitor advised that he had received notification that Councillor Carolyn Thomas wished to speak on agenda item 6.1 (057943).

1. DECLARATIONS OF INTEREST

On agenda item 6.1 (057943), Councillor Kevin Hughes explained that he had spoken to a family member of the applicant regarding documentation which had been requested and asked if he was required to declare an interest as a result. The Senior Solicitor advised that there was no personal or prejudicial interest to declare.

2. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting and were appended to the agenda on the Flintshire County Council website:

<http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&Mid=4147&Ver=4&LLL=0>

3. MINUTES

The draft minutes of the meeting held on 23 May 2018 were submitted.

Accuracy

The Senior Solicitor asked that the attendance be amended to reflect that he had not been present at the meeting and that the minutes should refer to "Solicitor" as opposed to Senior Solicitor.

Page 5, that the minutes be amended to reflect that following consideration of an urgent item, Councillor Richard Lloyd was appointed Vice-Chair of the Committee.

Page 7, Items to be deferred. That the minutes be amended to read as follows:

Agenda item 6.1 - Outline Application for Residential Development at Megs Lane, Buckley (057056)

The Chief Officer advised that the above item was recommended for deferral. He also advised that the following item had been withdrawn:

Agenda item 6.2 – Outline Application for the Erection of a Dwelling at Bayonne, Hafod Road, Gwernaffield (058124)

Councillor Jones moved the deferral which was seconded and agreed by the Committee.

Page 9, item 058124, that the Resolution be amended to reflect that the application was withdrawn.

RESOLVED:

That subject to the above amendments, the minutes be approved as a true and correct record and signed by the Chairman.

4. ITEMS TO BE DEFERRED

The Chief Officer (Planning, Environment & Economy) advised that none of the items on the agenda were recommended for deferral by officers.

5. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)

RESOLVED:

That decisions be recorded as shown on the Planning Application schedule attached as an appendix.

6. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were nine members of the public and one member of the press in attendance.

(The meeting started at 1.00pm and ended at 2.50pm)

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Chairman

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

PLANNING COMMITTEE ON 20 JUNE 2018

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
057943	Treuddyn Community Council	Outline Application - For the erection of single storey dwelling to the rear of Acrefield at Acrefield, Erw Ffynnon, Queen Street, Treuddyn.	Ms. L. Murtagh spoke against the application. Councillor Carolyn Thomas, as local Member, also spoke against the application.	That planning permission be granted subject to the conditions listed in the officer's report, in accordance with the officer's recommendation.
058108 Tudalen 8	Higher Kinnerton Community Council	Full Application – Erection of outdoor gym equipment with associated tarmac hardstanding at recreation ground, Main Road, Higher Kinnerton	Mr. I. Brackenbury spoke against the application.	That planning permission be granted subject to the conditions listed in the officer's report, in accordance with the officer's recommendation, and with the additional condition agreed by the Committee in relation to surface water drainage.
057726	Buckley Town Council	Full Application – Erection of building to accommodate offices, workshops and storage, construction of external storage areas and staff car parking at Globe Way, Buckley.	The applicant was invited to speak on the application but declined.	That planning permission be granted subject to the conditions listed in the officer's report, in accordance with the officer's recommendation, and with the additional condition agreed by the Committee in relation to safeguarding the public right of way.
APPEAL			NOTED	
053163		General Matters Report – Appeal in the Court of Appeal brought by Flintshire County		

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
		Council (The Council) against the decision of the High Court to quash the Council's grant of temporary planning permission in respect of land as residential gypsy site accommodation at Dollar Park, Bagillt Road, Holywell.		
056694	Tudalen 9	Appeal by The Strategic Land Group & Green Gates Homes (NW) Ltd against the decision of Flintshire County Council to refuse planning permission for the construction of 32 No. dwellings including new vehicle access point, public open space, car parking and landscaping at Hawarden Road, Penyffordd – ALLOWED.		
055590		Appeal by Redrow Homes NW against the decision of Flintshire County Council to refuse planning permission for the erection of 186 dwellings and ancillary development at Chester Road, Penymynydd – ALLOWED		

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.1

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 18TH JULY 2018**

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

SUBJECT: **FULL APPLICATION - ERECTION OF 435 RESIDENTIAL DWELLINGS AND A 450 M² RETAIL UNIT AT SPON GREEN FARM, SPON GREEN, BUCKLEY.**

APPLICATION NUMBER: **058237**

APPLICANT: **SKYE HOMES FLINTSHIRE LTD**

SITE: **LAND AT SPON GREEN, BUCKLEY, FLINTSHIRE.**

APPLICATION VALID DATE: **4TH APRIL 2018**

LOCAL MEMBERS: **COUNCILLOR A. WOOLLEY**
COUNCILLOR R. JONES

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

REASON FOR COMMITTEE: **THE SITE AREA EXCEEDS THAT FOR WHICH THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) HAS DELEGATED POWERS FOR DETERMINATION**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application seeking permission for the development of this 18 hectare site located to the south of the Spon Green area of Buckley. The proposal provide for a mixed use development comprising 435 dwellings, a 450m² retail unit and associated infrastructure.

1.02 As the site is outside of the settlement boundary of Buckley the application has been advertised as a departure from the Development Plan.

1.03 The application has been submitted following the mandatory Pre-Application Consultation Process having been undertaken. The application is accompanied by a report detailing this process.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 1. Planning Policy Wales (9th Edition – Nov 2016) identifies that weight can be attached to policies in emerging Local Development Plans. The Flintshire LDP is at Deposit stage. It is considered that the proposals amount to a development which, by virtue of its scale and location, would prejudice the LDP by predetermining decisions on the scale and location of development. Accordingly, the proposals are considered to be premature, contrary to the Paragraphs 2.14.1, 2.14.2 and 2.14.3 of Planning Policy Wales (9th Edition – Nov 2016)

2. The proposal amounts to unjustified residential development within an area of open countryside and in an unsustainable location. The proposals would result in a development which does not relate well in terms of size, scale or form to the existing pattern of development in the area and, it is considered would result in a fragmented form of development which does not integrate well with the existing built form. As such the proposals represent an illogical extension to the settlement which would be contrary the provisions of Paragraphs 2.1.3, 4.6.4, 4.7.8 and 9.3.1 of Planning Policy Wales (9th Edition – Nov 2016) and Policies STR1, STR7, GEN1, GEN3, D1, D2 and HSG4 of the Flintshire adopted Unitary Development Plan.

3. The Local Planning Authority considers that insufficient evidence has been provided to identify the very exceptional circumstances necessary to justify the development of this site within an area of open countryside and Green Barrier and therefore, considers that the proposals would result in a form of development which would unacceptably harm the openness of the Green Barrier in this location. Accordingly the proposals are contrary to the provisions of Paragraphs 4.8.14 and 4.8.15 of Planning Policy Wales (9th Edition – Nov 2016) and Policies STR1, STR7, GEN1, GEN3 and GEN4 of the Flintshire adopted Unitary Development Plan.

4. The Local Planning Authority considers that the applicant has failed to adequately demonstrate that the site is suitable for development without risk to potential future occupants, the development itself, or the surrounding from land instability, or

safety issues arising from the historical mining activity in the locality. Accordingly the proposal is contrary to the provisions of the guidance set out at Paragraphs 13.9.1 and 13.9.2 of Planning Policy Wales (9th Edition – Nov 2016) and the requirements of Policies STR1, GEN1 and EWP15 of the Flintshire adopted Unitary Development Plan.

5. The Local Planning Authority considers that the applicant has failed to provide sufficient information to adequately demonstrate that land contamination and the potential risks to or which would be brought about by the development, have been duly considered. No information has been provided to show the nature and extent of land contamination present, the potential risks associated with land contamination or how they could be appropriately removed or reduced to an acceptable level. Accordingly the proposal is contrary to the provisions of the guidance set out at Paragraphs 13.7.1 and 13.7.2 of Planning Policy Wales (9th Edition – Nov 2016) and would not comply with the requirements of Policies STR1, GEN1, and EWP14 of the adopted Flintshire Unitary Development Plan.
6. The Local Planning Authority considers that the proposed development would overload the Waste Water Treatment Works and insufficient drainage details have been submitted to demonstrate that the site can be adequately drained of both foul and surface water flows and as such it is unable to undertake an appropriate assessment of the risks of flooding to the site and surrounding area. Accordingly the proposal is contrary to the provisions of the guidance set out in Technical Advice Note (TAN) 15 'Development & Flood Risk' (July 2004) and would not comply with the requirements of Policies STR1, GEN1 and EWP17 of the adopted Flintshire Unitary Development Plan.
7. Whilst the site lies within Zone A as defined by the Development Advice Maps (DAM) referred to under TAN15: Development and Flood Risk (July 2004), the site is crossed by 2 watercourses and the Local Planning Authority considers that the submitted Flood Consequence Assessment has failed to adequately demonstrate that the risks and consequences of flooding can be acceptably managed in accordance with the criteria identified in TAN15. Accordingly, and applying the precautionary principle, the Local Planning Authority consider that the proposals are contrary to the provisions of Technical Advice Note 15 : Development and Flood Risk (July 2004) and would not comply with the requirements of Policies STR1, GEN1 and EWP17 of the adopted Flintshire Unitary Development Plan.
8. The Local Planning Authority considers that the proposed development does not demonstrate that the proposals would not be likely to be detrimental to the maintenance of the favourable

conservations status of European Protected Species. Accordingly, the proposals would fail to comply with the requirements of the Conservation of Habitats and Species Regulations 2017 and fails to demonstrate that the requirements of Article 16 would be satisfied. Consequently the application is contrary to the guidance set out at Paragraph 6.3.7 of TAN 5 – Nature Conservation and Planning (2009) and would be contrary to the provisions of Policies STR7, GEN1, Wb1, WB2, WB3, WB6 and WB6 of the adopted Flintshire Unitary Development Plan.

9. The Local Planning Authority considers that insufficient information has been provided to demonstrate that the proposals would not have a detrimental impact upon archaeological features of interest within the site, In the absence of such detail, the Local Planning Authority is unable to undertake an appropriate assessment of the potential risks to the archaeological resource or identify how any potential impact may be managed or removed. Accordingly, and applying the precautionary principle, the Local Planning Authority consider that the proposals are contrary to the provisions of paragraphs 6.5.5 and 6.5.6 of Planning Policy Wales (9th Edition – Nov 2016); TAN24 – The Historic Environment (May 2017) and would be contrary to the provisions of Policies STR8, GEN1, HE7 and HE8 of the adopted Flintshire Unitary Development Plan.
10. The Local Planning Authority considers that insufficient information is provided in relation to the provision of space or facilities to allow for play and recreation for children within the confines of the site. Accordingly, the Council are of the opinion that the submitted details are insufficient to allow reasoned consideration of the proposals against the requirements of LPGN 13 - Open Space Requirements and Policy SR5 of the adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Members

Councillor A. Woolley

Requests, given the scale of the proposal, that determination is made at planning committee and requests a site visit is undertaken as he feels it important that Members see the site and the green barrier in this location in its context.

Councillor R. Jones

Requests, given the scale of the proposal, that determination is made at planning committee and a site visit is undertaken.

Adjoining Ward Member

Councillor C. Hinds

Objects to the proposals. Feels that the development will have adverse impacts upon her ward (Penyffordd/Penymynydd/Dobshill). Considers infrastructure and facilities are insufficient to accommodate such a proposal and cites especially the impact such proposals will have upon local school capacity.

Buckley Town Council

Considers the applications should be refused upon the following grounds:

- The site is located outside of the settlement boundary of Buckley;
- The site lies within a green barrier where development of this form should be resisted. Considers that the protection of the green barrier is necessary and justified;
- The proposals are inappropriate development within the green barrier and therefore derive no support from TAN1 as the proposal conflicts with the Development Plan;
- The proposals are in conflict with the aims of the Well-Being of Future Generations Act (Wales) 2015 in that the proposals is unsustainable environmentally;
- There is no need for further housing;
- There is insufficient educational and medical infrastructure within the area to accommodate the proposed levels of growth;
- The proposals do not accord with the Buckley Master Plan which identifies future retail growth to occur within the town centre;
- The proposals would result in the loss of agricultural land;
- The area does not have adequate drainage and sewerage infrastructure and capacity to accommodate a further 435 dwellings;
- The submissions are factually inaccurate; and
- Suggested traffic and highway impacts are unrealistic. Considers the surroundings roads subject of excessive levels of on street parking and restricted in terms of width. Questions whether a Traffic Impact Assessment is required.

Highways DC

Has considered the submitted Transport Assessment and advises that subject to the imposition of appropriate planning conditions, there is no objection from a highway safety perspective.

Public Rights of Way

Notes that Public Footpaths 39, 40 and 41 cross and abut the application sites. Observes that the scheme has been designed so as to accommodate these routes and therefore it appears Public Path Diversion Orders will not be required. Should permission be granted, it is requested a note be attached advising the applicant to make contact prior to any works on or adjacent to the paths.

Pollution Control

Given the variety and extent of potentially contaminative land uses historically and the recent past, the complexity and the sensitivities of the development proposed, there's reasonable ground to suspect that the land is affected by land contamination. Objects as it is considered that insufficient information has been provided to show that land contamination and the potential risks to or which would be brought about by the development, have been duly considered.

Education - Capital Projects and Planning Unit (CPPU)

Advises that the affected schools would be Mountain Lane C.P School and Elfed High School. Advises that there is insufficient capacity at primary school level but advises adequate capacity exists at secondary school level.

Public Open Spaces Manager

Notes that the proposals provide for play and recreation facilities. Notes however that there is a need for further detailed specifications to be provided in respect of these provisions. Advises that the scheme would require amendment in order to ensure that sufficient separation distances around the proposed facilities is provided.

Also advises that arrangements for the maintenance of these facilities in perpetuity will be required.

Dwr Cymru/Welsh Water

Objects to the proposals. Advises that the development would overload the Waste Water Treatment Works. No reinforcement are planned by Dwr Cymru within their Investment Programme.

Notes that the applicant is in discussions with regard to a feasibility study to be undertaken and accordingly, until this study is complete and any reinforcements identified, DCWW consider the application premature and object accordingly.

Natural Resources Wales

Advises that further information is required, in the absence of which an objection is maintained.

Advises that the submitted Flood Consequence Assessment does not adequately address the risks of flooding and requires revision. Advises that the submitted ecological report does not adequately demonstrate that the proposals would not adversely affect the Deeside and Buckley Newt Sites SAC. Also considers that the submissions do not make adequate proposals to mitigate and compensate for the impact upon Great Crested Newts and therefore fail to ensure that the favourable conservations status of the species is maintained

Clwyd Powys Archaeological Trust

Advises that the submissions do not provide adequate details in respect of the archaeological resource in the area or the applicant's intended treatment of it. Accordingly, considers that the LPA is not in a position to make a balanced and informed decision.

Advises that the site should be the subject of a suitable archaeological assessment, to be undertaken in advance of the determination of the application.

The Ramblers Cymru

Objects to the proposals; Considers the PAC process has not been properly carried out and notes that Ramblers Cymru were not consulted.

Considers the proposal are an unsatisfactory extension of urban form into the green barrier and countryside which will spoil the countryside and the enjoyment of the footpaths running through the area. Considers the proposals do not have adequate regard to Active Travel.

Welsh Government Land Use Planning Unit

No response at time of writing.

The Coal Authority

Notes the presence of features associated with historical mining at the site. Considers that insufficient information has been provided to demonstrate that the site is, or can be made safe, stable and suitable for development and therefore objects to the proposals.

SP Energy Networks

No adverse comments

4.00 PUBLICITY

4.01 The application has been publicised by way of the publication of a press notice, display of a site notice and neighbour notification letters. At the time of writing this report, 164No. letters have been received in response raising objections on the following grounds;

- The proposals are not compliant with planning policy;
- The proposals do not represent sustainable development;
- The site is located outside of the settlement, in open countryside and within the green barrier – no exceptional circumstances are identified;
- The proposals will give rise to increased traffic;
- The nature of surrounding roads is such that increases in traffic will result in an adverse impact upon highway safety;
- The proposed retail development will adversely impact upon

- the existing town centre;
- Existing drainage infrastructure is inadequate to accommodate the proposal;
 - The proposals will give rise to an increased risk of surface water flooding;
 - No need for the dwellings has been proven;
 - The proposals are not reflective of the character of the town and would be detrimental to character and appearance of the wider landscape;
 - The proposals would adversely affecting existing residential amenity as a consequence of increased traffic, on street parking along Spon Green and overlooking;
 - There will be an adverse impact upon existing schools which are at or near capacity and therefore there is doubt as to the ability of nearby schools to accommodate additional pupils;
 - The existing community infrastructure is inadequate to accommodate the proposal;
 - The proposals will adversely impact upon the ecological richness of the area;
 - Will result in adverse impacts upon amenity as a result of increased noise and disturbance;
 - The ground conditions are such that the remedial measures to address these will potentially affect hydrogeology and hydrogeological features;
 - The site is contaminated as a result of historical mining activities; and
 - The setting of nearby archaeological features will be adversely affected.

In addition, 3No. letters of support have been received offering support upon the following grounds:

- There will be no loss of privacy or light to existing residents;
- There are still significant areas of green barrier surrounding the development so environmental impact will be minimal;
- The proposals would have a positive impact on the character and appearance of the area;
- Much of the existing housing stock in Buckley is old and of poor quality, the houses in the plan offer good attractive design whilst being in keeping with the local area;
- The development will have little or no impact on highway safety as the site is accessed by two roads of very low traffic and there is ample parking spaces on the site;
- The development could help with the development of the town centre and attracting brand name shops that existing residents desperately want by increasing footfall in the town centre; and
- Local and government planning strategies are to build more houses and this is a good sustainable development to do that.

5.00 SITE HISTORY

5.01 No previous relevant planning application history. The site history in respect of representations via the UDP and LDP making processes are discussed within Section 7 of this report.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1	-	New Development
Policy STR4	-	Housing
Policy STR7	-	Natural Environment
Policy STR8	-	Built Environment
Policy STR10	-	Resources
Policy GEN1	-	General Requirements for New Development
Policy GEN3	-	Development Outside Settlement Boundaries
Policy GEN4(17)	-	Green Barriers
Policy D1	-	Design Quality, Location and Layout
Policy D2	-	Design
Policy D3	-	Landscaping
Policy TWH1	-	Development Affecting Trees and Woodlands
Policy TWH2	-	Protection of Hedgerows
Policy WB1	-	Species Protection
Policy WB2	-	Sites of International Importance
Policy WB3	-	Statutory Sites of National Importance
Policy WB4	-	Local Wildlife Sites of Wildlife and Geological Importance
Policy WB5	-	Undesignated Wildlife Habitats
Policy WB6	-	Enhancement of Nature Conservation Interests
Policy AC2	-	Pedestrian Provision and Public Rights of Way
Policy AC3	-	Cycling Provision
Policy AC13	-	Access and Traffic Impact
Policy AC18	-	Parking Provision & New Development
Policy HE7	-	Other Sites of Lesser Archaeological Significance
Policy HE8	-	Recording of Historic Features
Policy S5	-	Small Scale Shopping Outside Settlements
Policy S6	-	Large Shopping Developments.
Policy L1	-	Landscape Character
Policy HSG4	-	New Dwellings Outside Settlement Boundaries
Policy HSG8	-	Density of Development
Policy HSG9	-	Housing Mix and Type

Policy HSG10	-	Affordable Housing within Settlement Boundaries
Policy HSG11	-	Affordable Housing in Rural Areas
Policy SR5	-	Outdoor Play Space and New Residential Development
Policy EWP3	-	Renewable Energy in New Development
Policy EWP14	-	Derelict and Contaminated Land
Policy EWP15	-	Development of Unstable Land
Policy EWP16	-	Water Resources
Policy EWP17	-	Flood Risk
Policy RE1	-	Protection of Agricultural Land
Policy IMP1	-	Planning Conditions and Planning Obligations

Local/Supplementary Planning Guidance Notes

SPG 2 - Space around dwellings
 SPG 4 - Trees and Development
 SPG 8 - Nature Conservation and Development
 SPG 9 - Affordable Housing
 SPG 11 - Parking Standards
 SPG 23 - Developer Contributions to Education
 SPG 29 - Management of Surface Water for New Development
 LPGN 13 - Open Space Requirements

National Planning Policy

Planning Policy Wales (9th Edition – Nov 2016)
 Technical Advice Note 1 : Joint Housing Availability Studies
 Technical Advice Note 12 : Design
 Technical Advice Note 15 : Development and Flood Risk
 Technical Advice Note 18 : Transport
 Technical Advice Note 24 : The Historic Environment

7.00 PLANNING APPRAISAL

The Site and Surroundings

7.01 The site lies to the south of the settlement boundary of Buckley as defined in the Development Plan. The site is extensive and lies to the west of the sporadic ribbon development of houses upon Bannel Lane and extends from the rear of dwellings on Spon Green in a southerly direction towards the A5118. The southern, eastern and western boundaries of the site abut open countryside which is in turn, washed over by a Green Barrier designation.

7.02 The site slopes gently in a southerly direction towards the A5118 and consists of large open areas of agricultural land comprising multiple parcels of land. The site boundaries are a mixture of existing hedgerows, trees and post and wire fencing and post and panel fencing to the adjacent private gardens. 4 public footpaths cross or abut the site.

The Proposals

7.03 The proposal is for a mixed use which would amount to 435 new dwellings, a 450m² retail unit and associated infrastructure. In terms of the residential component of the scheme, the submissions indicate the provision of:

- 139No. 2 bed dwellings;
- 245No. 3 bed dwellings; and
- 51No. 4 bed dwellings.

7.04 The supporting supplementary statement to the application identifies that 30% affordable housing will be provided in accordance with the applicable policies, with tenure to be agreed. However, Members should note that the application forms indicate all of the above dwellings to be market housing. No provision is indicated for either social rental, intermediate or key worker housing.

7.05 The proposals provide for vehicular access to the proposed retail unit via a newly created access from Spon Green, to the north of the site, and access to the proposed dwellings to be derived via a newly created access from Bannel Lane to the east of the site.

7.06 Some 4.29 hectares of Public Open Space is proposed in the form of a new 'Spon Green' amenity area; landscaping areas; the provision of artificial sports pitches and changing facilities; and a wheeled play facility.

The Main Issues

7.07 The main issues for consideration in relation to this application are;

- The Principle of Development, having particular regard to Prematurity, Green Barrier policy and Housing land supply;
- Highways and Traffic Impact;
- Land Contamination and Ground Stability;
- Drainage and Flood Risk;
- Ecological Impacts;
- Archaeological Impacts;
- Public Open Space; and
- Impact upon Educational and Community Infrastructure.

The Principle of Development

7.08 The site lies outside but adjacent to the settlement boundary of Buckley and in the Green Barrier as shown in the adopted UDP.

7.09 At paragraph 2.1.3, PPW reinforces the statutory provisions that underpin a plan-led planning system. It explains that the Welsh Government is committed to promoting sustainable development, to ensure that social, economic and environmental issues are balanced and integrated, at the same time. The policy guidance also repeatedly

states that previously developed (or brownfield) land should, wherever possible, be used in preference to green field sites.

- 7.10 Paragraph 4.4.3 sets out that planning decisions should seek to contribute to the goals of the Well-being of Future Generations Act. In respect of the goal of creating *A Resilient Wales*, PPW makes clear that, amongst other matters, *“the conservation and enhancement of statutorily designated areas...and landscapes;...needs to be promoted”*.
- 7.11 Paragraph 4.6.4 indicates that *“The countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors”*.
- 7.12 Paragraph 4.7.8 notes that in respect of development in the open countryside, *“All new development should respect the character of the surrounding area and should be of an appropriate scale”*.
- 7.13 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.
- 7.14 Policy GEN4 advises that development within the green barriers will only be permitted where it comprises one or more of a series of identified categories of development provided that it would not:
- contribute to the coalescence of settlements; and
 - unacceptably harm the open character and appearance of the green barrier.
- 7.15 Given that the proposal centres upon the erection of 435 dwellings and does not fall within the scope of above policy framework, the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan and has therefore been advertised as such.
- 7.16 The main policy matters in this case are:
- whether the proposals amount to development which is

premature in relation to the emerging Flintshire Local Development Plan;

- the effects of the proposed development on the green barrier and the surrounding area;
- the lack of a 5 year supply of housing land in the County; and
- the weight to be attributed to these in balancing harm and benefits.

Prematurity

7.17 The refusal of planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan. Planning applications should continue to be considered in the light of policies within the UDP and in accordance with the guidance set out in Planning Policies Wales and other associated national policy and guidance. The factors to consider in determining whether prematurity is an issue are:

- *Scale*
In order for a proposal for residential development, which is a departure from the Development Plan, to be considered premature in relation to the emerging LDP, it must be of such a scale, either in isolation or cumulatively with other development proposals as would go to the heart of the forthcoming plan. That is, it must provide such a quantum of development that would prejudice the LDP by predetermining decisions about the scale, location or phasing of new development which ought to be properly addressed via policies within the LDP. A proposal for development of this scale which has an impact upon such a significant area would fall within this category.
- *LDP Progress*
Whilst account can also be taken of policies in emerging LDP's, the weight to be attached to such policies depends upon the stage of preparation or review. The LDP is at the Deposit Consultation Stage as defined by Regulations 17 – 19 within the LDP Regulations. The LDP will reach Deposit Stage in November of 2018. Whilst limited weight can be attributed to the LDP at this stage, a proposal which predetermines the scale and location of development at the same time as the Local Planning Authority is considering the range of candidate sites proposed must have a significant impact upon the decisions to be made in terms of the allocation of suitable sites across the county. Accordingly, I consider the refusal of such a proposal upon the grounds of prematurity can therefore be justified.

- 7.18 The applicant seeks to justify the proposals by combined reference to a lack of available sites and the Council's lack of a 5 year housing supply. This justification is predicated upon an assessment of progress upon UDP allocation sites; an assessment of the ability of the Category A settlements within the county to accommodate a development of the scale proposed; and an assessment of the various candidate sites in and around Buckley.
- 7.19 The assessment of the position in relation to allocated sites is inaccurate and out of date. A number of the sites which the appellant indicates there to be no planning permission in relation to are in fact either under consideration (i.e land east of Gronant Hill), benefit from planning permission (i.e Summerhill Farm, Caerwys), or are in fact currently under development (i.e compound site, Broughton). Furthermore it omits to identify those allocated sites which have been developed since the grant of planning permission.
- 7.20 Furthermore, the applicant fails wholeheartedly to identify the impact of those 'speculative developments' which have emerged through the planning system within the county in recent months and the impact that these have in providing for housing across the county.
- 7.21 The applicant undertakes a crude and rather superficial assessment of each Category A settlement within the county upon the basis of flood risk, access to services, constraints and site availability in terms of the scale of that proposed via this application. The conclusions are, for the most part, questionable in respect of the settlements assessed. The Strategy of the UDP in relation to both Category A and B settlements was to be generally permissive of appropriate development and the rationale behind why development of the scale proposed has to occur upon a single site in Buckley is unclear. The assessment also ignores the strategic allocations made both within the UDP for housing at Croes Atti and Northern Gateway, and sites set out within the LDP Preferred Strategy (Nov 2017) for strategic allocations at Northern Gateway and Warren Hall.
- 7.22 The proposal, having regard to LDP projected housing growth figures of 7645 dwellings across the Country over the lifetime of the plan (2015 – 2030), invites the Local Planning Authority to predetermine the location of some 5.69% of total housing growth for the county over this plan period upon this one site.
- 7.23 However, this crude calculation fails to have regard to the numbers of new dwellings required once account is taken of completions, commitments and allowances relating to small and windfall sites. The LDP Preferred Strategy (Nov 2017) makes plain that the new allocation numbers required after these matters are properly factored into the calculation is actually only 1452 dwellings. When the proposals are viewed in this context, the applicant is actually inviting

the Local Planning Authority to predetermine the location of 30% of total residual requirement for new sites across the county over this plan period upon this one site.

7.24 Members will also be aware that the Local Planning Authority is also considering an outline planning application for the erection of up to 100 dwellings on land at Megs Lane, Buckley (057056). This site is located approximately some 230 metres to the west of this application site and lies wholly within the same green barrier.

7.25 Having regard to the advice within PPW in relation to prematurity, matters of scale may form the basis for an application to be deemed premature whether in isolation or cumulatively. Notwithstanding that the application to which this report relates is deemed to be premature in its own right, it is entirely proper that it is considered cumulatively with the application at Megs Lane given the close proximity of the sites to one another, in the same locational context.

7.26 Regard should therefore be had to this application in relation to any assessment in relation to the new housing allocations required via the LDP. Assuming development at the maximum of 100 dwellings, the application proposals in combination are inviting the Local Planning Authority to predetermine the location of 37% of residual requirement for new sites across the county over this plan period within this green barrier location.

7.27 The applicant has also undertaken a similarly superficial assessment of the candidate sites in and around Buckley. The comments in respect of some of the constraints cited are simply incorrect (i.e they do not site within areas of high flood risk). The accuracy and validity of the conclusions must therefore be in doubt. It is agreed that there is a lack of sites within settlement boundaries and there is a need for sites to come forward outside of these boundaries. The Local planning Authority recognises that the robustness of settlement boundaries is subject to challenge and this is reflected in recent appeal decisions upon speculative proposals. However, this does not therefore result in a presumption that such need will render green barrier sites as acceptable locations for development.

7.28 It is interesting to note that in the case of the candidate site assessment undertaken by the applicant, 5 of the 8 sites considered, are discounted due to the location of the site within a Green Barrier. The assessment rightly identifies that development in those locations would either result in coalescence or harm to the openness of the green barrier. However, via this proposal, the applicant invites the Local Planning Authority to attribute a lesser weight to this issue in this case. This is clearly a nonsense argument.

In summary in relation to the question of prematurity, I consider that the granting of planning permission for a proposal of this scale and in

7.29 this location, in itself and taken cumulatively with other proposed development nearby and within the same green barrier, predetermines issues in respect of scale and location of development in advance if the emergence of the LDP. These issues, especially in relation to the quantum and location of housing development, together with the departure from local and national planning guidance in respect of green barriers, would result in a predetermination in relation to the same which are matters most appropriately addressed via the LDP process.

Green Barrier Policy

7.30 The site lies adjoining, but just outside, the settlement boundary of Buckley and in an area designated in the adopted Flintshire Unitary Development Plan as a “green barrier”. UDP Policy GEN4 says that development will only be permitted within green barriers where it meets certain specified criteria and provided it would not contribute to the coalescence of settlements and unacceptably harm the open character and appearance of the green barrier. The proposed scheme would not meet any of the specified criteria, and so it would fall outside development plan policy.

7.31 Planning Policy Wales (PPW) also provides useful policy guidance on development in green barriers. It refers to the establishment of Green Belts and to local designation such as green wedges; (‘green barriers’ are the corresponding designation in Flintshire). PPW advises at Paragraph 4.8.14 that *“when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply”* and also advises that *“Local Planning Authorities will attach considerable weight to any harmful impact which a development would have on a Green Belt or green wedge”*.

7.32 It is clear that the proposed development falls outside the list of purposes for which development is considered to be appropriate. Thus the proposal must amount to inappropriate development in the green barrier.

7.33 PPW further advises (Para. 4.8.15) that *“inappropriate development should not be granted planning permission except in **very exceptional circumstances** [my emphasis] where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge”*. This is a stringent and demanding test, and the planning balance is different to that applicable for land outside the green barrier.

Green Barrier Harm

The site lies within the Buckley-Little Mountain-Dobshill-Drury-

7.34 Hawarden-Ewloe green barrier which was designated for the purpose of safeguarding the open countryside around these settlements and preventing the settlements from merging into one another. The development would comprise the construction of some 435 dwellings, a small retail unit and associated works on a site that would protrude significantly out into the rural gap between Buckley and Padeswood. As such it would be harmful to the rural character and appearance of the area; to the openness of the green barrier; and it would seriously erode the gap between the 2 settlements, contrary to UDP Policies GEN3 (in respect of development in the open countryside) and GEN4 (in respect of development in the green barrier).

7.35 The site was considered as a potential development site at the UDP preparation stage but the UDP Inspector rejected it as it was considered that;

'The objection site has a poor relationship with the settlement. It would be a significant encroachment onto an area of green barrier in a prominent area of countryside to the south of the settlement. It would be the first extension beyond the well defined existing line of built development, result in the coalescence of Buckley and Padeswood/the cement works and effectively sever the strategic green barrier'.

7.36 That situation has not changed and therefore, the harm arising due to its development for housing would warrant considerable weight (in accordance with PPW advice).

Housing Land Supply

7.37 It is accepted that PPW sets out in paragraph 4.2.2 that a general reference to *'The Planning System provides for a presumption in favour of sustainable development...'* More detail is offered in para 4.2.4 of PPW whereby in circumstances where the relevant development plan policies are considered outdated or superseded, *'there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development'.*

7.38 Essentially, the purpose of the presumption in favour of sustainable development is to ensure that social, economic and environmental issues are balanced and integrated in taking decisions on individual planning applications.

7.39 It is also accepted that an objective of the planning system is to increase the supply of housing land where there is a deficit. Specific advice is set out in para 6.2 of TAN1 which states, *'... the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.*

7.40 As stated, it is Welsh Government policy that, in the absence of a 5 year supply of housing land, the need to increase the housing supply should be given considerable weight provided the development would otherwise comply with development plan and national planning policies.

7.41 Having regard to the purpose of the green barrier at this location, the site and surroundings; the poor relationship to existing settlement of Buckley and the fact that the proposals amount to inappropriate development in a green barrier, it is considered that the proposal will harm the openness of the green barrier and therefore undermine its purpose. Therefore, the contribution that the proposed dwellings will make to housing land supply must therefore be judged in terms of whether or not this represents the 'very exceptional circumstances' specified in PPW for inappropriate development to be justified in a green barrier.

Very Exceptional Circumstances

The applicant has indicated that they consider the very exceptional circumstances to allow the development proposed are threefold:

- 7.42
- The lack of available sites;
 - The lack of a 5 year housing land supply; and
 - The economic benefits arising from the proposal.

7.43 I have already identified about that the applicant's argument in relation to the lack availability of sites as a support for this proposal would be premature.

7.44 In terms of balancing the harm to the green barrier against the benefits of improving housing land supply, and thereby assessing the extent to which this amounts to the necessary 'very exceptional circumstances', the comments of the Inspector appointed to consider the Bryn-y-Baal Road, Mynydd Isa (APP/A6835/A/17/3175048) site are directly relevant. He concluded;

'...the development would be harmful to the openness of the green barrier, to the character and appearance of the area and would significantly erode the gap between Buckley and Padeswood These harmful effects warrant considerable weight. I have had regard to the fact that there is a lack of a 5 year supply of housing land and that the need to increase the supply of housing land warrants considerable weight. However, this presumption applies provided the development would otherwise comply with development plan and national policies. If the site was not located in a green barrier, these arguments would be finely balanced.'

However, the Inspector in that case rightly went on to identify that;

'...the proposal is inappropriate development in the green barrier and

7.45 *PPW advises that such development should not be granted planning permission, except in very exceptional circumstances where other considerations clearly outweigh the harm the development would do to the green barrier. This is a stringent and demanding test, and the planning balance is different to that applicable for land outside of the green barrier. That demanding balance would not be achieved in this case, and I therefore conclude that the development would be contrary to development plan and national policy.'*

It is clear therefore that if the 'harm' occasioned by a proposal of 4 dwellings was considered of insufficient weight to support a departure from robust national and local planning policy guidance in respect of green barriers, the 'harm' arising from a proposal of 435 dwellings and a small retail unit must lend greater weight to this presumption against this proposal.

7.46

The applicant contends that the provision of 435 dwellings will make a significant contribution to the Council's housing land supply figure. In this context, it is useful to consider what guidance is contained within TAN1 upon this point. TAN1 makes plain that in order for any site to contribute to 5 year housing land supply, it must be capable of being completed within 5 years. Any units upon such a site, not able to be completed within this timescale, would not contribute to the land supply figure.

7.47

The proposal for 435 dwellings would be a considerable undertaking for any high volume house builder who typically achieve completion rates of 30 – 50 dwellings per annum. Even at the higher rate of build, this site would therefore take 8.7 years to complete. Whilst this would be a scale and rate of development acceptable for an allocation within a development plan, it is wholly unacceptable as site advanced upon a speculative basis to address current housing land shortfalls. In order to develop this site within 5 years, a rate of build of 87 dwellings per annum would be required. It should be noted in this context that the applicant is not a volume house builder, having experience primarily in the development of retail and cinema parks. The applicant provides no detail in respect of how they would achieve the required deliverability rate.

7.48

The applicant also contends that the economic benefits arising from the proposals in the form of construction jobs, contribution arising to economic output, income in the form of additional council tax and expenditure within the local area from future occupants of the proposed dwellings would, in combination with the other factors cited, amount to the required very exceptional circumstances required to support a departure from green barrier policy.

7.49

I am not persuaded in respect of these issues. All of the 'economic benefits' which accrue from development are expected as a result of any development in any location within the county. There is nothing

- 7.50 exceptional about any of them. They do not lend any exceptional weight to sway my view.

- Accordingly the proposals are unacceptable as a fundamental matter of policy principle. They represent development which is premature in relation to the emerging Flintshire Local Development Plan;
- 7.51 amounts to 'inappropriate development' within a green barrier; fails to demonstrate any 'very exceptional circumstances' to warrant a departure from the presumption against development in such locations and is therefore not sustainable development.

As such the proposals fail to comply with the policies and guidance set out at both a national and local level in respect of these matters.

- 7.52 Given the above fundamental policy objections to this proposal, objection raised in response to consultation in respect of technical matters are not normally raised with an applicant. To seek an applicant to incur further expense in addressing matters which would have no impact upon the conclusions in relation to the fundamental principle of such development would be unreasonable. Accordingly the applicant has not be invited to address some of the technical matters set out below for that reason.
- 7.53

Highways and Traffic Impact

- 7.54 The proposals indicate that the site is to be access vis 2 new proposed access points. The retail unit is proposed to be accessed via a new access between 'Ty James' and 'Highfield' on Spon Green. This facilitates access to the retail unit and the proposed car park, which in turn provides 59No. parking spaces, including 4No. disabled spaces. It is proposed that a bollard controlled access will exist between the car park and the northern portion of the adjacent residential area of the site. This access is only proposed for use in emergency situations. The second point of access is proposed in the south eastern area of the site, facilitating the propose estate road layout to the proposed 435No. dwellings. Submitted plans indicate that parking provisions are proposed in accordance with SPGN 2.
- 7.55 The application is accompanied by a Transport Assessment (January 2018) [TA]. The TA concludes that the application site is an appropriate location for the proposed development and that the development will have no significant impact on the operation of the highway.
- 7.56 Concerns have previously been expressed regarding the traffic generation figures that have been assumed and the use of average generation figures. The TA recognises the local dependency on the use of single occupancy car journeys for commuting, however the full

implications of this have not been recognised in the choice of TRICs survey sites. 85th percentile figures have now been provided and the use of these figures goes some way to address the perceived shortfall in the generation rates.

- 7.57 The TA addresses the need for a Travel Plan and Transport Implementation Strategy and targets have been discussed for reducing the reliance on car usage and increasing the use of public transport but not for increasing Active Travel. However, I am advised the imposition of a condition requiring the submission and approval of travel plans for both the commercial and residential uses along with a Transport Implementation Strategy would ensure that this issue is addressed.
- 7.58 Recognition is made within the TA of the existing on-street parking on Spon Green. Additional “resident’s” parking is offered in the vicinity of the proposed retail development but there is no discussion as to how this will be managed or how residents will be encouraged to use this off-road facility. Further detailed information related to the nature of the parking provision and control of its use would therefore be required. This detail could be secured via an appropriately worded condition.
- 7.59 The proposed link between the retail and residential elements of the site is suggested to be provided with retractable bollards in order for it to be used as an emergency access. It is noted that this route is through a car park that will presumably remain in private ownership; there is no indicated public right of access through this land and the highway authority will have no control over appropriate levels of maintenance. Accordingly, further details and information related to emergency access provision would be required. This again could be matter addressed via conditions.
- 7.60 It is suggested that the public transport provision in the vicinity of the site is appropriate and cites the bus stops located on Bannel Lane, Megs Lane and Brook Street. Although these stops may be within the 400m recommended maximum walking distance of the northern site entrance, there is an additional 400+ metres for those residents living in the centre of the proposed development. The three stops listed are served on an infrequent basis and provide an inadequate service for commuting purposes; use of the bus stops on Chester Road is required for access to more frequent services. There is a general inadequacy in the provision of facilities at any of the bus stops in the area with little or no shelter provision and no raised boarding kerbs. However, in the event that planning permission is granted, a pre-commencement condition requiring the submission and approval of proposals to improve the public transport facilities will be required.
- 7.60 As previously discussed, the assumed traffic generation rates appear low, these rates resulting from the selection of sites available on the

TRICs database. The inclusion of Welsh sites has been discounted purely on the grounds of development size, this criteria being given preference over other criteria such as population size in the vicinity of the proposed development. Details submitted record a 76.4% reliance on the use of single occupancy car journeys for commuting purposes within the Bistre East Ward. In comparison, the national figure is 58%. This local reliance on the use of private cars is likely to result in additional traffic generation during the peak periods. Although the use of 85th percentile generation figures goes some way to address this concern, by definition, 15% of developments will generate traffic in excess of this figure, even if local practice was not to be considered.

7.61 Whilst traffic generation rates are unlikely to have a significant impact on the junction capacity assessments, the impact will be more significant on the following junctions which are shown to operate above the design threshold of 85%:

- Little Mountain Road/Bannel Lane;
- A5118/A550/A5104 Roundabout; and
- Dirty Mile/A550/Chester Road

7.62 However, I am again advised that should planning permission be granted, this matter can be addressed via a pre-commencement condition requiring the submission and approval of schemes to deliver capacity improvements at the affected junctions.

7.63 Whilst existing public footpaths crossing the site have been recognised within the site layout, upgrade to include cycle use should be considered where routes cross land within the control of the applicant. Consideration should be given to the potential increased use as a result of development of those routes outside of the application site and improvements to the surface and possible provision of street lighting could be required. The layout of roads within the residential element appears to be appropriate but full details in respect of the above issues could be addressed via conditions in the usual manner.

Land Contamination and Ground Stability

7.64 The application site falls within the defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to this proposal. The Coal Authority records indicate that recorded coal mine workings are evident at shallow depths within the north west of the site and it is likely that that historic unrecorded mine workings at shallow depths intersects within the extreme north west and north eastern parts of the site. Furthermore, six recorded mine entries are present both on and off site but in close proximity to the site. The treatment of these entries is unrecorded.

- 7.65 A Coal Mining Risk Assessment (November 2017) has been undertaken which indicates the historic evidence of coal mining activity upon the site. The report makes recommendations that further site investigations are required to determine the precise nature and depth of the shallow workings, together with investigations to establish the locations of the mine shafts.
- 7.66 The Coal Authority would be happy for the investigations where they relate to shallow workings to be addressed via planning condition,. However, recorded mine entries and the risk associated with them can impact upon the design and layout of a scheme. Given that this submission is full application, it would be expected that the the exact location of the mine entries would have been established in order that the scheme design could be properly developed such that adequate separations between these mine entries and any dwellings or other buildings could be provided. Whilst Drawing No, 16097-110-B (proposed master plan) does show the currently plotted position of the mine entries, duet to the inaccuracies of this plotting and in the absence of precise details of the location of the same, there is a likelihood that the mine entries could be closer to proposed dwellings, and gardens or beneath proposed access roads.
- 7.67 The Coal Authority has advised that an updated report is therefore required to identify the mine entries and the depth of bedrock surrounding the same in order that appropriate exclusion zones around the entries can be identified. The building over, or in close proximity to mine entries should be avoided and therefore, in the absence of this details, the Coal Authority objects to the proposals.
- 7.68 It is the contaminative potential of the historical legacy of this mining activity which would have been expected to be addressed within a land contamination study to accompany this application. I am advised by my Pollution Control colleagues that, given the variety and extent of potentially contaminative land uses historically and the recent past, together with the complexity and the sensitivities of the development proposed, there's reasonable ground to suspect that the land is affected by land contamination and at the very least we would expect a phase 1 land contamination assessment would be required to accompany the application for planning permission.
- 7.69 Accordingly, it is considered that insufficient information has been provided to show that land contamination and the potential risks to or which would be brought about by the development, have been duly considered. No information has been provided to show the nature and extent of land contamination present, the potential risks associated with land contamination or how they could be appropriately removed or reduced to an acceptable level.

Accordingly the proposals would not comply with the requirements of Policies STR1(e), GEN1(i), EWP14 and EWP15 of the Flintshire

7.70 Unitary Development Plan.

Drainage and Flood Risk

7.71 The proposals have been the subject of consultation with Natural Resources Wales (NRW) in terms of flood risk; Dwr Cymru/Welsh Water (DCWW) in respect of foul drainage; and FCC Flood Risk Management (FRM) in relation to surface water drainage. Furthermore, the Local Highway Authority have commented insofar as surface water drainage proposals relate to the proposed drainage of the highway.

Flood Risk

7.72 The site lies within Zone A as defined in TAN15 – Development and Flood Risk (2004) and shown upon the Development Advice Map (DAM). However, the site is crossed by 2 watercourses, with a third flowing in close proximity the easternmost boundary of the site. The flood risk associated with these watercourses is unknown. The Flood Map for Surface Water Flooding (FMFSW) indicates that there are 2 corridors within the site which could be at risk from surface water flooding.

7.73 NRW have assessed the Flood Consequence Assessment (FCA) submitted in support of the application and notes that the potential for surface water flooding from the watercourses flowing through the site. However, it suggests that data upon the FMFSW is representative of the potential risks and notes that the development is proposed to be laid out in such a fashion as to create 2 'blue corridors', within which no development is proposed. However, given the scale of the proposed development, a more detailed assessment of risk would be required to inform the FCA. Whilst NRW notes the suggested measures in relation to the avoidance of blockage events, and are generally supportive of the same, I am advised that further detailed analysis is required.

7.74 Accordingly, the FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, as required by TAN 15.

Foul Drainage

7.75 DCWW have objected to the proposals and have advised that the proposed development would overload the Waste Water Treatment Works and no reinforcements to the works are planned within DCWW Capital Investment programme. DCWW advise of ongoing discussions between themselves and the applicant and refer to a feasibility study in relation to the waste water treatment works. However, this study is ongoing and until it is completed and any potential for reinforcement identified, DCWW advise that they consider the application premature in drainage terms and therefore object to the proposal.

Surface Water Drainage

I am advised by FRM colleagues that the application does not contain sufficient detail in respect of the proposals for surface water arising from the development of this land.

7.76

FCC Supplementary Planning Guidance Note 29 – Management of Surface Water for New Development was adopted on 17th January 2017. This SPG sets out the minimum requirements in terms of submitted information to demonstrate that a proposed approach to the drainage of surface water is feasible and therefore, the detailed design of the same could be reasonably addressed via condition. The requisite degree of information has not been provided and therefore the Council is unable to assess the adequacy of the proposals in a positive fashion.

7.77

The application makes no reference to the management of surface water, including the collection, storage/disposal of highway drainage. As the area is potentially unsuitable for disposal on-site through soakaways, further detailed information would be required. Accordingly an objection is maintained on the basis of this inadequate information.

7.78

Accordingly, in the absence of sufficient information to address these matters, the proposals would be contrary to the provisions of Policies STR1, STR7 GEN1, EWP16 and EWP167.

Ecological Impacts

The sites consist of intensively managed agricultural habitats and therefore the key features are pockets of rough grassland, hedgerows and trees. These provide potential habitats and foraging for birds, bats and badgers. In addition, the presence of Great Crested Newts (GCN) is recorded within ponds located at the adjacent Spon Green Nature Reserve/Mitigation site.

7.79

The site lies within 500m of the designated Deeside and Buckley Newt Sites Special Area of Conservation (SAC); within 1km of the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and as mentioned above, abuts the Spon Green Great Crested Newt compensation site.

7.80

European Protected Species (EPS) and their breeding sites and resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2017, and under Article 12 of the EC Directive 92/43/EEC in the United Kingdom. Plans or projects that could affect EPS must satisfy the appropriate Article 16 derogation and two mandatory tests. Disturbance to an EPS whilst occupying a place of shelter and/or obstruction of access to a place of shelter are also prohibited under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

7.81

Regulation 9 of the Conservation of Habitats and Species

7.82 Regulations 2017 requires public bodies, in exercise of their functions, to ensure compliance with and to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds Directive' (2009/147/EC). Consequently the Local Planning Authority decision making must be undertaken in accordance and with the compliance of these Directives.

7.83 Furthermore, a Local Authority must be satisfied that a proposal satisfies the appropriate Article16 derogation and two mandatory tests as part of the planning decision process. The need is to consider this derogation is specifically identified at paragraph 6.3.7 of TAN 5 – Nature Conservation and Planning (2009) and Regulation 53 of the Conservation of Habitats and Species Regulations 2017.

7.84 The application is accompanied by reports setting out survey data in respect of bats and reptiles. These reports have been the subject of consultation with NRW and the County Ecologist. These reports are in the main, acceptable, albeit limited in their scope of investigation. Whilst there is reference to the habitats present, there is no examination of the roost potential of hedgerows for bats or the foraging potential of the same. In addition, no reference is made to the potential presence of other species (birds, badgers).

7.85 However, the information provided in respect of GCN is not considered to be acceptable and does not demonstrate that the proposals would not be likely to be detrimental to the maintenance of the favourable conservations status of the species. The report is considered to be lacking in its consideration of GCN avoidance and mitigation measures, which would be expected to be provided in connection with a development of this scale. In addition, there is an absence of details in relation to proposed compensatory proposals and the long term surveillance of the same. It would also be expected that that surface water proposals for the site would be amphibian friendly.

7.86 In the absence of such information, the proposals would be contrary to the provisions of Policies STR7, GEN1, Wb1, WB2, WB3, WB6 and WB6. Accordingly, both NRW and the County Ecologist raise objection to the proposals and recommend that permission should be refused.

Archaeological Impacts

7.87 Consultation with Clwyd Powys Archaeological Trust and regard to the information retained within the Regional Historic Environment Record (HER) identifies that the site lies within an area considered to be of high archaeological sensitivity. I am advised that the site contains a number of sites recorded within the HER but also advises of a number of other features of interest not recorded.

It is considered that the proposals would disturb those remains

7.88 surviving within the site. It is impossible to assess the extent to which such features would be damaged, and therefore arrive at an informed conclusion in respect of the resource itself and the intended treatment of the same.

7.89 PPW, TAN24 – The Historic Environment (May 2017) and the identified policies within the FUDP all identify that where a potential impact to archaeological remains is identified, a suitable archaeological assessment would be required to support such development proposals.

7.90 I am advised in response to consultation that, given the sensitivity of the archaeological resource in this location, together with the potential for extensive unrecorded features of archaeological sensitivity to be impacted upon, a detailed scheme of investigation would be required. Given that archaeology is a material consideration I am advised that such proposals should not be positively determined until such an assessment has been undertaken.

In the absence of such an assessment, the proposals would be contrary to the provisions of Policies STR8, GEN1, HE7 and HE8.

Public Open Space

7.91 The proposals provide an indication of on-site public open space intended for recreation and play. This provision amounts to 4.29 hectares of Public Open Space, a new 'Spon Green' amenity area, landscaping areas and the provision of artificial sports pitches and changing facilities.

7.92 Consultations with the Public Open Spaces Manager has revealed that there is a need for further more detailed specifications in connection with the proposed artificial football pitches, children's play area and the other community facilities. The provision of such facilities will necessitate a buffer zone around the same, particularly in relation to the football pitches and wheeled play facility, in accordance with guidance set out in LPG13. It is also noted that the rationale to support the provision of artificial pitches against a reduction in the provision of Public Open Space would be required to be provided.

Furthermore, the proposals would be expected to provide details of the proposed maintenance arrangements for these facilities to ensure that their provisions is sustainable in perpetuity.

7.94 Given the queries which remain in relation this this aspect of the proposed scheme, the proposal would not accord with the provisions of LPG13, Policies STR11, GEN1 and SR5.

Impact upon Educational Infrastructure

It has been suggested in third party responses to consultation that the

7.95 settlement does not have sufficient capacity within the existing infrastructure to accommodate the proposed development of a further 435 dwellings. Specifically cited is the lack of capacity at local schools.

7.96 Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation has established, having regard to SPG23 : Developer Contributions to Education, that the development would give rise to the need for a contribution requirement at primary school level.

7.97 Capacity would not be available at the nearest primary school (Mountain Lane C.P. School). The current capacity of the school stands at 409. There are presently 406 pupils attending the school. Accordingly the school has only a 0.73% surplus of spaces, which equates to 3 spaces for additional pupils. The proposals would give rise to an additional 104 pupils, thereby eroding the remaining capacity. Accordingly, upon the application of the guidance, a sum of £1,274,720 would be sought for the expansion of this school to provide the additional capacity required.

7.98 Capacity is available at the nearest high school (Elfed). The current capacity of the school stands at 1037. There are presently 745 pupils attending the school. The school has 292 surplus places. The proposals would give rise to an additional 76 pupils. Accordingly, there is sufficient capacity at this school to accommodate the additional pupils which would arise from this development and therefore no contribution would be sought for educational purposes as a consequence of this development.

7.99 Members are aware that where it is recommended that planning permission be granted, I would normally set out the consideration of this issue in relation to the CIL Regulations and its impact upon any suggested S.106 agreement. However, in view of the strong recommendation that permission be refused in this case I have refrained from so doing at this stage.

7.100

Other Matters

In addition to the above cited matters, a number of other issues apply to this site. These are the loss of agricultural land and the retail impact of the proposals. I take each in turn.

7.101 *Loss of Agricultural Land*

The application was accompanied by an Agricultural Land Classification Survey (undertaken by Soil Environment Services Ltd – March 2017) of a larger assemblage of land, of which this application site is a part. This report indicates that the survey area comprised some 39ha of Grade 3b land. Subgrade 3b land is not

7.102 classed as Best and Most Versatile (BMV) agricultural land and is therefore not protected by planning policy.

Consultation has been undertaken with Welsh Government's Land Use Planning Unit but at the time of writing this report, no response to that consultation has been received.

7.103 Although both PPW and UDP policy RE1 require considerable weight to be given to protecting BMV land, the soil wetness of the site is such that it comprises 100% Grade 3b land therefore is not BMV. Accordingly I am of the view that the loss of such land would not serve as an impediment to development.

7.104 *Retail Impact*

The proposals include the provision of a 450m² convenience retail store to serve the proposed dwellings and surrounding area. UDP policies are permissive of such proposals below 500m² in out of town centre locations. Accordingly, it is not a policy requirement in such instances that a Retail Impact Assessment be undertaken. However, the applicant has provided the same (Dec 2017). Concern has been

7.105 raised that the provisions of such a retail facility in an out of town centre location will adversely impact upon the vitality of Buckley Town Centre and would fail to accord with the provisions of the Buckley Masterplan in this regard.

I have had regard to the provisions of UDP Policy S6 which relate to the siting of shopping development of the scale proposed. The applicant has undertaken a sequential analysis of sites within the town centre and concludes that those available sites are either too large, too small or situated at such a distance from the site that the distances which residents would n be required to walk to access these facilities is unsuitable and therefore unsustainable. Whilst I note the stipulations of the policy, I am comfortable with the principle of a retail premises of this size in the context of meeting need arising from a development of this scale.

8.00 CONCLUSION

8.01 Notwithstanding that I consider this proposal to be premature, in coming to my conclusion in this matter I find myself reiterating the conclusions of another tasked with weighing the harm to a green barrier with the benefits arising from the development proposal. I conclude that the development would be harmful to the openness of the green barrier, to the character and appearance of the area and would significantly erode the gap between Buckley and Padeswood. These harmful effects warrant considerable weight. I have had regard to the fact that there is a lack of a 5 year supply of housing land and that the need to increase the supply of housing land warrants considerable weight. However, this presumption applies provided the development would otherwise comply with development plan and

national policies.

- 8.02 However, the proposal is inappropriate development in the green barrier and PPW advises that such development should not be granted planning permission, except in very exceptional circumstances where other considerations clearly outweigh the harm the development would do to the green barrier. This is a stringent and demanding test, and the planning balance is different to that applicable for land outside of the green barrier. That demanding balance would not be achieved in this case, and I therefore conclude that the development would be contrary to development plan and national policy.
- 8.03 I have noted the varied technical objections to the scheme on the basis of inadequate information and conclude that in the absence of this detail, it is appropriate to form reasons for refusal relating to these inadequacies as the proposals are contrary to the applicable development plan and national policies.

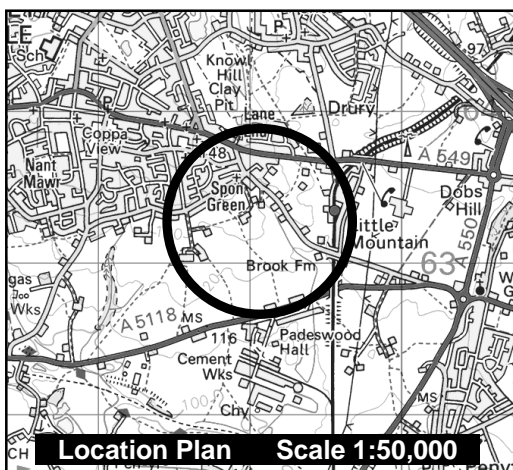
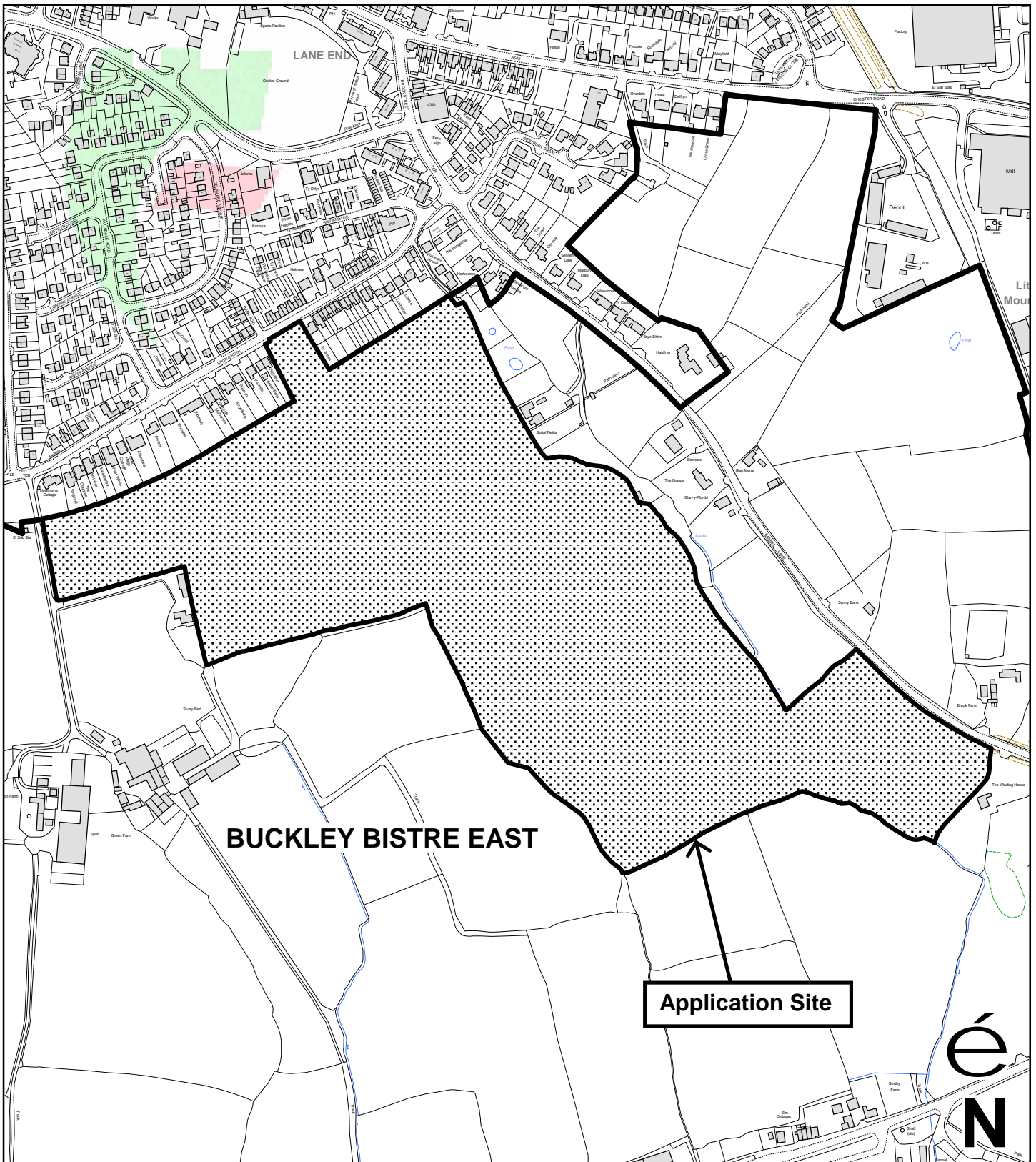
Other Considerations

- 8.04 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.
- 8.05 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.
- 8.06 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.07 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

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk



Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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 Flintshire County Council, 2018.

Map Scale 1:5000

OS Map ref SJ 2963

Planning Application **58237**

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.2

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **18TH JULY 2018**

REPORT BY: **CHIEF OFFICER OF PLANNING, ENVIRONMENT
& ECONOMY**

SUBJECT: **OUTLINE APPLICATION FOR RESIDENTIAL
DEVELOPMENT AT MEGS LANE, BUCKLEY.**

**APPLICATION
NUMBER:** **057056**

APPLICANT: **MR. HILL**

SITE: **MEGS LANE,
BUCKLEY.**

**APPLICATION
VALID DATE:** **11.08.17**

LOCAL MEMBERS: **COUNCILLOR A WOOLLEY
COUNCILLOR R JONES**

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

**REASON FOR
COMMITTEE:** **SIZE OF DEVELOPMENT
LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is an outline application for up to 100 houses with all matters, except for access, reserved on land to the south of Meg's Lane, Buckley.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 1. Planning Policy Wales (9th Edition – Nov 2016) identifies that weight can be attached to policies in emerging Local Development Plans. The Flintshire LDP is at Deposit stage. It is considered that the proposals amount to a development which, by virtue of its

scale and location, would prejudice the LDP by predetermining decisions on the scale and location of development. Accordingly, the proposals are considered to be premature, contrary to the Paragraphs 2.14.1, 2.14.2 and 2.14.3 of Planning Policy Wales (9th Edition – Nov 2016)

2. The site is located outside the settlement boundary for Buckley and within open countryside as defined by the adopted Flintshire Unitary Development Plan. It is considered that the weight attached to increasing housing land supply is not considered to outweigh the harm that would arise from the detrimental impact of such a scale of development would have upon the principles of sustainable development as set out in Planning Policy Wales (9th Edition - November 2016) and contrary to paragraph 6.2 of TAN1 and contrary to Policies STR1, GEN3 and HSG4 of the Flintshire Unitary Development Plan.
3. The proposal represents inappropriate development that would detrimentally impact upon the designated green barrier and the purpose and function of the green barrier in this location, and open countryside, contrary to Unitary development plan policies GEN1, GEN3 and GEN4 and national policy contained within Planning Policy Wales.
4. Insufficient information has been submitted to ensure that the proposal has fully taken the ecology of the site into account. As such it is considered that the proposal is contrary to policy WB1 and WB4 of the Flintshire Unitary Development Plan.
5. In the opinion of the Local Planning Authority the proposal does not adequately provide public open space provision within the site, in accordance with the recommendations of Planning Guidance Note 13- Outdoor Playing Space and New Development. As such the proposal is contrary to policies STR11 and SR5 of the Flintshire Unitary Development Plan.
6. Inadequate information has been provided to demonstrate how the development will meet the required provision of affordable housing within the site, to meet proven local need. As such the proposal is considered to be contrary to policies STR1, STR4 and HSG10 of the Flintshire Unitary Development Plan.
7. Inadequate information has been provided to demonstrate the scope of reinforcements required to overcome the identified biological overload of the Buckley Ty Gwyn Waste Water Treatment Works. In the absence of this information it is not possible to fully assess the impact of the proposal on the available water resources. As such the proposal is considered to be contrary to policies STR10, GEN1 and EWP16 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Members

Councillor A Woolley

Requests that the application be placed before a full planning committee, with a site visit prior to the committee sitting. My reasons are that the application is in contravention of the following:

1) The Well-being of Future Generations act (Wales) 2015 in that it is unsustainable and both environmentally and ecologically destructive.

2) Policy Wales and particularly TAN 1, in that it is:-

a) Outside of the existing Development Boundary for Buckley.

b) Inappropriate development within an essential Green Barrier, where development would conflict with the UDP Such unwarranted intrusion would inevitably lead to the total destruction of the green barrier to the south of Meg's Lane, between Padeswood Road South and Bannel Lane and carry housing development far too close to the industrial site of the cement works alongside the A5118 at Padeswood. Policy GEN 4-17 would appear to apply to this case.

3) If granted, the application would create an unwarranted loss of agricultural land, contrary to Policy EC1 of the existing Unitary Development Plan.

4) While it may be argued that the county does not presently have in place a Joint Housing Land Availability Study and may not be able to demonstrate a fully adequate 5-year supply of land designated for housing, there are no pressing, compelling or exceptional circumstances relating to this particular application, which might argue for approval on any of those grounds.

5) That is particularly so given that there is no infrastructure plan attached to the application. Also, that Buckley is strewn with sites available for the construction of new houses, for which planning permission was granted several, even many, years ago, yet upon which sites there has been no sign of even commencement, let alone completion of the number of houses for which permission has been given. That argues irrefutably against any approval of this application on the grounds of urgent need. I believe that only some 74 houses have been built in recent years against a figure of about 669 units granted planning permission.

Councillor R Jones

No response received.

Buckley Town Council

Object to the proposal for the following reasons:

- Proposal contrary to Well-Being of Future Generations Act (Wales) 2015 in that it is unsustainable and both environmentally and ecologically destructive
- Contrary to PPW and TAN1: a) outside settlement boundary for Buckley
b) Inappropriate development within an essential green barrier
- Represents unwarranted loss of agricultural land
- No pressing, compelling or exceptional circumstances to approve this application, even if it is not possible to demonstrate a 5 year housing land supply
- No infrastructure plan. Large number of unimplemented permissions in Buckley, establishes that there is no reason for approval of this application on the grounds of urgent need.

Highways Development Control Manager

Spon Green provides the main access route to the application site but capacity of this road is limited by residential on-street parking. The concern has been raised with the applicant who has suggested a scheme of parking restrictions which would assist with the free flow of traffic. On this basis, any consent should be subject to a Section 106 agreement requiring the payment of a sum of £4000 to cover the costs incurred by the Council for undertaking a public consultation exercise and the advertising and making of a Traffic Regulation Order.

Although accompanied by a Travel Plan Framework this document makes no reference to the Active Travel Wales any future application should be accompanied by a full Travel Plan.

No objection subject to conditions covering;

- Siting layout and means of access
- Access to be done prior to other building operations
- access shall have a visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway
- No obstruction in visibility splays
- Parking and turning facilities to be provided
- The front of the garage 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
- The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- 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.
- A 1.8m wide footway shall be provided along the site frontage

- constructed to adoption requirements
- Positive means to prevent the run-off of surface water from any part of the site onto the highway
- Construction Traffic Management Plan
- A Full Travel Plan and Transport Implementation Strategy

Public Protection Manager

No adverse comments to make

Welsh Water/Dwr Cymru

Welsh Water have received a pre-planning enquiry for this development. In their consultation response they advised that the proposed development would overload the (Buckley Ty Gwyn) Water Treatment Works and that a feasibility study would be required. They also indicated that a hydraulic modelling assessment would have to be undertaken on the clean water supply system to establish if the system has the capacity to maintain adequate service and supply the new development.

Natural Resources Wales

- Require an assessment of potential presence of bats in mature trees onsite, and likely use of trees/boundary features by foraging/commuting bats, including appropriate avoidance/mitigation/compensation measures.
- Submission and implementation of a Biosecurity risk assessment to the satisfaction of FCC
- Flood Risk Management are satisfied that the proposed surface water drainage information provided in the submitted Flood Consequence Assessment (D2502-FCA-01 22nd May 2017) is sufficient to allow an appropriately worded surface water condition to be imposed for this application.

Public Open Spaces Manager

For an application of this scale consideration should be given to POS being provided in accordance with the recommendations provided in Planning Guidance, Note No 13. POS Provision. The proposed open space provision does not meet this requirement and as such we do not support the application. The POS provision required would be an area of some 4500 meters located central to the development, enclosed being free of any overhead utilities. The area to be equipped with children's play equipment, landscaped, to a specification approved by the council. Should the developer require the POS to be adopted by the council a 10 year maintenance commuted sum payment would be required.

Capital Projects and Planning Manager

SCHOOLS AFFECTED: PRIMARY

School: Westwood C.P. School

Current NOR (@ January 2017) 200 (excluding Nursery)

Capacity (@ January 2017) 273 (excluding Nursery)

No. Surplus Places: 73

Percentage of Surplus Places: 26.74%

SCHOOLS AFFECTED SECONDARY

School: Elfed High School

Current NOR (@ January 2017) is 669

Capacity (@ January 2017) is 1037

No. Surplus Places is 368

Percentage of Surplus Places is: 35.49%

EXCEPTIONS

The exceptions to the provision of school places will be the following type of residential development from which planning authorities will note seek contributions:

Housing specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement to occupation by those over aged 55 years or more).

1 bed dwellings or 1 bed apartments or flats.

Formula

The figures are arrived at from a combination of formula application and practical experience, informed by sufficiency criteria.

The formula reads:

Primary School Pupils

School capacity 273 x 5% = 13.65(14)

273 – 14= 259 Trigger point for contributions is 259 pupils

(No. of units) 81 x 0.24 (primary formula multiplier) = 19.44 (19) No. of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £232,883

Actual pupils 200 + 19 (from the multiplier) = 219 does not meets trigger of 259

Contribution requirement would be £0

Secondary School Pupils

School capacity of $1037 \times 5\% = 51.85$ (rounded up or down) 52 Capacity
 $1037 - 52 = 985$ Trigger point for contributions is 985 pupils (No. of Units
 81×0.174 (secondary formula multiplier) = 14.09 (14 No. of pupils)
generated $14 \times \text{£}18,469$ per pupil (Building Cost multiplier) = $\text{£}258,566$

Actual pupils $669 + 14 = 683$ does not meet trigger of 985

Contribution requirement would be £0

NOTE : The Primary and Secondary formula multipliers are used by other Welsh local Authorities, and provide a reliable and demonstrated weighted for education contribution calculations.

Conclusion

Primary – Westwood C.P. Primary School – it is not our intention to seek a Section 106 contribution.

Secondary – Elfed High Secondary – it is not our intention to seek a Section 106 contribution.

Housing Strategy Manager

- Requirement for 30% affordable on site-provision
- LHMA for Flintshire identifies an annual shortfall of 246 affordable units
- In the LHMA Buckley sits within the Buckley and Mold sub area which identifies an annual shortfall of affordable dwellings of 165, which is not being met on an annual basis
- The LHMA identifies a need for primarily 1 bed (14%) 2 bed (31.6%) and 3 bed (28.5%), split evenly between Social rented (56.2%) and intermediate (43.8%) tenures.
- The SARTH (Social Housing Register) currently has 1,656 applications- around 500 people have identified Buckley as an area they are seeking social housing with a mix of 1 bed and 2bed flats; and 2 bed, 3 bed and 4 bed houses.
- There is also an identified level of interest in affordable housing (i.e affordable ownership and rent) in Buckley:
 - With 39 applicants currently registered for an affordable ownership (shared equity) property- 2 applicants want 1 bed; 19 applicants want 2 beds; 1 applicants want 3 beds; 2 applicants want 4 beds; and
 - A further 28 applicants are registered for affordable rent with 12 applicants requiring 3 bed; and 16 requiring a 2 bed.

The Coal Authority
Standing advice applies.

Airbus

No aerodrome safeguarding objections

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

The application was advertised as a departure from the development plan.

90 Letters of Objection received. Objections were lodged on the following issues:

- Parking issues on surrounding roads
- Loss of local amenity
- Loss of Green Belt
- Traffic issues and road safety
- Lack of local infrastructure and impact of development on local services
- Loss of Privacy/Overlooking
- Ecological Impact
- Proposal does not give adequate regard to “Active Travel” issues (walking and cycling) Transport assessment should fully consider all modes of transport not just cars.

5.00 SITE HISTORY

5.01 None

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN3 - Development Outside Settlement Boundaries

GEN4 – Green Barrier

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

TWH2 – Protection of Hedgerows

WB1 - Species Protection

WB4 – Local Wildlife Sites of Wildlife and Geological Importance

WB6 – Enhancement of Nature Conservation Interests

AC2 – Pedestrian Provision and Public Rights of Way

AC3 – Cycling Provision

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

L1 – Landscape Character

HSG4 – New Dwellings Outside Settlement Boundaries
HSG8 - Density of Development
HSG9 - Housing Mix and Type
HSG10 - Affordable Housing within Settlement Boundaries
SR5 - Outdoor Play Space and New Residential Development
EWP3 - Renewable Energy in New Development
EWP16 – Water Resources
EWP17 – Flood Risk
RE1 - Protection of Agricultural Land
SR5 – Outdoor Play Space and New Residential Development
IMP1 – Planning Conditions and Planning Obligations

Planning Policy Wales Edition 8 January 2016
TAN 1 Joint Housing Availability Studies 2015

SPGN 2 – Space Around Dwellings
SPGN 3 – Landscaping
SPGN 4 – Trees and Development
SPGN 9 – Affordable Housing
SPGN 11 – Parking Standards
SPGN 12 – Access for All
SPGN 13 – Open Space Requirements
SPGN 23 – Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 Proposal

The proposal is an Outline application for up to 100 dwellings on a site of 3.8 hectares at land off Megs Lane, Buckley. The only reserved matter being put forward for consideration is Access.

7.02 Main Issues

The main issues are considered to be: whether the proposals amount to development which is premature in relation to the emerging Flintshire Local Development Plan, whether the proposal represents appropriate development within the designated green barrier and in an open countryside location, the impact of the proposal upon adjacent ecology sites as well as the ecology and biodiversity of the site itself, whether there is sufficient provision of public open space, affordable housing and water resources, as well as the implication of the 5 year land supply on the acceptability of the proposal in the overall planning balance.

7.03 Principle of development

The site lies adjacent to the settlement of Buckley in the adopted Unitary Development Plan (UDP), within a designated green barrier. Policy GEN4 does not permit new housing development in green barriers except for very specific forms of development. Furthermore the UDP

only permits new development in the open countryside in a limited number of circumstances.

7.04 Therefore the main policy matters in this case are:

- whether the proposals amount to development which is premature in relation to the emerging Flintshire Local Development Plan;
- the effects of the proposed development on the green barrier and the surrounding area;
- the lack of a 5 year supply of housing land in the County; and
- the weight to be attributed to these in balancing harm and benefits.

Prematurity

7.05 It is considered that the refusal of planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan. Planning applications should continue to be considered in the light of policies within the UDP and in accordance with the guidance set out in Planning Policies Wales and other associated national policy and guidance. The factors to consider in determining whether prematurity is an issue are:

- *Scale*
In order for a proposal for residential development, which is a departure from the Development Plan, to be considered premature in relation to the emerging LDP, it must be of such a scale, which can be either in isolation or cumulatively with other development proposals as would go to the heart of the forthcoming plan. That is, it must provide such a quantum of development that would prejudice the LDP by predetermining decisions about the scale, location or phasing of new development which ought to be properly addressed via policies within the LDP. It is considered that this proposal would be considered premature due to its impact cumulatively with other proposals in the vicinity.
- *LDP Progress*
Whilst account can also be taken of policies in emerging LDP's, the weight to be attached to such policies depends upon the stage of preparation or review. The LDP is at the Deposit Consultation Stage as defined by Regulations 17 – 19 within the LDP Regulations. The LDP will reach Deposit Stage in November of 2018. Whilst limited weight can be attributed to the LDP at this stage, a proposal which predetermines the scale and location of development at the same time as the Local Planning Authority is considering the range of candidates sites proposed must have a significant impact upon the decisions to be made in

terms of the allocation of suitable sites across the county. Accordingly, I consider the refusal of such a proposal upon the grounds of prematurity can therefore be justified.

- 7.06 Members will also be aware that the Local Planning Authority is also considering an outline planning application for the erection of up to 435 dwellings on land at Spon Green Farm, Buckley (058237). This site is located approximately some 230 metres to the east of this application site and lies wholly within the same green barrier.
- 7.07 Having regard to the advice within PPW in relation to prematurity, matters of scale may form the basis for an application to be deemed premature whether in isolation or cumulatively. Notwithstanding that the application to which this report relates is deemed to be premature in its own right, it is entirely proper that it is considered cumulatively with the application at Spon Green Farm given the close proximity of the sites to one another, in the same locational context.
- 7.08 Regard should therefore be had to this application in relation to any assessment in relation to the new housing allocations required via the LDP. Assuming development at the maximum of 435 dwellings, the application proposals in combination with this proposal are inviting the Local Planning Authority to predetermine the location of 37% of total housing growth for the county over this plan period within this green barrier location.
- 7.09 In summary in relation to the question of prematurity, I consider that the granting of planning permission for a proposal of this scale and in this location, when taken cumulatively with other proposed development nearby and within the same green barrier, predetermines issues in respect of scale and location of development in advance of the emergence of the LDP. These issues, especially in relation to the quantum and location of housing development, together with the departure from local and national planning guidance in respect of green barriers, would result in a predetermination in relation to the same which are matters most appropriately addressed via the LDP process.
- Green Barrier**
- 7.10 The site is located within a green barrier (GEN4-17) which wraps around the south and eastern edge of Buckley and Drury. This is a well defined green barrier that is fit for purpose when reviewed against the purposes for designating green barriers in section 4.8.3 of PPW 9, and also an area where there has been considerable pressure for development as part of successive development plans, and presently as part of speculative housing proposals. The principle and extent of the green barrier has been supported by successive Planning Inspectors as part of the Alyn and Deeside Local Plan and Unitary Development Plan.
- 7.11 Planning Policy Wales (PPW) provides guidance on green wedges or barriers and Policy GEN4 of the UDP is generally in conformity with that

advice and is therefore given significant weight in the planning balance. The proposed housing development does not form one of the types of development that can be permitted in a green barrier and therefore, by definition, the development being proposed here must be treated as 'inappropriate development'.

7.12 PPW directs that other forms of development are considered inappropriate development unless they maintain the openness of the green barrier or conflict with the purposes of including land within it. The built development proposed would not maintain the openness of the green barrier. One of the key purposes of the green barrier in this location is to protect the prominent southern edge of Buckley against encroachment of development into open countryside. The development would directly conflict with these purposes.

Policy GEN4 states that:

7.13

Development within green barriers will only be permitted where it comprises the following:

- a. justified development in association with*
 - b. essential facilities for outdoor sport and recreation, or cemeteries;*
 - c. limited extension, alteration or replacement of existing dwellings;*
 - d. limited housing infill development to meet proven local housing need or affordable housing exceptions schemes;*
 - e. small scale farm diversification;*
 - f. the re-use of existing buildings; and*
 - g. other appropriate rural uses/development for which a rural location is essential.*
- provided that it would not:*
- i. contribute to the coalescence of settlements; and*
 - ii. unacceptably harm the open character and appearance of the green barrier.*

7.14 The site was submitted as an omission site as part of the UDP for a housing allocation and the Inspector commented '11.96.27. 1996 – *Whilst adjacent to HSG1(2) the site shares only a short boundary with it and is separated from it by a stream and a corridor of trees/vegetation. Although both are greenfield sites, visually there is not a strong relationship between the 2 and development on the objection site would extend further to the south into the rural area. The site is bounded to the north by the backs of properties fronting Megs Lane and lies within the green barrier which seeks to prevent encroachment into an area of open countryside to the south of Buckley where there is pressure to develop. The permission for and start on the construction of a dwelling along the Megs Lane frontage of the site would appear to preclude vehicular access*'.

7.15 In general the Inspector recognised the role of the green barrier in safeguarding the countryside from encroachment and protecting the

setting of this prominent urban edge. The Inspector also recognised potential coalescence with built development at Padeswood.

7.16 PPW states that (para 4.8.12) “The general policies controlling development in the countryside apply in green wedges, but there is, in addition, a general presumption against development which is inappropriate in relation to the purposes of the designation”. In the submitted Green Barrier assessment it has been opined that existing hedgerows within the green barrier give a better natural boundary than what has been described as a “weak” boundary based on the urban edge of boundary. In my opinion, which echoes the Inspectors comments mentioned earlier, is that the current situation gives a clear delineation between the built development of the town and the adjacent countryside. There are hedgerows throughout the green barrier as befits agricultural land. Artificially pushing the limits of the urban area further into this green space can only lead to a weakening of the openness of the designated area and ultimately a coalescence of the surrounding built development to the detriment of the open countryside.

7.17 In a recent appeal decision in Bryn Y Baal (Planning application ref. 056672 Appeal ref. APP/A6835/A/17/3175048) the Inspector set out the implications of the advice in PPW ‘This is a stringent and demanding test, and the planning balance is different to that applicable for land outside the green barrier’.

7.18 The Inspector concludes that the lack of 5 year supply does not outweigh the harm to the green barrier ‘My conclusions are that the development would be harmful to the openness of the green barrier and to the character and appearance of the area and would erode the gap between Mynydd Isa and New Brighton. These harmful effects warrant considerable weight. I also conclude that there is a lack of a 5 year supply of housing land, and that the need to increase the supply of housing land warrants considerable weight, provided the development would comply with development plan and national policies. If the site was not located in a green barrier, these arguments would be finely balanced. However, the proposal is for inappropriate development in the green barrier, and PPW advises that such development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm the development would do to the green barrier. That demanding balance would not be achieved in this case, and I conclude that the development would be contrary to development plan and national policy’.

7.19 This area of open countryside, located at the south eastern area of Buckley has an existing and well defined southern extent to the settlement, from which the countryside then gently drops away. It is the openness of this context setting band of open countryside that is remarkably unaltered due to the green barrier designation, and in spite of long standing pressure for development, is important to maintain and

not permit its reduction or erosion.

- 7.20 I do not consider that the proposal complies with either relevant development plan policies, or national planning guidance in respect of its impact upon the character and openness of the designated green barrier.

Sustainability

- 7.21 Buckley is a category A settlement in the UDP and several allocations were made in the settlement in the UDP. In the UDP Buckley is in the top tier of the 5 tier hierarchy and is a main service centre and this reflects its level of sustainability. In broad terms it is a sustainable settlement to accommodate development. However the Welsh Governments principles and objectives for sustainable development encompasses far more than just providing for growth and development, with matters such as environmental protection also being important. The provision of green wedges and barriers is an important part of Chapter 4, 'Planning for Sustainability', of PPW. It is an integral part of how sustainability is to be achieved. If the proposed development is inappropriate development in a green barrier then it cannot represent sustainable development unless there are exceptional circumstances to justify the harm caused. There was a recent appeal decision at Rhosrobin, Wrexham (Appeal ref: APP/H6955/A/14/2229480) where the Inspector considered a green barrier site, and was of the opinion that the lack of a 5 year housing land supply did not outweigh the conflict with the development plan and national planning policy. The Inspector concluded '*I conclude that the development is inappropriate development in the green barrier and very exceptional circumstances do not exist to clearly outweigh this harm....*'. Although it may be considered that Buckley as a settlement could be described as sustainable due to the presence of services and public transport, this differs from the consideration of the sustainable credentials of the development proposed. As such I do not consider the proposal to represent sustainable development, given the detrimental impact upon the green barrier.

Housing Land Supply

- 7.22 It is accepted that the Council does not have a 5 year housing land supply, particularly as the Welsh Government/PINS will not be progressing the 2015 JHLAS. In terms of TAN1 the Council 'will be considered not to have a 5-year supply' as it does not have an adopted UDP /LDP and cannot formally carry out a JHLAS. The commentary in the 2014 JHLAS Report explains how the Council will seek to increase supply and part of this is considering 'speculative' sites which represent sustainable development. A guidance note on speculative development was subsequently issued to assist in the submission of speculative development proposals.

- 7.23 In such circumstances, advice contained in para 6.2 of TAN1 is that '*The housing land supply figure should also be treated as a material*

consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies’.

7.24 In May 2018 it was acknowledged in a letter from Lesley Griffiths AM, Cabinet Secretary for Energy, Planning and Rural Affairs, that “absolute adherence to the 5 year land methodology in some cases is working against the achievement of good sustainable outcomes”. It is the ministers intention to dis-apply paragraph 6.2 of TAN1, that the absence of a 5 year supply should be given considerable weight, and a consultation has been undertaken to this effect. Whilst the outcome of this consultation is not yet known

7.25 When looking at the context of the site in Buckley there is a site to the west of it which has detailed planning permission for housing and a short distance away is the Well Street site (which is being progressed as part of the SHARP programme) and Rose Lane allocated site which has been allowed on appeal. Elsewhere in Buckley there are other sites being developed by different developers. It is not clear what the need is for an additional site in this location.

7.26 It is not considered that the development would otherwise comply with development plan policies and national planning policies. As such the weight to be given to the lack of the 5-year requirement is not sufficient to outweigh other material factors in determining this application.

Ecology and Biodiversity

7.27 The site is primarily improved grassland with potential habitats, including watercourses and hedgerows within the site. The site lies within 2 Kilometres of the Buckley Claypits and Commons SSSI and Deeside and Buckley Newt Sites SAC, although the site lies outside the buffer zones for these designated areas. The development would result in the loss of approximately 3ha of improved grassland habitat and 0.1ha of scrub.

7.28 The application site also contains field hedges as well as overgrown historic hedgerows that cross the centre of the site. These hedges are shown on the 1st Edition OS maps and are well established and species rich. These hedgerows are a Priority Biodiversity Habitat under the Environment (Wales) Act 2016. The hedgerows are considered to be good wildlife corridors with connectivity to the wider landscape.

7.29 The site has potential to support common amphibian species, bats and nesting birds during the breeding season. There are likely impacts upon these species and their habitats as a result of the development.

Numerous field signs of Badger activity is evident on site although no Badger Setts have been recorded on the site.

7.30 There is a wildlife site, Bistre Wood, to the south west of the site which is ancient woodland which requires a minimum 15m buffer zone between this area and development. In addition the trees, shrubs and woodland flora adjacent to the brook on the western boundary are a remnant of this woodland, which forms an important wildlife corridor and similar requires protection.

7.31 Natural Resources Wales have required further surveys to be undertaken on site in order to demonstrate that the development has taken the ecology of the site into account, with particular reference to nesting birds and bats. Although an updated Ecological Impact Assessment was submitted no further surveys have been undertaken and therefore information in relation to a protected species is missing.

7.32 Whilst this is an outline application with all matters reserved except for access it is considered that due to the potential presence of protected species and habitat that supports protected species that this is a fundamental matter which is required to be addressed at this stage of the planning process.

7.33 As there is insufficient information to show with any confidence how the loss of hedgerows and trees likely to be removed will be sufficiently mitigated against, or how the proposal will impact certain protected species, in particular bats and wild birds the proposal conflicts with Policy TWH1, TWH2, WB1, WB4 and WB6 of the Flintshire UDP.

Public Open Space

7.34 Opportunities for both formal and informal recreation are essential to the health and happiness of people of all ages. Recreational open space areas are a vital element of the community, allowing free movement, free expression and social interaction. In accordance with the recommendations provided in Planning Guidance Note 13 the provision of public open space will be an important consideration within proposals for new residential developments. In addition to aiding the general well-being of the community by providing for sport and recreation, public open space can also contribute to biodiversity, the conservation of nature and landscape, air quality, the protection of ground water, and can enhance the appearance of a locality.

7.35 The required public open space provision for a development of this scale would be an area of some 4500 metres located centrally to the development. The proposed provision proposed by the development does not meet these requirements. The proposal is therefore in conflict with Policy SR5 and SPGN 13 as it does not propose any onsite open space provision.

Affordable Housing

7.36 Paragraph 9.2.14 of PPW 9 states that “A community’s need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies”. Whilst the Planning Statement for the development states that the development proposal will be in full compliance with the relevant unitary development plan policies governing affordable housing provision, no details have been provided to demonstrate how the required provision shall be provided.

7.37 Policy HSG11 of Flintshire UDP for Affordable housing in the Open Countryside is considered to be the policy given the edge of settlement location of the proposal. In this policy, where there is a demonstrable need for affordable housing to meet an evidenced and genuine local need, and where there are no suitable alternative sites within the settlement boundary.

7.38 In terms of the evidence of need, the Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units and in 2015/2016 124 affordable units were delivered- a combination of supported housing, social and intermediate rent as well as shared equity. In the LHMA Buckley sits within the Mold and Buckley sub area which identifies an annual shortfall of affordable dwellings of 165, which is not being met on an annual basis. The LHMA overall identifies a need for primarily 1 bed (14%) 2 bed (31.6%) and 3 bed (28.5%) split relatively evenly between social rented (56.2%) and intermediate (43.8%) tenures.

7.39 The Social Housing Register currently has 1,656 applications with around 500 people identifying Buckley as an area where they are seeking social housing with a mix of 1 bed and 2 bed flats, and 2 bed, 3 bed and 4 bed houses.

7.40 There is also an identified level of interest of affordable housing (i.e affordable ownership and rent) in Buckley with 39 applicants currently registered for an affordable ownership (shared equity) property, with a further 28 applicants with a registered interest for affordable rent.

7.41 Given the above it is clear that there is an identifiable need within the area for affordable housing options. As such it is considered that it would be appropriate to seek a 30% provision of affordable housing on site. Without details being provided of how this will be achieved there is a lack of clarity concerning the compliance of the proposal with the relevant development plan policies and national policy.

Education Provision

Consultation has been undertaken with the Capital Projects and Planning manager with regard to capacity at local schools and the impact of this development. There is existing capacity at both Westwood

- 7.42 CP Primary School and Elfed High school and after applying the standard formulas the triggers for requiring contributions were not met. As such, should the application be approved, it would not be the intention of the Education department to require financial contributions.

Waste Water provision

- 7.43 Pre-application enquiries by the applicant to Welsh Water identified that the proposal would overload the (Buckley Ty Gwyn) Waste Water Treatment Plant. A Clean Water Hydraulic Modelling Assessment and a Feasibility study were undertaken by Welsh Water.

- 7.44 The conclusion of the Clean Water Hydraulic Modelling assessment indicates that under current network conditions the development of 100 dwellings within land off Megs land is viable, and flows, velocities, pressures and head losses are all above DCWW serviceability levels.

- 7.55 The assessment of the impact of the proposal on the DCWW Buckley Ty Gwyn wastewater treatment plant concluded that whilst the increase in flows is small and the Primary settlement tanks and Humus settlement tanks have capacity to accept the additional flow.

- 7.56 However, with the increase in the organic load there is an increased risk of overloading the biological process at a site which has a restricted consent, particularly relating to levels of ammonia. As such the recommendation of the assessment is to upgrade the biological process to allow the proposed development to connect. Welsh Water consider that whilst there is no scheme for improvements at this facility in their current asset management plan, and the determination of the business plan for the new asset management plan isn't expected until 2020 it may be possible for developers funding to accelerate reinforcement to accommodate new development. Welsh Water consider that it would be possible to maintain suitable control with an appropriate worded condition, should the Local Planning Authority feel it was reasonable and appropriate to impose a condition requiring further impact assessments to identify the scope of the reinforcements required, and then if necessary a scheme of upgrading to accommodate the increased foul water discharge into the existing waste water treatment facility.

- 7.57 I consider that without the establishment of the scope of the required upgrades such a condition would be premature and I such I consider that at present insufficient information has been received to give a firm assurance that the current water resources are sufficient to be able to accept the new capacity a development of the size of the proposal would entail.

Highways and access considerations

Spon Green provides the main access route to the application site but capacity of this road is limited by residential on-street parking. The concern has been raised with the applicant who has suggested a

- 7.58 scheme of parking restrictions which would assist with the free flow of traffic. On this basis, any consent would need to be subject to a Section 106 agreement requiring the payment of a fee to cover the costs incurred by the Council for undertaking a public consultation exercise and the advertising and making of a Traffic Regulation Order. Commuted sums would also be required for a street lighting system that is to be powered and maintained at public expense.

Although accompanied by a Travel Plan Framework this document makes no reference to the Active Travel Wales and if the current proposal were to be successful then any future reserved matters

- 7.59 application should be accompanied by a full Travel Plan.

Other Matters

- Objections have also been advanced in respect of the perceived impact of the proposal upon existing local health care facilities. Members will be aware that responsibility for planning services to meet the needs of the community in this regard rests with the Local Health Board.
- 7.60

- In addition, concerns have been raised over the impact of any new dwellings on existing neighbouring amenity. As this application has been made in outline with all matters reserved it is not possible to address these issues as the details surrounding the positions of the proposed dwellings relative to existing dwellings, or their various design merits as these details are not available at outline stage.
- 7.61

8.00 CONCLUSION

- 8.01 The proposal represents inappropriate development within the Green barrier and is in clear conflict with the provisions of the policies of the unitary development plan as well as national guidance. The proposal would cause undue harm to the open countryside and green barrier. Whilst it is accepted that TAN1 gives considerable weight to increasing housing land supply I do not consider that this outweighs the above considerations and recommend accordingly.

- 8.02 Inadequate details have been provided with regards to safeguarding the ecology of the site, the provision of public open space and affordable housing provision and to ensure that the capacity of the local water resources meet the need of the development.

8.03 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.

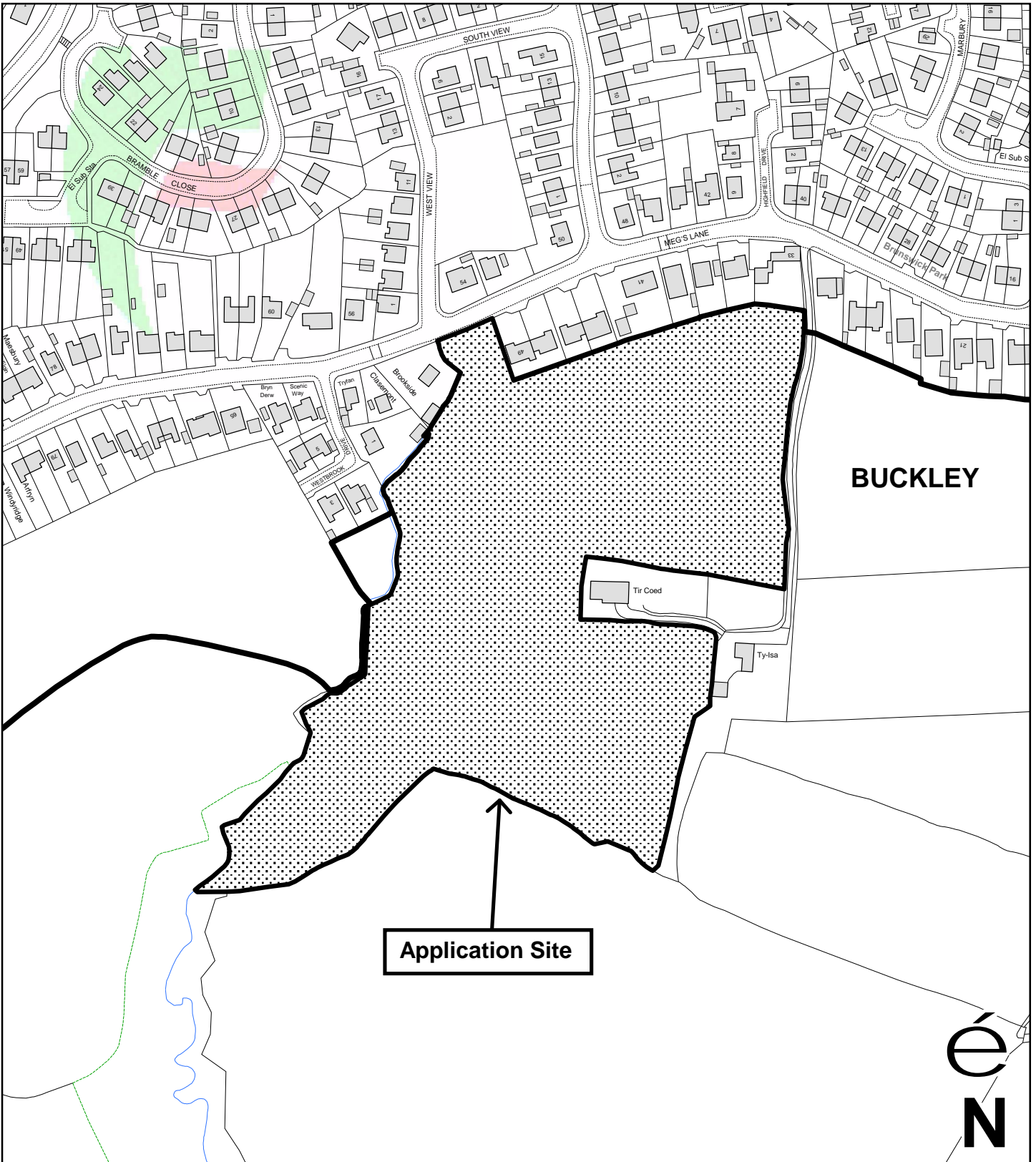
- 8.04 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

- 8.05 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.06 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

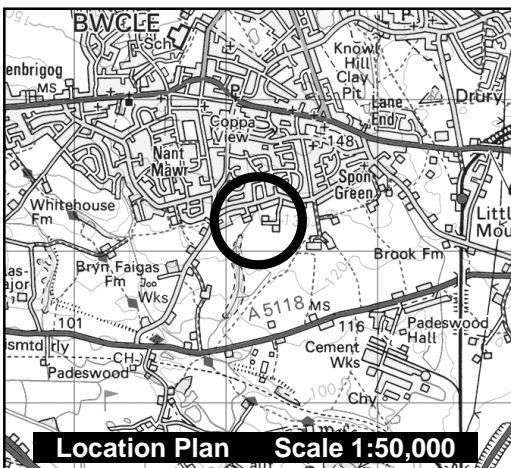
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: James Beattie
Telephone: (01352) 703262
Email: james.e.beattie@flintshire.gov.uk



Application Site

BUCKLEY



Planning, Environment & Economy
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2863

Planning Application **57056**

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.3

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **18TH JULY 2018**

REPORT BY: **CHIEF OFFICER OF PLANNING,
ENVIRONMENT & ECONOMY**

SUBJECT: **FULL APPLICATION – RESIDENTIAL
DEVELOPMENT FOR 41 NO. DWELLINGS AND
ASSOCIATED GARDENS AND CAR PARKING AT
NANT Y GRO, GRONANT.**

**APPLICATION
NUMBER:** **058304**

APPLICANT: **WATES RESIDENTIAL**

SITE: **NANT Y GRO, GRONANT**

**APPLICATION
VALID DATE:** **30th APRIL 2018**

LOCAL MEMBERS: **MS S. BRAUN**

**TOWN/COMMUNITY
COUNCIL:** **LLANASA COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO
DELEGATION SCHEME**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This forms a full planning application for the proposed erection of 41 affordable dwellings consisting of 33 dwellings and 8 flats together with associated gardens and car parking on land at Nant Y Gro, Gronant.
- 1.02 The site the subject of this application is allocated for residential development in the Flintshire Development Plan by virtue of PolicyHSG1 (26).being shown as land East of Gronant Hill.
- 1.03 For Members information the site in question is within the Council's Strategic Housing & Regeneration Programme (SHARP).

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

- 2.01
1. Time limit on commencement.
 2. In accordance with approved plans/details.
 3. Samples of materials to be submitted and approved.
 4. No development to commence until site levels and finished floor levels of buildings have been submitted and approved. Development to be undertaken with approved details.
 5. Scheme for realignment of the access road to be submitted and agreed. Works shall be the subject of a Section 278 Agreement
 6. No works to commence on improvement to the access until alternative parking made available.
 7. Prior to commencement details of layout of traffic calming, signage, surface water drainage, street lighting and construction details have been submitted and approved.
 8. Facilities for parking to be provided and retained.
 9. Positive means to prevent surface water runoff.
 10. Construction Management Plan to be submitted and agreed.
 11. Recommendations of traffic Management Plan to be implemented
 12. Hard/Soft Landscaping Scheme to be submitted and approved including boundaries and finished site levels. Shall provide details of levels relative to trees to be retained and maintenance and management proposal for the landscaping and POS.
 13. Implementation and retention of landscaping scheme.
 14. No surface water/and or land drainage to connect with public sewerage network.
 15. Reasonable avoidance measures for works to trees.
 16. Prior to commencement of development biosecurity risk assessment to be submitted.
 17. Works not to be undertaken during bird breeding season.
 18. Biosecurity Risk Assessment
 19. Drainage scheme to be submitted and agreed.
 20. No development shall commence unless and until a scheme has been submitted and agreed to satisfy policy and planning guidance requirements relating to public open space and recreation.
 21. No development shall commence unless and until a scheme has been submitted and agreed that secures retention of affordable housing.
 22. Tree protection measures to be undertaken prior to works beginning on site
 23. Travel plan to be submitted and agreed

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ms S. Braun

No response received at time of preparing report.

Llanasa Community Council

Objections to the proposed development based on the following grounds:-

- 1 Existing infrastructure in the village is insufficient to meet the needs of an additional 40 plus families.
- 2 Roads can't cope with the amount of traffic passing through the village at present and there are no footpaths for pedestrians. Existing traffic calming measures on Llanasa Road create as many problems as they solve. Additional 80 plus children will be increased risk of accident.
- 3 No account taken of public consultation of health facilities available to additional residents, which will need to be accessed. Have Doctors been consulted if can take additional families.
- 4 Only one public house available at present no other facilities presently available.

Highways Development Control Manager

Raises no objections to the principle of development, and recommend that any permission includes conditions in respect of the siting, design, of site access, construction details of estate road, parking provision surface water and the submission of a Construction Traffic Management Plan, and Travel Plan implementation.

Head of Public Protection

No adverse comments to make regarding the proposal.

Housing Strategy Manager

The application is for a 100% affordable scheme in Gronant.

In terms of evidence of the need for affordable housing, advises:-

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units.

- The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%) and 3 bed (28.5%) split relatively evenly between social rented (56.2%) and intermediate (43.8%) tenures.
- There is a demand for both affordable/social rent in the area with

- 26 applicants registered for social rent and 2 for affordable rent for 1 bed properties.
- 59 applicants registered for social rent and 5 for affordable rent for 2 bed properties.
- 15 applicants registered for social rent and 3 for affordable rent for 5 bed properties.

In view of the above, advises that the proposed affordable housing provision within the application would be acceptable and is supported.

Public Open Spaces Manager

Request the payment of £733 per dwelling in lieu of on-site recreational provision. The monies would be used to enhance the range of Skate park provision/wheeled play at Gronant Recreation Ground.

Capital Projects & Planning Manager

Advises that as there is sufficient capacity at the nearest primary school (Gronant C.P School) and Secondary School (Ysgol Trefynnon, Holywell). Given the trigger points have not been reached, do not request commuted sum payments in respect of this development.

Welsh Water/Dwr Cymru

No objections if requested conditions imposed and advisory notes be included in any consent granted.

Natural Resources Wales

Conditions imposed in respect of Biosecurity and surface water disposal scheme be agreed.

Technical Services (Drainage)

Satisfied that the proposed surface water drainage information provided demonstrates that the proposed approach is feasible. Subject to the imposition of a condition for sustainable drainage scheme.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

57 No. letters of objection received plus 2 MPs letters, the main points of which can be summarised as follows:-

- Limited infrastructure/facilities to support the proposed development. The new site will need to join to the existing infrastructure in the village putting more pressure on the already inadequate systems.
- Inadequate access/roads safety issues/speeding cars/no footpaths available. Only time before serious accident or

fatality on Gronant Hill. Should consider new access road from the A548 into the village. Cars parked on roadside at present if yellow lines introduced this facility would be lost. Extra vehicles during the construction stage of the development. Many vehicles including buses heavy goods vehicles and cars use Nant-Y-Gro as a means of avoiding speed humps along Llanasa Road. New access to site is between sheltered hosing merging onto Nant-Y-Gro on a bend in the road and on a gradient result in a hazard to road users

- Result in problems with utilities in area drains cannot cope with rain fall resulting in pooling on main road.
- No health care facilities in Gronant difficulty in obtaining an appointment to see Doctors, majority of primary health care located in Prestatyn.
- Limited facilities within village only has two public houses and a primary school and a shop.
- Council just adhering to targets set by Government no thoughts to problems it will bring.
- Loss of existing car parking space for residents and an unsuitable alternative given medical conditions of residents.
- Not possible to identify specifically local need therefore an unnecessary burden on the village, Gronant is a small community with virtually no infrastructure not place for an additional 41 dwellings.
- Loss of view.
- Ecology Issues
- Density not in keeping with area.
- Loss of amenity, overbearing on existing development.
- Loss of privacy.
- Only one school in Gronant already oversubscribed
- Past mining in area

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy GEN3 – Development in the Open Countryside.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy TWH2 – Protection of Hedgerows

Policy WB1 – Species Protection.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG1 (26) – New Housing Development Proposals.

Policy HSG4 – New Dwellings Outside Settlement Boundaries.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

Policy HSG10 – Affordable Housing Within Settlement Boundaries.

Policy HSG11 – Affordable Housing in Rural Areas

Policy AC2 – Pedestrian Provision and Rights of Way

Policy AC13 – Access and Traffic Impacts

Policy AC18 – Parking Provision and New Development

Policy SR5 – Outdoor Play Space and New Residential Development.

Policy EWP17 – Flood Risk.

Policy IMP1 – Planning Conditions & Planning Obligations

Additional Guidance

Planning Policy Wales (PPW)

Technical Advice Note 5 – Nature Conservation & Planning.

Technical Advice Note 12 – Design.

Technical Advice Note 15 – Development & Flood Risk.

Technical Advice Note 18 – Transport.

Supplementary Planning Guidance Note 2 – Space About Dwellings.

Supplementary Planning Guidance Note 3 – Landscaping.

Supplementary Planning Guidance Note 4 – Tees & Development.

Supplementary Planning Guidance Note 8 – Nature Conservation & Development.

Supplementary Planning Guidance Note 9 – Affordable Housing.

Supplementary Planning Guidance Note 11 – Parking Standards

Supplementary Planning Guidance Note 12 – Access for All.

Local Planning Guidance Note 13 – Open Space Contributions.

7.00 PLANNING APPRAISAL

7.01 Site Description

The site comprises 1.16 hectares of existing agricultural grass land which is located to the north of existing properties which front onto Nant Y Gro. The land has been allocated for new housing development by virtue of Policy HSG1(26) in the adopted Unitary Development Plan.

7.02 The site slopes upwards from the south towards the north of the site although the field forming the site runs down from east to west. There are no distinguishable boundaries

7.03 Proposed Development

This forms a full planning application for the proposed erection of 41 affordable dwellings consisting of 33 dwelling and 8 flats together with associated gardens and car parking on land at Nant Y Gro, Gronant, The dwellings proposed are for social rent and comprise;

- 4 No 1 bedroom flats
- 4 No 2 bedroom flats
- 12 No 3 bedroom houses and
- 21 No 4 bedroom houses.

7.04 Vehicular access to serve the development is proposed from an existing road known as Nant Y Gro. It is proposed that the dwellings are constructed having concrete roof tiles with old weathered split faced block finish and red brick soldier course and cill detailing

7.05 It is considered that the main planning issues can be summarised as follows:-

- Principle of development having regard to the planning policy;
- Highway impact;
- Affordable Housing;
- Living conditions of existing and proposed residents;
- Impact on Ecology and Trees
- Educational Requirements
- Design Consideration
- Adequacy of foul/surface water drainage.
- Public Open Space Requirements

7.06 Principle of Development

The site is located within the settlement boundary of Gronant in the Flintshire Unitary Development Plan. It is allocated for residential development by virtue of Policy HSG1(26) being shown as land East of Gronant Hill. The site extends slightly beyond the boundary of the UDP allocation on its northern boundary by approximately 3 metres at its widest.

- 7.07 Policy HSG11 permits development for affordable housing outside settlement boundaries provided certain category are met. In regard to this development, there is genuine need for the types of social rented housing proposed. Furthermore there are no alternative sites in this location, the narrow strip of land is a logical extension to the allocated site, the scale and design of housing proposed is sympathetic and will remain affordable in perpetuity. The principle of the proposed development is therefore acceptable.
- 7.08 Adequacy of Access
Whilst the objections to the development on highway grounds are noted, consultation has been undertaken with the Highway Development Control Manager in order to assess the adequacy of the existing highway network in proximity to the site and acceptability of the proposed site layout.
- 7.09 Wider Highway Network
There has been significant objection from local residents regarding the existing poor road and pedestrian infrastructure. The proposal included a traffic assessment which has been considered by the Highway Development Control Manager who has no objections based on the level of development proposed. Concerns have been raised from local residents about a lack of footpaths. Within the development footpaths are proposed and Nant y Gro has a pavement adjacent to the vehicular highway. Although it is recognised there may not be pavements along other roads, such as Gronant Hill, it is not reasonable to require the development to improve this existing situation.
- 7.10 Vehicular Access to the site
The access to the site is proposed from a realignment of the cul de sac that leads off Nant Y Gro adjacent to No 24 Nant y Gro. Concerns have been raised by nearby residents regarding the perceived loss of parking and how access to their properties will be affected by the proposed vehicular access way to the new development. As a result of these concerns the plans have been amended to provide for alternative parking spaces. These new spaces are to replace the on road parking presently available with a parking bay to allow for four parking spaces to serve the properties in question. The parking provision proposed within the site is satisfactory and there are no objections from Highways Development Control subject to conditions being imposed.
- 7.11 Affordable Housing
Whilst the site is owned by the Council, it is required to meet the necessary policies in terms of provision of affordable housing. The significant majority of the site is within the settlement boundary of Gronant and the proposal is therefore in excess of the requirement of Policy HSG10 where it would be expected for a

development of this scale to provide 30% of the proposed dwelling to meet local need in term of affordability.

- 7.12 The small area of the site which lies outside the settlement boundary and site allocation will also in conjunction with the allocated site provide 100% affordable housing for social rent which meet local need. This small element of the site is therefore compliant with Policy HSG11.
- 7.13 Accordingly safeguards should still be employed to ensure the retention of the affordable housing in the future.
- 7.14 It is therefore proposed to impose a condition that no development is permitted to commence until a scheme detailing the precise means and methods via which the affordability of these units will be secured in perpetuity is submitted to and agreed in writing with the Local Planning Authority. The proposal would therefore be capable of complying with Policy HSG10, HSG11 and SPG9.
- 7.15 In policy terms Planning Policy Wales states that 'A community's need for affordable housing is a material planning consideration which must be taken into account' It is considered that new housing development incorporates a reasonable mix of house types and sizes, including affordable housing allocation policy identifies local need as people with a connection to Flintshire who have priority.
- 7.16 This proposal is 100% affordable scheme with a mix of house types which has been informed in terms of local demand for social and affordable housing in the area, and the application is supported.
- 7.17 Impact on Living Conditions of existing and future residents
In accordance with Policy STR1, STR4, GEN 1 and SPGN 2 Space Around Dwellings it is considered that the proposal both protected the living conditions of existing and proposed new residents.
- 7.18 The interface distances from all facing windows and windows facing blank gable ends meet or exceed the guidance set out in SPGN2. All proposed garden areas meet the standard length and area set out in SPG2. This includes the area of outdoor space surrounding the proposed block of flats. The impact of the development on the living conditions of the existing and future residents are therefore acceptable. The right of view across an area of land is not a material consideration which can be afforded weight in the planning balance.
- 7.19 Impact on Ecology/Trees.
The development site does not have any statutory or non – statutory designation landscape or ecological designation. The site forms part of a much larger field of grassland of limited ecological value with a small copse located to the south

western corner of the site, populated with sycamore, elm and ivy. As part of the application submission a habitat survey has been undertaken to assess the site for any associated protected species.

- 7.20 As a result of the survey it has been identified that trees on the site have the potential for bats to be present. Given this a condition has been recommended in respect of a scheme of reasonable avoidance measures be undertaken.
The woodland adjoining and the hedgerows offer potential nesting sites and a condition has been added to avoid works to these habitats during the bird nesting season.
- 7.21 Scale/House Types/Site Layout
As part of the site is an allocated housing site and in accordance with Policy HSG8 of the Flintshire Unitary Development Plan, it would be expected to achieve a minimum density of 30 dwellings per hectare.
- 7.22 The proposed site area amounts to approximately 1.16 hectares in total giving a density of 35 dwellings per hectare and therefore the erection of 41 dwellings would represent a scale of development in line with policy HSG8.
- 7.23 In addition the introduction of 2 storey dwellings would be reflective of this existing character, the layout representing the form of development in proximity to the site and subject to control over the use of materials, it is my view that development would be acceptable and can be supported.
- 7.24 Adequacy of foul/surface water drainage.
The adequacy of the drainage to serve the proposed development has been the subject of consultation with Natural Resources Wales (NRW) Dwr Cymru/Welsh Water and the Council's Technical Services Department (Drainage).
- 7.25 Dwr Cymru/ Welsh Water have been consulted on the proposal and note that a foul gravity public sewer crosses the site and require an easement of 3 metres either side of the sewers centreline. Note if the development is within the protective zones then there would be a requirement to divert the sewer. Regarding sewerage, note foul flows are via the public sewerage system while surface water is into an existing culvert. While no objections are raised regarding foul and surface water disposal conditions and advisory notes are requested to restrict foul water only to be discharged to the public sewerage system and no surface water to be allowed to connect with the foul system.

- 7.26 Natural Resources Wales having been consulted raise no objections on drainage issues, consultation on the application. The NRW have raised no objections subject to conditions being imposed relating to a reasonable avoidance measures to trees be submitted. The other two conditions requested relate to the submission of a biosecurity risk assessment and submission of a surface water disposal scheme be submitted. The conditions noted are included in paragraph 2.01 above.
- 7.27 The Councils Technical Services Department have been in discussions with the developer. Following the provision of additional information he has no objections to the proposal.
- 7.28 Public Open Space and Recreation
Members will be aware that applications of this type are the subject of consultation with the Public Open Spaces Manager (Leisure Services) and the Capital Projects and Planning Unit with the Local Education Authority.
- 7.29 The consultation has established that:-
- a) As there would be no on-site recreational provision the development would require the payment of a commuted sum of £733 per dwelling the monies used to enhance existing public
 - b) open space in the community, specifically teenage provision at Gronant Play Area.
- 7.30 Education Contributions
The development would not give rise to any contribution requirement for Secondary School provision as there is sufficient capacity within the school (Ysgol Trefynnon, Holywell Secondary School) both currently and allowing for this development. At present the school has a capacity of 600 with the actual number of pupils at present being 449. The actual number of pupils generated by the development is 7 hence the trigger point is not reached for a contribution to be made in respect of Secondary School provision
- 7.31 In terms of Primary School Pupils capacity this is also available at the nearest primary school (Gronant C.P. primary School) which has a capacity of 144 pupils. The actual number of pupils is presently 53, and with the proposed site resulting in 10 additional places required there is sufficient capacity within the school to meet the additional need.
- 7.35 Other Matters
Objections have been received with regard to insufficient local facilities to serve the development. There has been no evidence submitted to demonstrate that there is a lack of community facilities or services and therefore this matter can be given very little weight in

the overall planning balance.

8.00 CONCLUSION

8.01 In conclusion, it is my view that the scale and form of the development proposed would be sympathetic to the character of the site and surroundings. There is no objection from the Highway Development Control Manger, Natural Resources Wales, Dwr Cymru/Welsh Water or the Council's Technical Drainage Department.

8.02 Accordingly, it recommend that planning permission be granted subject to the imposition of conditions as outlined in paragraph 2.01 of this report.

8.03 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.

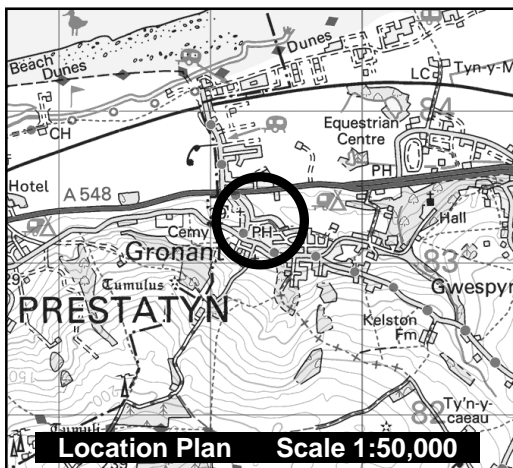
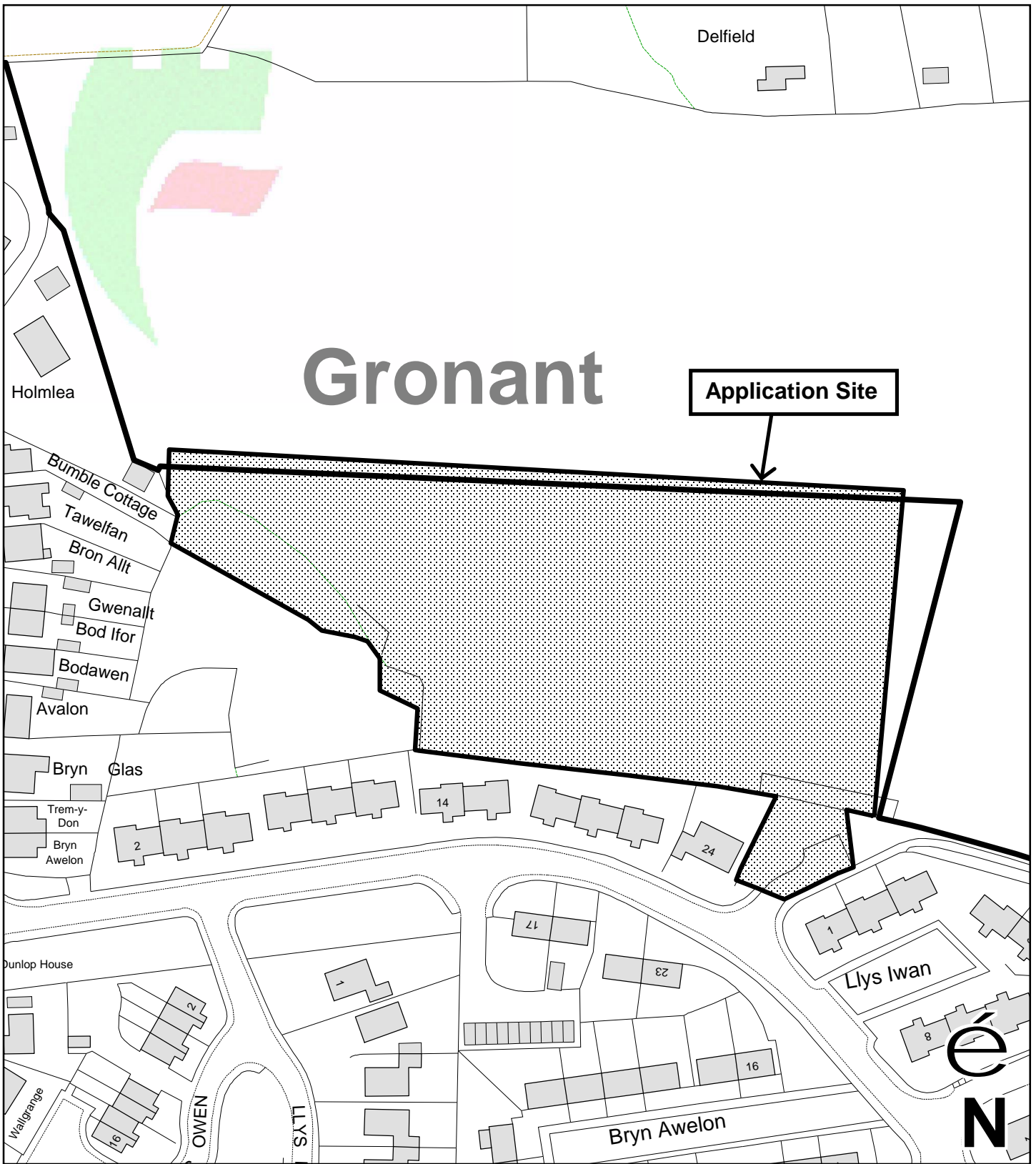
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

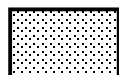
Contact Officer: Karl C. Slater
Telephone: (01352) 703259
Email: karl.c.slater@flintshire.gov.uk



Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 0983

Planning Application **58304**

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.4

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **18TH JULY 2018**

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

SUBJECT: **OUTLINE- RESIDENTIAL DEVELOPMENT , INCLUDING ACCESS, OPEN SPACE AND ALL ASSOCIATED WORKS AT LAND ADJACENT WOODSIDE COTTAGES, BANK LANE, DRURY 058212**

APPLICATION NUMBER:

APPLICANT: **LINGFIELD HOMES**

SITE: **LAND ADJACENT WOODSIDE COTTAGES BANK LANE DRURY BUCKLEY CH7 3EQ**

APPLICATION VALID DATE: **15TH MARCH 2018**

LOCAL MEMBERS: **COUNCILLOR M PEERS COUNCILLOR D HUTCHINSON**

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME PUBLIC INTEREST**

SITE VISIT: **YES TO ALLOW MEMBERS TO SEE LOCAL ROADS INFRASTRUCTURE AND LOCAL AREA**

1.00 SUMMARY

- 1.01 This is an outline planning application for residential development on 0.85 hectares at Woodside Cottages, Bank Lane, Burntwood. All matters are reserved with the exception of access. The main issues to consider are the principle of development as a windfall site, the highway impacts, ecological implications and other site constraints.

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

2.01 The conditional planning permission be granted subject to the applicant either entering into a Section 106 Obligation or Unilateral Undertaking to provide the following:

Payment of £73, 542 to Drury C.P Primary School. Such sums to be paid upon the commencement of development;

Payment of £1,100 per dwelling in lieu of on-site public open space provision. The off-site contribution would be used to enhance existing public open space in the community; namely Mount Pleasant road Play area. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved;

And

Payment of £2,500 per dwelling towards mitigating the indirect impacts due to in combination pressures on the Special Area of Conservation (SAC).

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development commences and the development shall be carried out as approved.
2. (i) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission
(ii) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.
3. A scheme of disposal of foul sewage and surface water from the site has been submitted to and approved in writing by the local planning authority.
4. Surface water flows from the development shall only communicate with the public sewerage system through an attenuation device that discharges at a rate not exceeding 5 l/s.
5. The submission of reserved matters shall include details of existing and proposed site levels and, where appropriate, proposed finished floor levels of the building(s).
6. Detailed scheme for the re-alignment if kerb-lines associated

with the making of a TRO and provision of a footway on Pen y Coed Road has been submitted to and approved by the LPA. Such works shall become subject of a Section 278 Agreement.

7. The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of an internal estate roads.
8. Formation and construction of a means of site access
9. Facilities shall be provided and retained within site for the parking and turning of vehicles
10. The front of any garage 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.
11. Positive means to prevent the run off of surface water from any part of the site onto the highway
12. Submission of a Construction Traffic Management Plan
13. Submission of a Full Travel Plan and Transport Implementation Strategy
14. Submission of a site investigation. If any contamination is found during the site investigations a remediation report shall be submitted and approved by the LPA.
15. Submission of a scheme of great crested newt avoidance and mitigation measures.
16. Submission of an appropriate Ecological Compliance Audit.
17. Submission of a programme of building recording and analysis equivalent to a Historic England Level 3 building survey for the existing buildings to be demolished.
18. Submission of a scheme for remedial works to treat the identified areas of shallow coal mine workings.

3.00 CONSULTATIONS

3.01 Local Member Councillor M Peers Councillor D Hutchinson

Joint response. Preliminary views are that application should be refused for the following reasons:

- Proposed access is unacceptable given that the traffic to and from the proposed development will need to travel through the existing local road network through narrow roads with parked cars on Pen-y-Coed housing estate.
- Impact of additional traffic generated by development on the residential amenity of existing residents, road safety.
- Local road network under stress. Highways strategy has been asked to carry out capacity v. volume checks in the community.
- Proposal conflicts with Welsh Governments “Prosperity for All: The National Strategy”. Fails the test with regards to adequacy of local infrastructure.
- Contradictory statements regarding ‘developable area’ between supplied documents.

- Housing mix unacceptable under HSG9
- Inefficient use of land contrary to policy HSG8
- No demonstrated housing need. Drury and Burntwood has exceeded the 8%-15% guidance in the UDP
- LDP currently being drafted and housing development land should be approved in line with the facilities and infrastructure, currently lacking in the community.
- Current consultation on TAN1 by Welsh Government Cabinet Secretary for Energy, Planning and Rural Affairs.

Buckley Town Council

- Concerns raised in relation to the impact on the amenity of the area, particularly in respect of traffic flow and the access and egress. Proposed one way system would exacerbate danger to public from traffic.
- Impact upon ecological amenity
- Inadequacy of parking
- Increased traffic flow would have an adverse effect on the roads in the immediate area particularly Mount Pleasant Road and Drury Lane

Head of Assets and Transportation

No objection providing conditions imposed.

Head of Public Protection

No objections in principle. Recommends contaminated land conditions.

Ecology

Recommends that any permission is conditioned with agreed reasonable avoidance measures in relation to GCN.

Mitigation can be either through the provision of land for conservation/recreation or through financial enhancement projects within the Buckley area. Financial contributions would need to be dedicated to the enhancement and creation of new habitat to avoid significant adverse effects (both alone and in combination with other projects) on the conservation features of the Deeside and Buckley Newt SAC.

Capital Projects and Planning Manager

SCHOOLS AFFECTED: PRIMARY

School: Drury C.P. School

Current NOR (@ January 2018) 146 (excluding Nursery)

Capacity (@ January 2018) (excluding Nursery) 124

No. Surplus Places: -22

Percentage of Surplus Places: -17.74%

SCHOOLS AFFECTED SECONDARY

School: Elfed High School

Current NOR (@ January 2018) is 745

Capacity (@ January 2018) is 1037

No. Surplus Places is 292

Percentage of Surplus Places is: 28.15 %

EXCEPTIONS

The exceptions to the provision of school places will be the following type of residential development from which planning authorities will note seek contributions:

Housing specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement to occupation by those over aged 55 years or more).

1 bed dwellings or 1 bed apartments or flats.

Formula

The figures are arrived at from a combination of formula application and practical experience, informed by sufficiency criteria.

The formula reads:

Primary School Pupils

School capacity 124 x 5% = 6.2 (6)

124 – 6 = 118 Trigger point for contributions is 118 pupils

(No. of units) 23 x 0.24 (primary formula multiplier) = 5.52 (6) No. of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £73,542

Actual pupils 146 + 6 (from the multiplier) = 152 meets trigger

Contribution requirement would be £73,542

Secondary School Pupils

School capacity of 1037 x 5% = 51.85 (rounded up or down) 52

Capacity 1037 - 52 = 985 Trigger point for contributions is 985 pupils

(No. of Units 23 x 0.174 (secondary formula multiplier) = 4.02 (4 No. of pupils) generated x £18,469 per pupil (Building Cost multiplier) = £73,876

Actual pupils 736+4=740 does not meet trigger of 985

Contribution requirement would be £0

Primary – Drury C.P. Primary School – it is our intention to seek a Section 106 contribution.

Secondary – Elfed High Secondary – it is not our intention to seek a Section 106 contribution.

Welsh Water/Dwr Cymru

No problems are envisaged with the waste water treatment works for the treatment. A water supply can be made available to serve the development. Suggested conditions.

Natural Resources Wales

Do not object to proposal subject to the imposition of conditions relating to protected species.

CPAT

Recommend a condition for a photographic survey of the buildings to be demolished.

Coal Authority

No objection subject to the imposition of a condition for a scheme of remedial works to treat areas of shallow coal mine workings.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

50 Letters of Objection received, for the following reasons:

- Impact of traffic on local road network
- Flooding
- Request for better pedestrian links to Burntwood Road
- Restricted access for emergency vehicles to development
- Local schools oversubscribed
- Substandard bus routes
- Character of Drury being undermined by overdevelopment
- Infrastructure issues
- Ground stability
- Concern over inaccuracies in SCP transport assessment
- Impact on protected species
- Noise

5.00 SITE HISTORY

5.01 **71/12**

Outline erection of dwellings. Refusal.

4/0/19084

Erection of 23 no semi-detached and terraced starter homes.
Withdrawn 20.02.90

4/0/19139

Erection no of 22 no detached houses, 8 no semi-detached houses
and 6 no link detached. Refused 04.02.92.

05/0/039757

Outline application for residential development. Withdrawn 17.11.05.

05/040708

Proposed erection of 41 dwellings. Withdrawn 16.06.06

041555

Erection of 40 no. residential dwellings, land at Dinghouse Wood,
Buckley. Refused 04.10.06. Appeal Withdrawn 14/03/07.

045405

Outline - Residential Development
Refused 02.08.2010 Appeal Dismissed 17.06.2011

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1- New Development

STR4- Housing

GEN1- General Requirement for Development

GEN2- Development Inside Settlement Boundaries

D1- Design Quality, Location and Layout

D2 – Design

D3 - Landscaping

TWH1- Development Affecting Trees and Hedgerows

TWH2- Protection of Hedgerows

WB1- Species Protection

WB2- Sites of International Importance

WB3- Statutory Sites of National Importance

WB6- Enhancement of Nature Conservation Interests

AC2- Pedestrian Provision and Public Rights of Way

AC13- Access and Traffic Impact

AC18- Parking Provision

HSG8 – Density of Development

HSG9 – Housing Mix and Type

HSG10– Affordable Housing within Settlement Boundaries

SR5 – Outdoor Playing Space and New Residential Development

EWP14- Derelict and Contaminated Land

EWP15- Development of Unstable Land

Additional Guidance

Planning Policy Wales 9 (PPW9)

Technical Advice Note 1: Joint Housing Land Availability Studies

Technical Advice Note 5- Nature Conservation and Planning

Technical Advice Note 18- Transport

Local Planning Guidance Note 2 – Space About Dwellings

Local Planning Guidance Note 3- Landscaping

Local Planning Guidance Note 8-Nature Conservation and Development

Local Planning Guidance Note 9 – Affordable Housing

Local Planning Guidance Note 14- Open Space Contributions

Local Planning Guidance Note 23- Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 Proposal

This outline application, with all matters reserved apart from Access, is for the residential development of up to 23 units, including open space.

7.02 Site

The application site is 0.85 hectares, with 1 and 2 Woodside Cottages in the centre of the site and a parcel of agricultural land to the southern portion of the site. Due to existing site constraints the developable area of the site is approximately 0.581 Hectares. The application site is surrounded by residential development. To the southern boundary are semi-detached properties off Pen y Coed Road and Hillside Cottages, to the east a terrace of properties know as Hawarden View, to the north and north east residential development at Dinghouse Wood and Burntwood house and west the Burntwood public house and further residential properties off Burntwood Road. A public footpath runs adjacent to the northern and eastern boundary of the site. There are a number of trees and hedgerows around the perimeter of the site and a hedgerow along the driveway to Woodside Cottages in the centre of the site. The site is located within the settlement of Drury & Burntwood in the Flintshire Unitary Development Plan.

7.03 **Main Issues**

The main issues are considered to be the principle of development as an unallocated windfall development within a settlement boundary, highways and access issues, the impact of the proposal on wildlife sites and local ecology, and issues of contamination and ground stability as a result of nearby landfill sites and historic coal mining.

7.04 **Principle of Development**

The site is located within the settlement boundary of Drury and Burntwood which was identified within the adopted Flintshire Unitary Development Plan as a Category B settlement. Policy GEN2 identified a presumption in favour of the development of such sites but noted that in the case of unallocated 'windfall sites' there are limitations imposed via policy HSG3.

Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development would be permitted in Category B settlements where it did not conflict with the planned housing provision for the County, as set out in the UDP, and does not conflict with Policy GEN1. It also identified that development which would result in growth over 15% during the plan period would be required to meet a recognised local need. However, as the plan period has now passed, so too has the period for monitoring in respect of Policy HSG3.

I am mindful that previous applications have been refused at this location, the most recent of which (reference 045405) was refused solely upon the basis of the proposal resulting in a form of development which exceeded the growth thresholds under HSG3. However, the situation in respect of HSG3, as set out above, amounts to a significant material change of circumstances in relation to the policy context for this site.

Accordingly, the scheme should be viewed on its own merits as a market scheme and is essentially a 'windfall site'. The bringing forward of such windfall sites is consistent with the strategic aims of the UDP and the UDP Inspector's conclusions in relation to housing in that housing development should be primarily directed towards such settlements. Members will also be aware that the granting of windfall sites such as this will assist the council in maintaining a supply of housing land as it moves towards the completion of its Local Development Plan.

Members are reminded that as this site is located within the settlement boundary, albeit not allocated for residential development, the requirements of developers as set out in the Council's Developer Guidance Note : Speculative Housing Development Proposals, do not apply to this site.

Access

7.05

Access to the site is achieved through the use of an existing field access that links onto Pen-y-Coed Road, which has two accesses onto Burntwood road. The proposal was subject to a Schedule 1C consultation with the Highways department prior to the submission of the planning application. An assessment of the likely traffic impacts of the development has been submitted with the application. This assessment shows that given the proposed level of development the impact arising from traffic generated by the proposal would be negligible, as such it is not considered that any sort of mitigation measures would be required. Highways Development Control have accepted the findings of this assessment and consider that the proposed access arrangements meet any previous concerns regarding the impact of the proposal on the existing highway network.

Concern has been raised regarding on-street parking on the adjacent Pen y Coed Road. In order to investigate a possible solution to ease any problems that may arise from this it is proposed that a public consultation exercise into the implementation of a Traffic Regulation Order (TRO), to provide a one-way system, would be funded by the development. If there was public support for such an order this would subsequently be applied and any minor amendments to kerb lines etc undertaken to facilitate this order. Should this TRO not garner sufficient public support it is the opinion of Highways Development Control that nevertheless the proposed access is acceptable.

Two new footpath links are shown on the illustrative layout, within the site, to provide pedestrian connectivity to the adjacent public footpath network. More details will be required in any subsequent reserved matters detailing the layout of the development proposal. The Public Rights of Way service would be a consulted on any such proposal and it would be the intention to maintain these paths at the public's expense. Concerns have been raised about the impact upon existing residential amenity due to the location of one of the proposed links and this would need to be given serious consideration at reserved matters stage. Whilst the principle of creating greater accessibility to the existing footpath network is acceptable this should not be detrimental to existing amenity. However, this is an outline planning application which is only considering the principle of development and therefore these matters can be considered at reserved matters stage and rejected if a suitable scheme which protects amenity cannot be designed.

Conditions have been proposed to ensure that the proposed estate road would be constructed to adoptable standard, that sufficient parking is available within the site, that no surface water run off onto the highway shall arise from the development and that a full travel plan and transport implementation strategy is submitted and

approved prior to the first use of the development, in order to ensure that the development encourages more sustainable forms of travel in close proximity to bus stops.

Ecology

7.06

The site lies within 150m of the Deeside and Buckley Newt Site SAC, which was designated in December 2004 for its great crested newts (GCN) and Oak woodland. The SAC is further designated as Buckley Clay Pits and Commons SSSI, for its great crested newts, assemblage of other amphibians and the mosaic of acid, neutral and marshy grassland, wet heath, tall herb and scrub.

It is not considered that a development of the application site at the scale proposed would have a direct impact on the SAC, but it is acknowledged that there could be indirect effects for the following reasons.

Whilst there is developed land between the site and the known location of the GCN population, one of the breeding ponds is within 500m of the site. Limited links do exist to the SAC through woodland and hedgerow corridors. As such there is a potential for GCNs to be present upon the site, although it is considered that this could be overcome by undertaking reasonable avoidance measures to prevent harm to newts during the construction phase.

The field that forms the southern section of the site is semi improved grassland, in addition to the established and overgrown garden for the cottages this represents terrestrial habitat for GCNs and an area of mitigation would be required to maintain the favourable conservation status of the species. The field contains species of flora such as Bulbous buttercup and Ribwort plantain, which is typical of grasslands with limited agricultural improvement. Whilst not outstanding in its own right when combined with other features present on site it is indicative of the sites potential to provide nesting habitats for birds and potentially feeding and foraging habitats for other species.

When considered with other developments in the wider Drury and Buckley areas the combination effects arising from increased recreational pressures could be potentially significant without appropriate mitigation and compliance with conditions and obligations.

It is proposed that any permission would include conditions relating to a scheme of reasonable avoidance measures, and an ecological compliance audit scheme to be submitted and approved in writing by the Local Planning Authority prior to any work commencing on site. This would include protection for GCNs during the construction phase.

Contamination

- 7.07 The site is within 200 metres of 2 former landfill sites, Standard landfill and a site between Mount Peasant Road and Drury Lane. There is also a legacy of coal mining on the site. Given the possibility of land contamination on site is considered appropriate to condition the submission of a Phase 1 Contaminated land site assessment, prior to the commencement of any development.

A letter was submitted with the application from NKC Geotech Ltd who have undertaken site investigations with regard to the historic coal mining on site, which includes 3 recorded mine entries within, or within 20 metres of the site boundary. The letter confirms that physical investigation has discounted any risks posed by the mine entries but identified that shallow mine workings will require consolidation to provide a stable building platform.

Given the above, the Coal Authority have responded to the consultation to request the imposition of a condition requiring the submission of a scheme of remedial works and their subsequent implementation.

It is considered that subject to the identified conditions being imposed the proposal is acceptable with regards to land contamination and ground stability.

Education

- 7.08 Primary and Secondary formula multipliers have been applied to assess the potential impact of the proposal on the capacity of both Drury CP School and Elfed High School. Due to capacity having been reached at Drury CP School a section 106 contribution would be sought for £73, 542. This is based on a calculation of 23 units. The trigger points for Elfed High School have not been met and a contribution will not be sought.

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'.

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.

It is considered that the education contributions would meet the regulation 122 tests. Drury CP School is oversubscribed and due to the added pressure on the school the development would require contributions to mitigate against this impact. Drury CP School does not appear to have received more than 5 contributions and therefore the limitations of regulation 123 does not apply.

Other Matters

7.09 The proposed development includes the demolition of the existing domestic residential buildings on site. These dwellings appear on the earliest Ordnance Survey maps and are potentially mid-19th century workers dwellings. It is considered that the buildings are of local and archaeological interest and worthy of recording in their current form before they are demolished. It is therefore intended to impose the requirement for a level 3 archaeological building survey as a condition, to allow an adequate analytical record of the buildings prior to demolition.

As the application site was part of a site subject to a previous planning application, the trees on the site were previously assessed in terms of whether they merit a Tree Preservation Order. Following this assessment a group of sycamores situated on the western boundary of the site adjacent to 30 Burntwood Road were protected by a Tree Preservation Order. Any site layout could accommodate these the protection of these trees. It was considered at the time that no other trees on the site merit a Tree Preservation Order.

Concerns have been raised over the indicative housing mix and density of development shown in the proposal. Whilst this application is in outline with all matters except access reserved an indicative layout has been provided and a maximum number of residential units shown. A more detailed scheme will be required for the reserved matters submission, to include up to 24 plots. The housing mix and type can be more properly considered at this point. Policy HSG8 advises that a density of 30 dwellings per hectare is appropriate in category B settlements, subject to the site location and character of the area, and the proposal represents a density per hectare of 28, which increases to 41 dph when the excluded areas are taken into account. While the details put forward by the developer in terms of site constraints have been queries, it is clear that there are clearly existing site constraints, in particular the excluded areas of site due to the coal mining legacy, and these limit the developable land on site and the proposed unit number of 24 is considered to represent

efficient use of land in policy terms, and complies with policy HSG8. In my opinion even if you exclude the undevelopable areas from the equation the proposed density of development would represent an efficient use of land that reflects the characteristics of the site and the surrounding areas.

Members will be aware of the appeal decision relating to Argoed Service Station, New Brighton (planning ref. 55310 Appeal ref. APP/A6835/A/16/3161711), where a similar argument was put forward with regards to density and efficient land use. On that occasion the Planning Inspector considered that the proposal was compliant with the relevant Policy. The site scale and characteristics bear similarities to this proposal.

The site is under the threshold for requiring affordable housing provision under policy HSG10.

An area of public open space is shown on the site. There is also an existing play area a short distance away from the site on Mount Pleasant road. Commuted sums required for public open space provision, calculated as £1,100 per dwelling, shall be sought in order to upgrade the existing facility on Mount Pleasant Road.

Objections have been received in relation to flood risk and increased pressure on community infrastructure. There is no evidence to support that there are any ground or surface water flooding issues so this objection would attract very little weight in the overall planning balance. Furthermore no evidence has been submitted to demonstrate that local community facilities would not be able to accommodate future residents so this would attract very little weight in the overall planning balance.

It is acknowledged that Welsh Government have consulted Local Planning Authorities on whether it is appropriate to have a consultation period about paragraph 6.2 of TAN 1. It was indicated that 6.2 of TAN 1 would be disapplied during the consultation period. At present there is no confirmation about whether the consultation will commence and whether paragraph 6.2 of TAN 1 would be disapplied. The Local Planning Authority are therefore still required to attach weight to the whole of TAN 1 and cannot reasonably delay the determination of planning applications on the basis of a potential consultation period.

With regard to the Council's Developers Guidance Note. As this proposal is not predicated on the lack of a 5 year supply of housing land alone and in principle is acceptable as a windfall site within a residential area within a settlement boundary the requirements of the at note do not apply.

8.00 CONCLUSION

I consider that the principle of development is acceptable for this outline residential development and, subject to the imposition of suitable conditions, that the proposal accords with the relevant guidance within National and Flintshire Unitary Development Plan policies. As such I recommend that the application is approved with the schedule of conditions given above.

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.

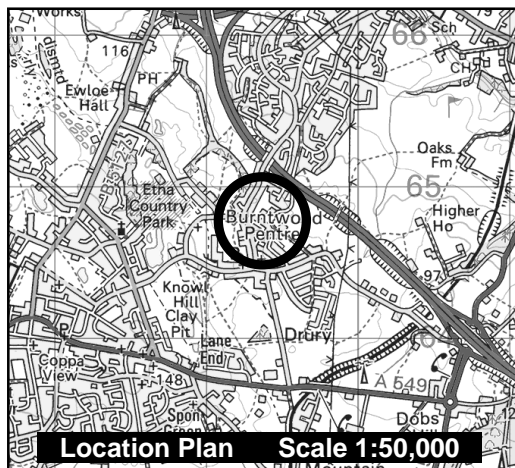
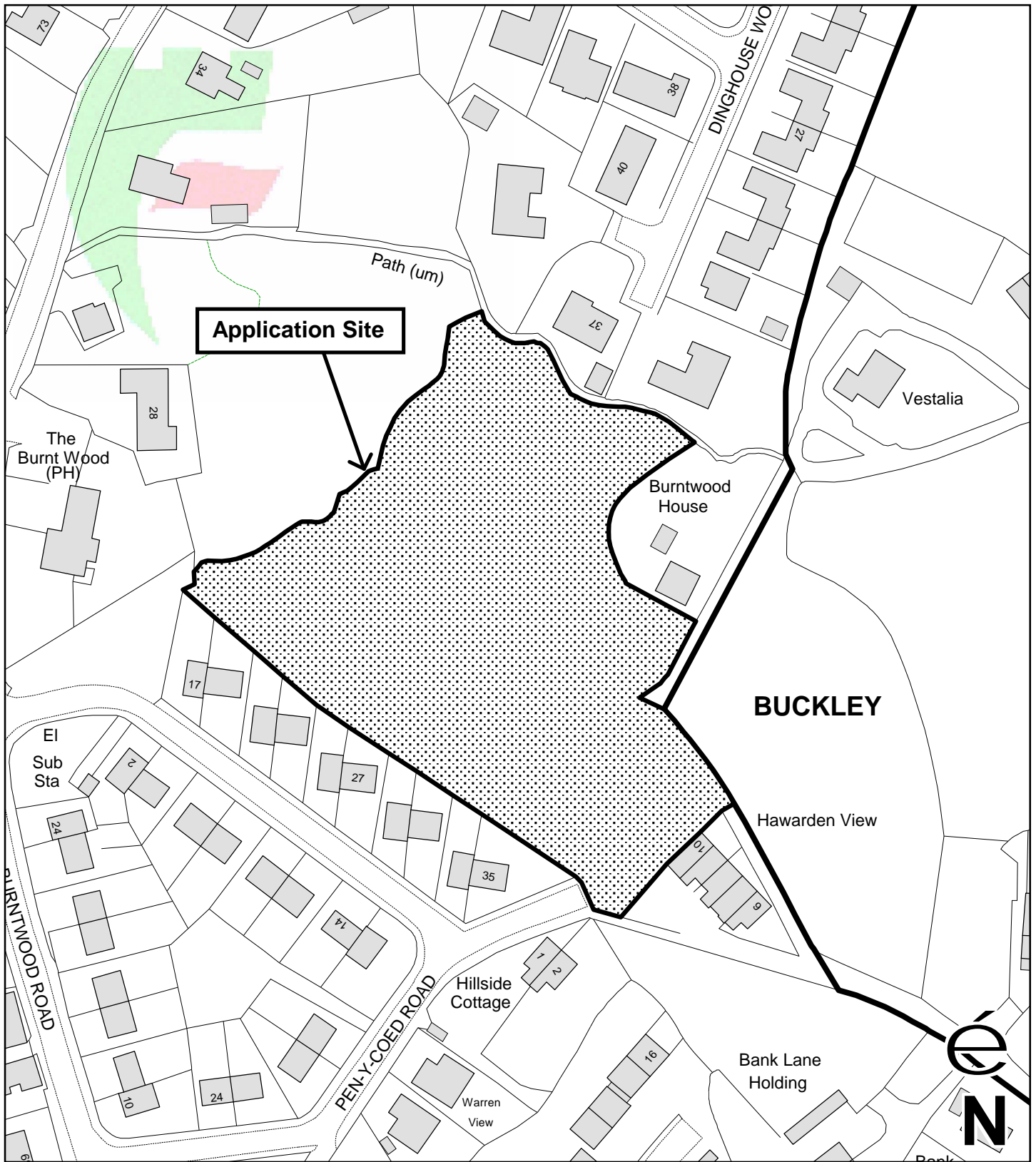
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: James Beattie
Telephone: 01352 703262
Email: james.beattie@flintshire.gov.uk

Mae'r dudalen hon yn wag yn bwrpasol



Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2964

Planning Application **58212**

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.5

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **18TH JULY 2018**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 14 NO DWELLINGS AND ASSOCIATED WORKS AT WITHIN COTTAGE & CHESHIRE LANE, ALLTAMI ROAD, BUCKLEY**

APPLICATION NUMBER: **058229**

APPLICANT: **QUATREFOIL HOMES**

SITE: **WITHIN COTTAGE & CHESHIRE LANE, ALLTAMI ROAD, BUCKLEY.**

APPLICATION VALID DATE: **16TH MARCH 2018**

LOCAL MEMBERS: **COUNCILLOR MRS C A ELLIS**

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT RELATIVE TO SCHEME OF DELEGATION**
IMPACT ON PUBLIC RIGHT OF WAY AND HIGHWAY

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the proposed erection of 14 no. dwellings and associated works at land adjacent Withen Cottage and Cheshire Lane, Alltami road, Buckley.

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

2.01 The conditional planning permission be granted subject to the applicant either entering into a Section 106 Obligation or Unilateral Undertaking to provide the following:

- Payment of £1,100 per dwelling in lieu of on-site provision. The off-site contribution would be used to enhance existing public open space in the community; namely the Skatepark in Buckley. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved;

And

- Payment of £2,500 towards mitigating the indirect impacts due to in combination pressures on the Special Area of Conservation (SAC).

Conditions

1. Time commencement
2. In accordance with approved details
3. Material samples
4. Finished floor levels
5. Only foul water shall be allowed to discharge to the public sewerage system
6. Surface water drainage scheme to be submitted
7. Detailed layout, mans of traffic calming and signing, surface water drainage, street lighting and construction of internal estate road to be submitted
8. Footpath 22 improvement scheme including staggered barriers
9. Front of garages set back minimum of 5.5m
10. Positive means provided to prevent surface water runoff onto highway
11. Submission of Construction Management Plan
12. Foundation design of properties either side of mine shaft to be submitted and approved prior to their implementation
13. Reasonable Avoidance measures GCN
14. Biosecurity risk assessment
15. Ecological compliance audit
16. Contaminated land report.
17. Landscaping scheme
18. A scheme of Tree root protection measures to be submitted and implemented prior to development
19. Construction method statement with regards to vegetation clearance and protected species ecological avoidance measures.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C A Ellis

Requests committee determination and a site visit due to the impact of the development on public right of way and on highways

Buckley Town Council

The Council recommends refusal for the following reasons:

- The application indicates the closure of footpath 22 and no alternative route is indicated.
- Without an alternative there are health and safety concerns for pedestrians accessing the School and Health Centre.
- Narrowness of road impinges on the ability of emergency vehicles and refuse collection to access the development.
- Increased traffic Alltami Road, closeness of access to accesses of other recent developments
- Ignores requirements placed on the developments at end of Muirfield road where bollards were required to provide safety for pedestrians. No bollards indicated on development
- Adjacent to SSSI and would affect biodiversity of site.
- Impact upon neighbouring residential amenity- loss of light and privacy
- Impact on the character and appearance of the area.
- Impact upon community facilities

Highways Development Control Manager

This proposal is an extension of an earlier development site which is still under construction; roads within that development have not yet been completed to adoptable standard. Extension of the existing road will require alterations to the existing kerbs and verge.

The access road linking between the two phases crosses the line of the public footpath no.22, a route that is used to gain access to the school. This crossing is identified on the layout drawing which appears to include provision of a ramped crossing and staggered barriers; the layout as proposed is not appropriate but provision of an acceptable layout could be controlled by condition.

Footpath 22 is unlit and only partially surfaced, the development will lead to increased pedestrian use and consideration should be given to improvements.

I recommend that any planning permission shall include the following conditions:

1. Detailed layout, mans of traffic calming and signing, surface water drainage, street lighting and construction of internal estate road to be submitted
2. Footpath 22 improvement scheme
3. Front of garages set back minimum of 5.5m

4. Positive means provided to prevent surface water runoff onto highway
5. Submission of Construction Management Plan

In addition, please ensure that the standard highway supplementary notes are issued to the applicant as part of any planning consent which may be granted with particular reference to Clauses, 1,2,3,4,5,7 & 9; Public Footpath no.22 crosses the site.

Public Rights of Way

Public Footpath No.22 in the community of Buckley crosses the site where the entrance to the site is proposed from the recent development off Cheshire Lane.

The proposed new entrance crosses a popular public footpath known locally as 'Tucky Lane', which is used for access to Buckley Sports Centre and Elfed High School by pupils.

I am satisfied with the proposals set out for the temporary diversion of the section of Public Footpath No. 22 between Alltami Road and the Elfed High School site.

Quatrefoil Homes will be required to contact us to discuss any dates for a temporary closure to start and general requirements for temporary closures (i.e. appropriate signage, keeping temporary path open at all times).

Furthermore, with regard to the development itself and where Public Footpath No. 22 cross the access road, we would support the installation of staggered barriers (to the approved highways regulations) near the crossing point as part of improvement works to the whole section of the footpath.

Head of Public Protection

A condition for a Phase 1 assessment should be carried out to identify and consider potential risks associated with land contamination either to, or as a result of the development.

Public Open Space Manger

The Council should seek £1,100 per dwelling in lieu of on-site provision, off-site contribution will be used to enhance existing public open space at the Skatepark, Buckley.

Head of Lifelong Learning

SCHOOLS AFFECTED: PRIMARY

School: Mountain Lane C.P. School

Current NOR (@ January 2018) 406 (excluding Nursery)

Capacity (@ January 2018) 409 (excluding Nursery)

No. Surplus Places: 3

Percentage of Surplus Places: 0.73%

SCHOOLS AFFECTED SECONDARY

School: Elfed High School

Current NOR (@ January 2018) is 745

Capacity (@ January 2018) is 1037

No. Surplus Places is 292

Percentage of Surplus Places is: 28.1%

EXCEPTIONS

The exceptions to the provision of school places will be the following type of residential development from which planning authorities will note seek contributions:

Housing specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement to occupation by those over aged 55 years or more).

1 bed dwellings or 1 bed apartments or flats.

Formula

The figures are arrived at from a combination of formula application and practical experience, informed by sufficiency criteria.

The formula reads:

Primary School Pupils

School capacity 409 x 5% = 20.45 (21)

409 – 21 = 388 Trigger point for contributions is 388 pupils

(No. of units) 14 x 0.24 (primary formula multiplier) = 3.36 (3) No. of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £36,771

Actual pupils 406 + 3 (from the multiplier) = 409 meets trigger

Contribution requirement would be £36,771

Secondary School Pupils

School capacity of 1037 x 5% = 51.85 (rounded up or down) 52

Capacity 1037 - 52 = 985 Trigger point for contributions is 985

pupils

(No. of Units 14 x 0.174 (secondary formula multiplier) = 2.43 (2 No. of pupils) generated x £18,469 per pupil (Building Cost multiplier) =

£36,938

Actual pupils 745+2=747 does not trigger of 985

Contribution requirement would be £0

Primary – Mountain Lane C.P. Primary School – it is our intention to seek a Section 106 contribution. The contributions will be spent on Security Adaptations.

Secondary – Elfed High Secondary – it is not our intention to seek a Section 106 contribution.

County Ecologist

Requests a scheme of reasonable avoidance measures and mitigation to be conditioned to avoid harm to GCN, also recommends financial mitigation by way of S.106

Welsh Water/Dwr Cymru

Requests conditions and advisory notes attached to any permission.

Natural Resources Wales

Do not object to proposal subject to the imposition of conditions regarding measures to safeguard amphibians and GCNs, a Biosecurity Risk Assessment and Ecological Compliance Audit.

Clwyd Badger Group

Concerned over impact on Badgers, care should be given when clearing scrub.

Coal Authority

Contents and conclusions of the Mining Investigation Report are broadly sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for proposed development.

No objection to the proposed development subject to the imposition of a condition to secure foundation design of the dwellings either side of the identified shaft.

Clwyd Powys Archaeological Trust

No objection to the proposed development.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

42 Letters of objection

- Safety issues, in particular concerning public footpath 22
- Ecology
- Loss of hedgerows
- Overdevelopment of Alltami road
- Impact upon local infrastructure
- Overlooking onto existing houses, loss of privacy and overshadowing.
- Developers circumventing affordable housing requirement by stealth (two phased development)
- Concern over loss of footpath

5.00 SITE HISTORY

5.01 051567- Outline- Erection of 5 no. dwellings Refused 9th September 2014

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 – Housing

STR 8 – Built Environment

STR 10 - Resources

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 - Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development

HSG 9 – Housing Mix and Type

HSG 10 – Affordable Housing within settlement boundaries

SR5 - Outdoor Playing Space and New Residential Development

EWP14 - Derelict and Contaminated Lane

EWP17 - Flood Risk

The proposal is in accordance with the above development plan policies.

Local/Supplementary Planning Guidance Notes

LPGN 2 - Space around dwellings

LPGN 4 - Trees and Development

LPGN 9 - Affordable Housing

LPGN 11 - Parking Standards

LPGN 13 - Open Space Requirements

Planning Policy Wales Edition 9 November 2016

Technical Advice Note 1 : Joint Housing Availability Studies
Technical Advice Note 11: Noise
Technical Advice Note 12 : Design
Technical Advice Note 18 : Transport

7.00 PLANNING APPRAISAL

7.01 Proposal

The application, applied for in full, is for the erection of 14 no. dwellings, and associated works at land adjacent to Withen cottage and Cheshire Lane. The proposal includes;

- 4 No 3 bedroom houses and
- 10 No 4 bedroom houses.

The site is within the settlement boundary of Buckley within the Flintshire Unitary Development Plan

Principle of development

The application site lies within the settlement boundary of Buckley, which is a category A settlement in the Flintshire Unitary Development Plan. Policy HSG3 allows for windfall sites within settlement boundaries. This proposal represents a windfall site and I consider that the principle of this form of development accords with the relevant adopted policies.

Main Issues

The main issues relevant to the determination of this application are considered to be issues of access and the public rights of way, ecology, coal mining legacy and the impact of the proposal on the character and appearance of the area and living conditions of neighbouring occupiers.

Access

The proposed development intends to gain access from an earlier development at Cheshire Lane, extending the road across an existing public footpath. The road within the earlier development is currently not finished to adoptable standard, although this is the intention.

The existing footpath 22 which the access would cross is a route to schools and consideration must be given both to an alternative route for the duration of the construction, of the layout of the crossing point, and the improvement of the footpath, which is currently unlit and poorly surfaced. I consider that conditions can be imposed to achieve all of these aims. Alterations to the kerbs and verge of the existing road will also be required to provide the link. Negotiations have been undertaken between the developer, the Rights of Way and other

Council departments and it is considered that an acceptable temporary alternative can be provided. Details of this shall be approved by way of condition and thereafter implemented prior to the commencement of any work. As part of the scheme it is proposed that footpath 22 will be upgraded. Once the temporary footpath is no longer required the land will be reinstated to its original condition, including the replanting of any hedges affected.

It is therefore considered that the proposed access to the development is acceptable, subject to the imposition of conditions to ensure that the required standard is achieved, this will include the submission and approval of a Construction Management Plan.

Impact upon the character and appearance of the locality

The site lies to the south of Alltami road, with residential areas to the north, east and west and an all-weather football pitch, part of the Elfed High School complex, to the south. The site is currently used as grazing land. Residential properties to the north and west are typically large detached properties set within generous plots. The new development to the east, to which this proposal links, is of a higher density, with a mix of detached and semi-detached two storey dwellings, this site is clearly distinct and delineated from the application site by the existing hedgerows and line of footpath 22.

The proposed dwellings are of a style that is appropriate to the locality. Materials are shown as a mixture of brick and brick and render. This is considered to be suitable in principle and the materials to be used in the external surfaces of the dwellings proposed shall be conditioned to be submitted for approval prior to their use.

The site area is 0.74 Ha and as 14 dwellings are being proposed the density can therefore be calculated as being 17.6 dph. The linear nature of the site at its access point, which excludes some areas from development to allow for an adequate internal road system to serve the development, should be taken into account when considering this proposal. Whilst policy HSG8 would usually seek a density of 30 dwellings per hectare on unallocated sites within Category A settlements the policy also requires development to reflect the characteristics of the site and surrounding area, and to make adequate provision for privacy and space around dwellings. Concerns have been raised regarding impacts of the proposed dwellings on the amenity and privacy of existing neighbouring properties. If the density of the site was increased it is my opinion that the development would not be characteristic of the prevailing density of existing development abutting the site, and there would be concerns over interface distances and adequate amenity provision being inadequate, which would unacceptably harm neighbouring amenity.

I consider that the 14 proposed dwellings represent an acceptable

density in this location, providing ample amenity space and interface distances between the proposed dwellings and the existing neighbouring dwellings, whilst retaining the reasonably open character of the locality.

When taking into account constraints on the site, including the need to protect existing ecological interests and due to the mining legacy on the site, the proposal represents an efficient use of the land which also integrates into the prevailing pattern of development in the immediate locality.

Impact on living conditions of neighbouring occupiers and future occupiers

Supplementary Planning Guidance Note 2: Space Around Dwellings provides guidance to achieving adequate levels of residential amenity and to ensure that no adverse impacts upon existing amenity arise from proposals for new dwellings.

Due to the slightly lower density of development on site, to reflect the character of the surrounding area, the proposed dwellings are able to achieve the minimum standards prescribed by the supplementary guidance. A general amenity space of 80m² is achieved for all proposed dwellings. This exceeds the minimum for 3 bedroom dwellings and higher by 10m². Garden depths, particularly where close to boundaries with existing dwellings adjacent to the site, comply with the prescribed distances within the guidance.

Ecology

The site lies in close proximity to the Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and is directly adjacent to the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI). The SAC supports a nationally important population of great crested newts. It is therefore important that the Local Planning Authority are sure, beyond reasonable scientific doubt, that the proposed development will not adversely affect the integrity of the SAC.

Similarly the SSSI contains a nationally important population of great crested newts and an assemblage of other amphibian species. Various amphibians have been found on land contiguous with the boundary of the application site. It would therefore be necessary to impose a condition requiring the implementation of amphibian mitigation and reasonable avoidance measures to the satisfaction of the Local Planning Authority.

It is considered by the Natural Resources Wales that the site will be

used by the relevant species for foraging, dispersal and or sheltering purposes but that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the great crested newt populations provided that suitable conditions are imposed.

Suitable and appropriate mitigation will entail the implementation of Reasonable Avoidance Measures (RAMs) such as the erection of a 1-way amphibian fence, together with the clearance of individual working areas.

It is considered that relevant to the proposal is the biosecurity of the site particularly concerning invasive non-native species (INNS). As such I consider that it would be appropriate to impose a condition requiring the submission and implementation of a Biosecurity Risk Assessment, which will include appropriate measures to control INNS on site as well as measures to prevent INNS being introduced on site for the duration of the construction and implementation of the proposal.

It is also considered, given the ecological sensitivity of the site, that it would be appropriate to impose a condition requiring the submission of an Ecological Compliance Audit, to provide evidence demonstrating that the implementation of the proposal will accord with the provisions of planning and other statutory consents.

Apart from the potential of the site for GCN, there is also some potential for Badgers within the dense scrub and vegetation clearance will therefore need to be undertaken with this in mind as recommended within submitted Ecological report. A Construction method statement is recommended within the Ecological report and should be conditioned.

The mature trees on the site have the potential as bat roosts and the hedgerows and field will provide foraging habitats. The submitted tree report recommends the retention of the majority of trees on site. A condition will be imposed for root protection measures to be agreed and put in place prior to development starting.

Coal mining legacy

The application site falls within the Coal Authority's defined Development High Risk area as there are coal mining features and hazards within the site due to historic mining activity.

A Mining Investigation Report accompanied the application. This report outlines the intrusive site investigation works that have taken place over the site, and concludes that shallow mine workings do not affect the proposed development. Furthermore the report states that the recorded mine entry within the site was fully treated to NCB

specifications in 1975. This mine entry is not to be built upon. This approach follows the general precautionary principle adopted by the Coal Authority.

The Coal Authority are satisfied with the findings of the Mining Investigation Report and that this report meets the requirements of Planning Policy Wales in demonstrating that the application is, or can be made, safe and stable for the proposed development.

I recommend that conditions are imposed regarding foundation design to mitigate against any residual ground movement associated with the treated mine shaft. In principle, however, I consider that it has been demonstrated that the mining legacy of the site causes no significant impediment to the proposed development.

Given the history of historic mining it is also considered appropriate to impose a condition requiring a Phase 1 desk study to be carried out to identify any possible contaminants on the land. If any are subsequently found it would be necessary for further investigation to be carried out and appropriate mitigation implemented. It is considered that this can be controlled by condition.

Public Open Space

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'.

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.

No Public Open Space (POS) provision is provided on site by the development. In accordance with Planning Guidance Note 13- Public Open Space provision, it is considered that the Council should seek commuted sum payment in lieu of on site provision, which would enhance existing POS in the community. Specifically money would be payable for the enhancement of the Skatepark in Buckley. Thresholds from previous contributions have not been exceeded with regard to the Skatepark and it is considered that a fee of £1,100 per dwelling is appropriate.

Education

In terms of a requirement for contributions towards education infrastructure and provisions within the county, I am advised that the application of the above guidance would indicate a need for contributions towards the nearest primary school, Mountain Lane C.P School as this school has a sub 5% surplus capacity. However, the Council has already secured 5 contributions towards the capacity at this school, as set out in the table below.

Planning reference	Site address	Date of Agreement	Amount
047722	Knowle Lane	22/01/2013	£17,500
046545	Hillcrest Drury Lane	01/10/2013	£10,500
047624	Alltami Road	29/10/2013	£21,000
047900	Ewloe Hall Motors	19/03/2013	Outline Application
050804	Brunswick Road	19/07/2013	£24,514

- Accordingly, any further requests towards the same end would not be in compliance with the Community Infrastructure Regulations 2010 and therefore, by virtue of Reg.123, The Local Planning Authority may not make any further requests for S.106 contributions for the same purpose at this school.
- I have not been informed of any projects at the School which it would be reasonable in terms of scale and kind to the development to seek an obligation.
- There is no requirement for a contribution towards secondary school capacity as the nearest secondary school, Elfed School, has 28.1% surplus spaces.

The LPA cannot therefore consider a Section 106 agreement in respect of education capacity at Mountain Lane C.P School.

Having regard to the principles in relation to S.106 Agreements set out within Welsh Office Circular 13/97 'Planning Obligations', that such obligations should only be sought where without the same the Local Planning Authority would not grant planning permission, it falls to be considered whether the proposals ought therefore to be refused in the light of the implications of CIL.

Clearly, in relation to educational contributions towards primary school places at Mountain Lane C.P School, the development proposals bring about an adverse impact which cannot now be mitigated by a further Section 106 contribution. I have therefore considered whether or not, weighing all matters into the balance and exercising my planning judgement, I should recommend that this application should be refused given that there is an adverse impact at Mountain Lane C.P School which cannot be mitigated by way of a Section 106 contribution.

I am mindful that, save the issue in relation to primary education contributions, all other matters are acceptable on the assessment of their planning merits in all other respects. Nonetheless, there is an impact arising from the proposals which cannot be mitigated by a Section 106 obligation and this will adversely impact upon the capacity of Mountain Lane C.P School. The impact therefore needs to be weighed against the matters set out above, and in light of CIL. The proposals, upon the application of the formula within LPG23 indicate that 3 pupils are expected to be generated from the development to attend this school which presently has 406 pupils on the roll. The proposals would therefore increase the pupils on roll to 409. The school has an actual capacity of 409. The school currently has a capacity of only 0.73% and the extra pupils generated by this proposal would result in the school being at maximum capacity. Therefore, in planning policy terms, the proposed development is in conflict with Policy IMP1 of the UDP.

Having considered all the other matters set out in this report, I am of the view that, whilst finely balanced, and when taking into account the lack of housing land supply, the particular impact that would arise as a result of this proposed development is not so great as to warrant refusal of planning permission in this instance.

Other Matters

The site has previously been investigated for archaeology relating to the nearby former Charles Pryce Pottery. The evaluation trenches did not reveal any structures relating to the pottery and it is clear from the archaeological investigations that the pottery buildings did not extend onto the development site.

The site lies completely within Zone A on the Development advice maps accompanying TAN15: Development and Flood Risk. Zone A is considered to represent little or no flood risk. Insufficient detail has been provided regarding the disposal of surface water and I consider that it would be appropriate to impose a condition requiring the submission of a surface water drainage design to be approved prior to the commencement of work and thereafter implemented.

Objections have been received alleging that this site has been developed by stealth in order to avoid making a contribution to the any local affordable housing need. There is no evidence to support the allegation and the application submitted has to be considered on its own merits.

Further objections have been made that community facilities do not exist which can support the development. No evidence has been submitted to support this view and therefore very little may be attributed to it in the overall planning balance.

8.00 CONCLUSION

In conclusion it is my view that the proposal complies with policy. Satisfactory provision can be made for the public footpath for the duration of the construction of the development. Ecological impacts can be mitigated and protected on site. There are no objections from any of the statutory consultees.

Accordingly, I recommend that planning permission be granted subject to the imposition of conditions within paragraph 2.01 of this report, and the completion of a legal agreement.

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.

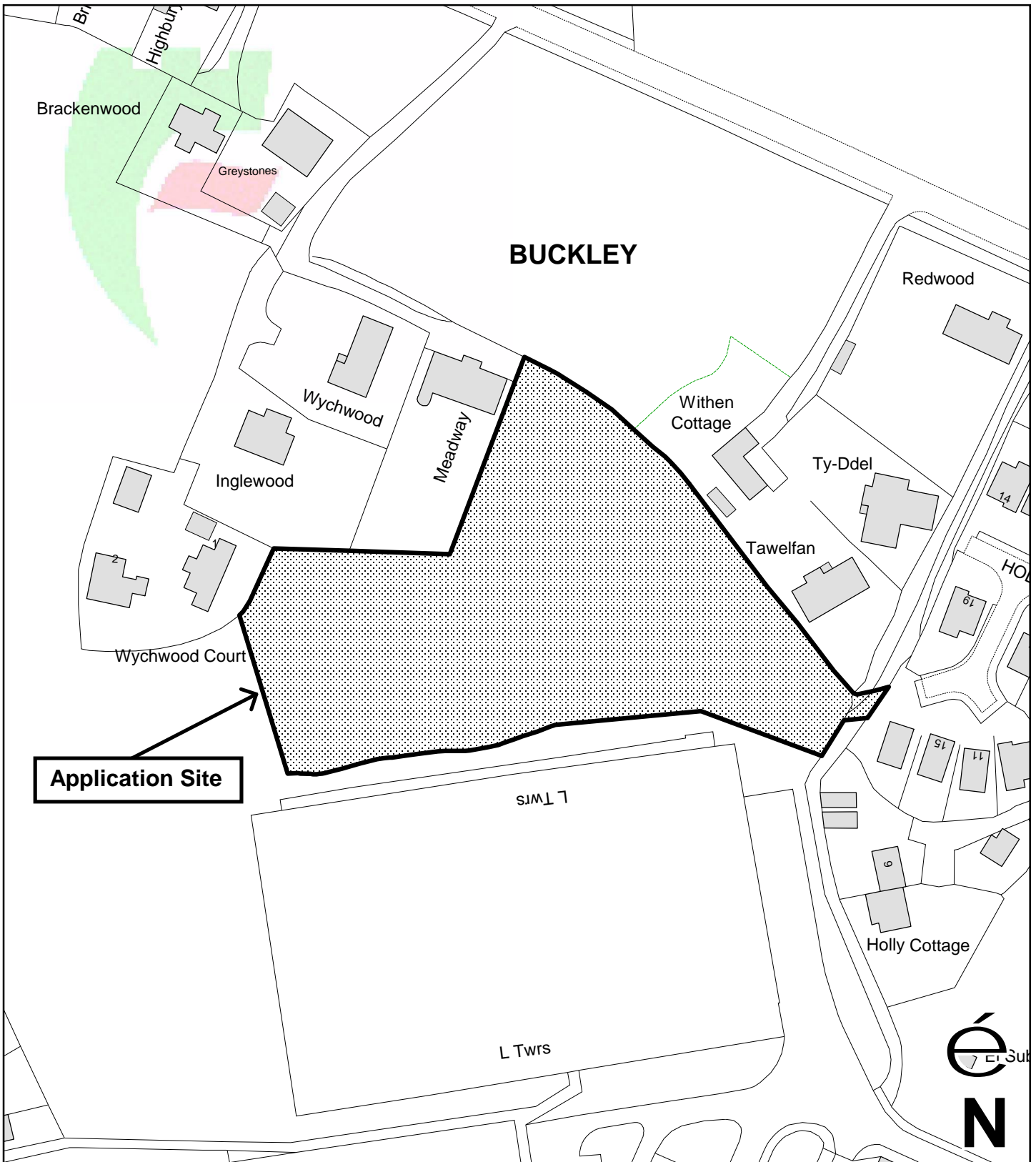
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

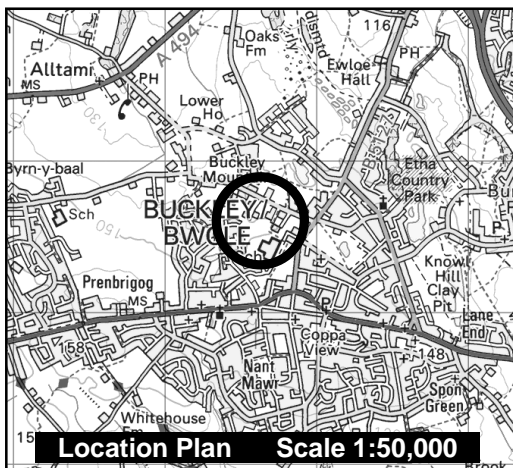
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: James Beattie
Telephone: 01352 703262
Email: james.beattie@flintshire.gov.uk

Mae'r dudalen hon yn wag yn bwrpasol



Application Site





Location Plan Scale 1:50,000



Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:1250
OS Map ref	SJ 2764
Planning Application	58229

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.6

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **18TH JULY 2018**

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

SUBJECT: **CHANGE OF USE FROM C3 (DWELLINGS) TO C4 (HOUSE OF MULTIPLE OCCUPATION) AT 15 BRIDGE STREET, SHOTTON.**

APPLICATION NUMBER: **058282**

APPLICANT: **MUSTARD SEED INVESTMENTS LIMITED**

SITE: **15 BRIDGE STREET, SHOTTON, CH5 1DU**

APPLICATION VALID DATE: **22ND APRIL 2018**

LOCAL MEMBERS: **COUNCILLOR SEAN BIBBY**

TOWN/COMMUNITY COUNCIL: **SHOTTON TOWN COUNCIL**

REASON FOR COMMITTEE: **APPLICATION REFERRED BY COUNCILLOR SEAN BIBBY DUE TO RESIDENT CONCERNS OVER IMPACT TO AMENITIES, PARKING/EFFECT ON THE HIGHWAY AND CHANGE OF CHARACTER**

SITE VISIT: **VISIT REQUESTED BY COUNCILLOR SEAN BIBBY TO LOOK AT ABOVE MENTIONED ISSUES.**

1.00 SUMMARY

- 1.01 This is a full application for the change of use from C3 dwelling house to a 6 bedroom house of multiple occupation at 15 Bridge Street, Shotton. It is considered it is acceptable in policy terms and will not detrimentally affect the living conditions of neighbours in the locality or those of the future occupiers.

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

- 2.01
1. Time limit on commencement
 2. In accordance with approved details
 3. Maximum occupation to be 6 people
 4. Scheme of bin and recycling storage to be agreed.
 5. Details for the storage of cycles shall be submitted to and approved in writing by the Local Planning Authority.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Sean Bibby

I request this application to be referred to Planning Committee due to resident concerns over impact to amenities, parking/effect on highway and change in character.

Shotton Town Council

Shotton Town Council object to this application. The Councils County Councillor Sean Bibby has referred this application to the planning committee.

Public Protection

I can confirm that I have no adverse comments to make regarding this proposal.

Highways (DC)

In consideration of the property's particularly sustainable town centre location, I do not believe that a recommendation of refusal on the basis of lack of parking facilities may be justified at appeal. However as the Highway Authority I recommend that any permission shall include a condition to ensure facilities are provided and retained within the site for the parking of cycles in accordance with a scheme to be submitted to and approved by the Council.

4.00 PUBLICITY

4.01 Neighbours

17 letters of objection received with the same concerns:

- Bridge Street has no on street parking facilities and currently there are parking restrictions with double yellow lines on both sides. It is likely that a House in Multiple Occupation will increase pressure on current parking that is available elsewhere, which is limited.

- Shotton is seeing increasing numbers of HMOs. Terraced streets are being over developed with more and more people being accommodated. Residents concerns that the town centre is now longer capable of taking more development without there being a strain and pressure on services, waste collection and parking.
- Concern over such developments rapidly changing the character of the community. Family homes and houses suitable for young local families and those looking for affordable housing are being lost to wealthy property developers.

5.00 SITE HISTORY

5.01 No recorded history although the applicant has stated the dwelling has been sub-divided and operated as three separate flats.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 STR1 - New Development
 STR4 - Housing
 GEN1 - General Requirements for Development
 GEN2 - Development inside Settlement Boundaries
 AC18 - Parking Provision and New Development

7.00 PLANNING APPRAISAL

7.01 Proposal
 The applicant has proposed to convert an existing C3 dwelling house to a C4 house of multiple occupation. There are no external changes proposed to the property. The internal changes involve the inclusion of an internal staircase to access the basement and re-arrangement of some internal rooms.

Site

The application site consists of a traditional terrace property with brick, render and tiled roof construction, in a row of other similar properties. The property has an area of amenity space and a detached pre-fabricated pebble dash garage at the rear. The site is within the settlement boundary for Shotton.

The Principle of Development

The proposal is within the settlement boundary for Shotton and is the residential use of an existing dwelling. The principle of the proposal is therefore acceptable as it makes the most efficient and effective use of existing housing stock in accordance with policy STR4 and

GEN2 of FUDP.

Main Issues

The main issues are considered to be the impact of the development upon the character of the area with regard to living conditions of future occupiers, neighbouring residents and parking.

The agent suggests that the building was previously used as 3 separate flats, however no permission was sought to convert the building to separate flats and there are no bathroom facilities shown at basement level or on the ground floor. Furthermore no application has been submitted for a Certificate of Lawful Use for 3 flats. The onus would be on the owner to demonstrate that the flats had become a lawful use over the passage of time. However, the applicant has described the existing use of the property as a C3 and the application to change to a C4 house of multiple occupation.

Impact on character and appearance with particular regard to the living conditions of neighbouring occupiers

As no external changes are proposed there would be no material change in the appearance of the building which would be harmful to the character of the area.

The proposed layout changes will be a kitchen/living area in the basement will be converted to a bedroom, a kitchen will be converted to a lounge and a lounge to a kitchen/dinner on the ground floor and a kitchen on the first floor will be converted to a shower room. There is only the introduction of one habitable room, a lounge where previously there was a kitchen. However, the window serving this room is on the main rear wall of the first floor at the rear of the property. The outlook is across the existing garden with a substation opposite the rear of the property. The arrangement is similar to the neighbouring room which is currently and would remain a bedroom.

The proposal will retain amenity space to the rear which will allow for drying of clothes, cycle and general storage.

The proposed use is a residential use which operates at a level of intensity only slightly increased to that which might reasonably be expected if it remained as a C3 dwelling house.

The proposal would not adversely affect the character or the area as it would physically harmonise with the site and surroundings as there will be no material change in its current appearance as a dwelling. It is therefore compliant with Policy GEN 1. Furthermore, it is not considered that overlooking of any neighbouring properties is increased. There is no reduced interface distances between windows is created and there is increased area of rear amenity space due to the demolition of the garage. There is therefore no

impact on the character of the area with regard to the living conditions of neighbours.

Living conditions of future occupiers

The living conditions of future occupiers can be considered a material planning consideration. It is important to note that there are currently no planning guidance in Flintshire on the size or layout of HMO's with regard to provision of acceptable living conditions for occupiers. The proposal retains a kitchen diner and a separate lounge which provides shared amenity space. The smallest bedroom is 9.3sqm which is acceptable in terms of housing standards where there is shared amenity space.

As the applicant has not advanced a limit on the level of occupation, in order to provide an acceptable level of living conditions for future occupiers a condition will be imposed to ensure each room is single occupancy only. All the bedrooms proposed are of a reasonable size to accommodate a single occupant.

Parking and impact on the highway

There is a concern that the increased residential use of the HMO, would lead to an increase in the parking requirements above what would reasonably be expected of a private dwelling. At a recent appeal for a HMO in Saltney, the Inspector noted that:

“The appellants has, however estimated that the HMO would generate a parking demand of 0.4 cars per flat, or less than 4 in total, based on the Residential Car Parking Research undertaken by the Department for Communities and Local Government in 2007. Whilst this research was undertaken in an English context, it nonetheless provides an evidenced indication of the likely traffic generation of an HMO.

Although SPG11 Parking standards contains no standard parking provision for a HMO, in another recent application for a HMO the rational of 0.4 car parking spaces has been applied. If the same rational is applied to this application a requirement for a maximum of 2.4 parking spaces would be applied.

However, the application lies within a terraced street where on street car parking is prevented by double yellow lines. The site is in a sustainable location near to the town centre, and in close proximity to transport links in Shotton. There is access to two public car parks to the rear of the dwelling which do not operate to capacity. It is therefore considered that the development would not exacerbate on street-parking or increase the vehicular movement to the extent that highway safety or the free flow of traffic would be materially harmed. It would be very difficult to demonstrate that the proposed use would have a greater impact on the highway than the lawful use as a

dwelling house or the use of the property as three separate flats. A condition will however be applied to ensure provision for cycle storage is available prior to the development being brought into use, in order to promote sustainable means of transport and reduce reliance on car usage.

Other Matters

Objections have been received from neighbours regarding the increased pressure on local services and that the proposed use will change the character of the area removing affordable homes from young families.

Both the existing and proposed use are residential in nature. The size of the existing dwelling could easily accommodate a family of 6 adults. There is no evidence to substantiate the view that 6 adult occupiers of a HMO would exert any further pressure on local services.

The existing and proposed uses are residential, falling into the same use classes order. As set out in a previous Inspectors decision, a HMO may create a slightly more intensified use caused by increased comings and goings but no evidence has been submitted to demonstrate how this proposal would materially change the character of the area. The property is privately owned and the planning system cannot control the sale of the property.

8.00 CONCLUSION

It is considered that the proposal is in accordance with the relevant 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.

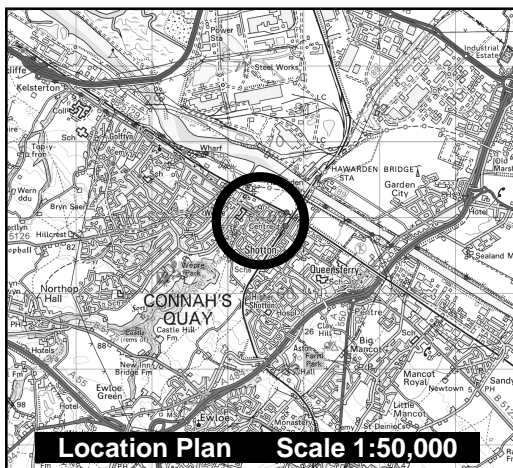
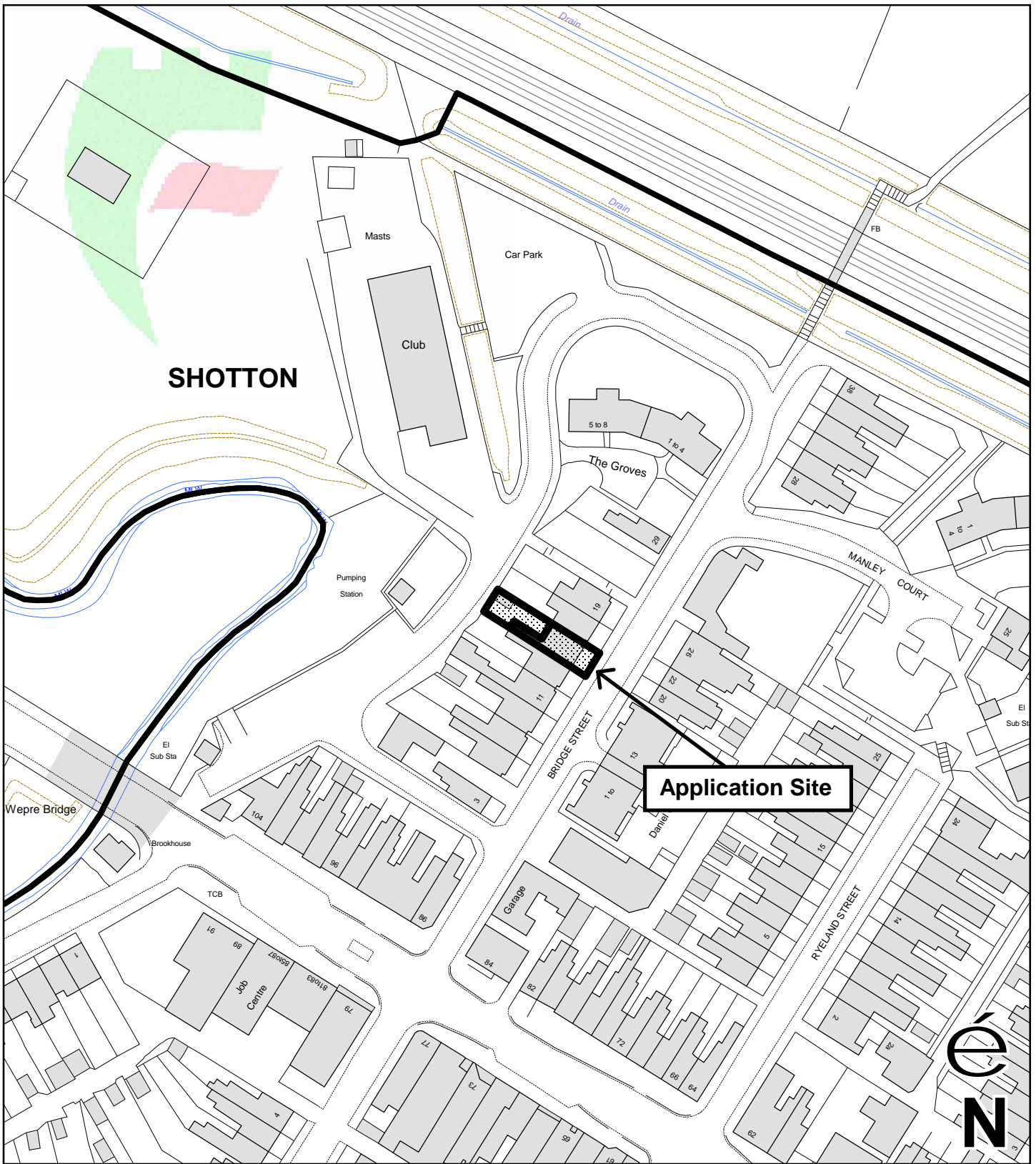
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Ms Alison Dean
Telephone: 01352 702012
Email: alison.dean@flintshire.gov.uk

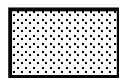
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Planning, Environment & Economy,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 3069

Planning Application **58282**

Tudalen 123

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.7

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **18TH JULY 2018**

REPORT BY: **CHIEF OFFICER OF PLANNING, ENVIRONMENT & ECONOMY**

SUBJECT: **OUTLINE APPLICATION – ERECTION OF UP TO 36 UNITS OF OVER-55 RETIREMENT HOUSING, OPEN SPACE AND ASSOCIATED INFRASTRUCTURE WITH DETAILS OF SITE ACCESS AT RHOS ROAD, PENYFFORDD.**

APPLICATION NUMBER: **057388**

APPLICANT: **MR RICHARD HEATON**

SITE: **LAND SOUTH OF RHOS ROAD, PENYFFORDD**

APPLICATION VALID DATE: **11/08/2017**

LOCAL MEMBERS: **COUNCILLOR D WILLIAMS**
COUNCILLOR C HINDS

TOWN/COMMUNITY COUNCIL: **PENYFFORDD**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT, DEPARTURE FROM DEVELOPMENT PLAN AND LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is an outline application for the principle of residential development to erect up to 36 residential units of over 55 retirement housing with details of the access provided, on land South of Rhos Road, Penyffordd. All other matters are reserved for future consideration.

As the site is outside the settlement boundary of Penyffordd/Penymynydd, the application has been advertised as a departure from the development plan.

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

2.01 That conditional planning permission be granted subject to the applicant either entering into a Section 106 Obligation or Unilateral Undertaking to provide for the following:

- a) Payment of £70,000 towards Active Travel Improvements; to provide controlled crossing facilities to ensure safe crossing of the A550 as an essential link between the application site and Penyffordd Railway Station. Such sums to be paid upon the commencement of development;
 - b) Payment of £1,100 per dwelling (£733 per affordable dwelling) in lieu of onsite recreation provision, the sum to be used to improve teenage provision at Millstone Play area, Penyffordd. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved;
 - c) To ensure that as part of any reserved matters application for an over 55's residential development, details of an affordable housing scheme is submitted. Any proposed affordable housing scheme shall be in accordance with the provisions of policy HSG10;
- and
- d) Restricted occupancy to persons aged 55 and over only.

2.02 Conditions

- 1. (i) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 12 months from the date of this permission
- (ii) The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of 12 months from the date of approval of the last of the reserved matters, whichever is the later.
- 2. Details of the layout, appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development commences and the development shall be carried out as approved.

3. Development as per approved plan.
4. Maximum ridge heights/parameters for development
5. Submission of a drainage scheme for the disposal of foul, surface and land water
6. Hedgerow and tree protection measures to be submitted, agreed and erected before any other site works are undertaken.
7. Submission of a scheme for protecting the future occupiers of the development hereby permitted from noise from A550 and roundabout
8. Details of siting, layout and design of the access;
9. Submission of a scheme for the formation and construction of the means of access
10. 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 operations;
11. Access shall have a visibility splay of 2.4m x 43m in both directions
12. The stated visibility splays and the proposed point of access shall be made available and kept free from obstruction for the duration of the site construction works;
13. Facilities shall be provided and retained within the site for the parking and turning of vehicles.
14. A 2.0m wide footway shall be provided along the site frontage constructed to adoption standards;
15. Positive means to prevent surface water run-off on to the highway;
16. Construction Management Plan;
17. Full Travel Plan and Transport Implementation Strategy (TIS).

3.00 CONSULTATIONS

3.01 Local Member Councillor D Williams

The idea of such a development in my opinion is an honourable one

that can benefit the village and community as a whole. However, given its prematurity with the LDP not yet in place, plus the three other applications for developments that have been approved on appeal, I believe the community needs time for new residents to settle before any further housing is permitted.

I accept that the other appeals may have set a precedence, but I would hope and expect an understanding that any future appeals would recognise the harm that such a degree and speed of growth will have on this community.

I would therefore appreciate a deferment in determining this application until the conclusion of the TAN 1 consultation is released. A change of Tan 1 could be the deciding factor on the decision of this application, and given the excessive amount of developments we have had to accept on appeal for outside the settlement boundary, I think we need and deserve some respite from further developments.

Current grounds for refusal include.

- On current policy, the application for this development does not comply with current policy as the land is outside the settlement boundary.
- Increase of dangers through increased volume of traffic. Approval will significantly impact on the volume of traffic using already congested roads in the village that will increase the issues regarding road safety in the proposed location and village in general due to increased traffic.
- The proposed access is at an unsafe and inappropriate position and if the scheme is to be progressed, this needs reviewing with local representatives prior to any decision being made. A scheme that takes into account the approved development across the road is needed, together with a review of all issues along Corwen and Rhos road that have been ongoing since 2009 and not addressed. All relevant correspondence on this can be provide on request.
- If a school contribution is not required, a contribution to enhance recreation amenities for the elderly should be made. This contribution could be linked and in addition to the 106 agreement for POS where a specific allocation is ring fenced for provision of elderly. The elderly of the entire village needs to benefit, not just this individual development, and spending of any 106 contribution should be controlled by community representatives.

With regards to the actual application, if the recommendation is for approval, as well as the other things I am seeking as far as 106 agreements are concerned, I am requesting that a condition is attached that commits both developers to ensure that a road improvement scheme that provides optimum road safety is agreed

and implemented prior to the commencement of any building.

The condition needs to be something on the lines of: If permission is granted, a full consultation on highway provision will be undertaken and a scheme agreed with the local authority and **local representatives**. Any agreed road improvement scheme will be **completed prior to the start** of any building and be a joint responsibility of both Rhos road North and Rhos road South developers.

I trust this information is helpful and all content reported to Committee who I request determine this application, and I also reserve the right to make additional comments prior to that meeting if the need arises. I also wish to make it known that I request to address committee.

Councillor C Hinds

Objects to the proposal upon the following grounds:

- Considers the proposals are premature and the site should be properly considered via the Local Development Plan process;
- Overdevelopment in the village;
- The site is outside the settlement boundary;
- Developers should be made to use allocated sites and brownfields sites first as a matter of priority;
- Considers local infrastructure is already stretched with insufficient capacity in local schools and healthcare centres;
- Reduction in public transport bus services along Rhos Road;
- considers the transport infrastructure is inadequate and poses a risk to the highway safety for road users and pedestrians; and
- The settlement is not a sustainable community, there is no social cohesion.

Penyfford Community Council

The Council strongly objects to this planning application on the grounds of it being outside the settlement boundary. The Council wish for this development to be heard at Planning Committee where a full and detailed response will be provided.

Head of Assets and Transportation

The application is for a private estate with direct access onto Rhos Road with all matters reserved except for access. The layout of the proposed access, visibility splays and fronting footway appear appropriate.

An indicative layout plan has been submitted with the application indicating the provision of 36 no. parking spaces and a further 8 no. garage spaces. This level of parking is considered appropriate considering the nature of the development.

Any permission shall include the following conditions:

- Siting, layout and design of the access
- The forming and construction of the means of access shall not commence unless and until the detailed design thereof has been submitted and approved
- 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 operations
- The proposed access shall have a visibility splay of 2.4m x 43m 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
- The stated visibility splays and the proposed point of access shall be made available and kept free from obstruction for the duration of the site construction works
- Facilities shall be provided and retained within the site for the parking and turning of vehicles. Such facilities shall be completed prior to the proposed development being brought into use
- A 2.0m wide footway shall be provided along the site frontage constructed to adoption standards
- Positive means to prevent surface water run-off on to the highway
- Construction Management Plan
- Full Travel Plan and Transport Implementation Strategy (TIS)

A Section 106 agreement providing funding for improvement to the proposed Active Travel facility and/or improvement to bus stop facility in proximity of the development site will also be required.

Head of Public Protection

No objection in principle to the application provided a condition is imposed to require a noise survey and require any relevant mitigation.

Ecology

A tree/root protection condition required.

There is no suitable terrestrial habitat for Great Crested Newts on this site but as there is some evidence to the North of the site, I would suggest the following note to applicant with regards to protected species:

1. All great crested newts and their resting places are protected under the Conservation of Habitats and Species Regulations 2017, and the Wildlife and Countryside Act 1981 as amended. Please be advised that if great crested newts are discovered all works should stop immediately and the Natural Resources Wales or the Flintshire Ecologist should be contacted for

advice on any special precautions before continuing.

2. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Please be advised that no tree or shrub removal should be undertaken while nesting birds are present

Public Rights of Way (PROW)

Public Footpath No.10 abuts the site but does not appear to be affected by the proposed development.

The path must be protected and free from interference from the construction.

Welsh Water/Dwr Cymru

We would request that if you are minded to approve planning permission for the proposed development, the following condition and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Sewerage

The Proposed Drainage Strategy dated May 2017 that was submitted in support of the application is acceptable and its implementation should be secured by planning condition so as to ensure that the development is carried out in accordance with the content of this strategy.

Sewage Treatment

No problems are envisaged with the Waste Water Treatment works for the treatment of domestic discharges from the site.

Head of Lifelong Learning

The planning application as I understand it falls with the "Exceptions" area of the SPG23 note 5.1 which states that "housing specifically designed for occupation by elderly persons (ie restricted by planning condition agreement to occupation by those over aged 55 years or more". On that basis I am unable to seek education contributions.

Play Unit

In accordance with Planning Guidance Note no.13 POS Provision, the Council should be seeking payment of £1,100 per dwelling in lieu of on-site provision (£733.00 for any affordable housing). It is intended the contribution will be allocated to provide improved teenage provision at Millstone Playarea, Penyffordd

Housing Strategy Manager

Planning Policy Wales (July 2014) states that 'A community's need for affordable housing is a material planning consideration which must be taken into account'. It is considered desirable that new housing development incorporates a reasonable mix of house types and sizes, including affordable housing (i.e. intermediate and social rented).

As set out in Policy HSG10 of the Flintshire UDP 'Where there is demonstrable need for affordable housing to meet local needs, the Council take account of this as a material consideration when assessing the housing proposals.'

The application is to develop 36no retirement dwellings in Pen-y-ffordd (Chester) which is a semi-urban settlement and the policy requires a 30% provision of affordable housing on site for development of over 1.0ha or 25 dwellings. The applicant is proposing 36 retirement dwellings for over 55's, and no proposed affordable housing provision.

Evidence of need

In terms of evidence of need:

The Local Housing Market Assessment (LHMA) for Flintshire identifies the 'proportional growth in households aged 65 years and over is significantly higher at 42.7%' compared with the overall growth in population in Flintshire. In addition the LHMA identifies that around 14% of all households in need are older people aged over 65 years.

In terms of need for social rented properties, almost a quarter of the people on the social housing register are aged over 55 years (23%), of which 256 require one bed properties and 134 2bed properties. In relation to Penyffordd (Chester) there are 23 people registered for 1 and 2 bedroom sheltered accommodation, age ranging from 59 – 84 years.

Furthermore, there is a demand in the local area for both affordable rent and shared equity:

- 10 applicants currently registered for a shared equity property looking for 2 bed properties; and
- A further 3 applicants registered for affordable rent all requiring 2 bedrooms.

As stated in the LHMA, in terms of the wider housing market, there is a need for such retirement accommodation to allow people to downsize and release family housing, however this is not only a need within the market housing sector but also within the affordable housing sector. With an increase in the older population and the health needs of older people becoming more complex, the delivery of such accommodation is welcomed where it contributes towards a mixed sustainable community and the development reflects the local housing needs.

The applicant has not provided any evidence of viability or other matters to justify a reduction of on-site provision.

Therefore, a S106 or condition should be imposed for a satisfactory scheme of affordable housing to be delivered.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

The application was advertised as a departure from the development plan.

4no. letters of objection upon the following grounds;

- The recent development in the village allocated within the UDP have highlighted the lack of infrastructure to support any additional development with the consequent impacts this will have upon community cohesion;
- Surface water problems;
- Lack of school places;
- Premature in advance of the UDP and should not pre-empt decisions in advance of the LDP;
- Other sites in the settlement have been put forward as part of the Candidate site process and this may prejudice them coming forward;
- Overdevelopment of the village to the detriment of its character;
- There has been sufficient recent developments in the village, 35% growth;
- The proposed development contradicts the 2000-2015 UDP (Chapter 11 – Housing 11.7);
- Landscape and visual impact of developing the open countryside;
- The site is a greenfield site outside the settlement boundary;
- Wrong location for this type of housing;
- Would lead to additional traffic and Congestion on Rhos Road;
- Impact on the sewage system, water supply and other services;
- Public Transport links are not good from Rhos Road;
- No disabled access to the Penyffordd Station;
- The proposed development is not on a bus route, nearest bus stop reached by foot with a long walk and not a frequent service;
- Dependency on private car as a means of transport;
- Impact on dentists and doctors, current services full to capacity;
- Insufficient parking provision;

- No affordable housing provision proposed;
- There is a need for bungalows and affordable properties, not more unaffordable luxury houses or apartments;
- Noise impacts from the development and to the development from the bypass;
- Potential drainage impacts from surface water on nearby properties;
- Pedestrian safety is poor;
- This site is a green buffer entrance to the village and separates the built area from the bypass;
- The proposed development would be dominant and result in direct overlooking, a loss of privacy and a loss of natural light to adjacent properties.

Penyffordd Community Group

It is accepted that Penyffordd needs more housing provision for elderly residents and this application purports to address that need.

However, the application site is outside the UDP settlement boundary and in Flintshire's Settlement with the highest percentage growth, whose residents have experienced harm caused through recent rapid overdevelopment. Irrespective of the quality or perceived value of an individual development proposal, when considered within the wider context, it is not sustainable.

- Rapid overdevelopment has caused damage to social cohesion;
- Infrastructure has not had time to keep up with recent development; and
- This is one of 4 active large applications in the planning system, totalling nearly 300 more dwellings.

This village needs the LDP process to be completed and the land and proposals for growth to be considered and consulted properly. The time waiting for the LDP to be adopted will benefit the community in allowing it to 'catch-up' from the 35% growth in the last 5 years.

The most recent cases, where TAN1 has been used as a means for developers to speculate outside of the development plan have been refused where there is another good reason for refusal.

We believe that you have that in Penyffordd and that our boundary should be protected ahead of the LDP.

If this development is to be part of the future of our community, the decision needs to be taken properly in the LDP context in order to ensure the right balance of need, scale, affordability and housing mix. It is therefore premature.

In wishing to make no contribution to affordable housing, including

the management fees, this development is seeking to create a retirement community exclusively for affluent people. The implication is that those less well-off will have to look elsewhere, outside the village.

These are big issues and we believe that at this time the committee should move for refusal.

In addition, there is detail of the application and we hope that the case officer will assess these details objectively, of particular concern are:

- Surface water and waste solution, and the access road particularly in light of the Rhos Road (North) application;
- Car parking;
- Density of the development;
- Large distance from the village facilities;
- Difficulty getting to medical facilities via public transport;
- Capacity of GP services; and
- Loss of trees.

5.00 SITE HISTORY

5.01 No previous site history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 - New Development
STR4 - Housing
STR8 - Built Environment
STR10 - Resources
GEN1 - General Requirements for New Development
GEN3 - Development Outside Settlement Boundaries
D1 - Design Quality, Location and Layout
D2 - Design
D3 - Landscaping
TWH1 - Development Affecting Trees and Woodlands
WB1 - Species Protection
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
HSG4 – New Dwellings Outside Settlement Boundaries
HSG8 - Density of Development
HSG9 - Housing Mix and Type
HSG10 - Affordable Housing within Settlement Boundaries
SR5 - Outdoor Play Space and New Residential Development
EWP3 - Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land
EWP16 – Water Resources

Local/Supplementary Planning Guidance Notes

LPGN 2 - Space around dwellings
LPGN 4 - Trees and Development
LPGN 9 - Affordable Housing
LPGN 11 - Parking Standards
LPGN 13 - Open Space Requirements

Planning Policy Wales Edition 9 November 2016
Technical Advice Note 1 : Joint Housing Availability Studies
Technical Advice Note 11: Noise
Technical Advice Note 12 : Design
Technical Advice Note 18 : Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application for up to 36 residential units with details of the access provided, on land south of Rhos Road, Penyffordd. It should be noted that the application relates to the specific provision of an over 55's housing proposal. All other matters are reserved for future consideration.

7.02 Site Description

The application site extends to 1 hectare and is located on the edge of the village of Penyffordd. To the west of the site lies the A550 with links to the A55, separated by a parcel of undeveloped land and the un-adopted road, Rhos Avenue. To the east and south is the existing residential development in Penyffordd on Westfield Drive and the existing dwellings situated along Rhos Avenue. The site is bound by an established hedgerow to the north and western boundaries, while the southern and south eastern boundaries have an existing mature hawthorn hedge reinforced with additional tree planting.

To the north of the site it is bounded by Rhos Road, beyond which lies land which benefits from planning permission for residential development.

7.03

It is proposed that the site would be accessed via a new central access off Rhos Road. This will involve the removal of a hedgerow to achieve the required visibility splays. A 2.0m footway will be provided along the frontage of the site to Rhos Road with crossing points at either end.

7.04 The Principle of Development

The site lies outside but immediately adjacent to the settlement boundary of Penyffordd in the adopted UDP. In terms of adopted UDP

policies, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.

Given that the proposal is for up to 36 units and does not fall within the scope of the above policy framework, the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan, and has therefore been advertised as such.

The applicant justifies the proposal on the basis of a lack of a 5 year housing land supply, the fact that the UDP is out of date and that the proposal represents sustainable development.

Welsh Government Advice and National Planning Policy

Planning Policy Wales Edition 9 November 2016 paragraph 4.2.2 states;

“The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time,” when taking decision on planning applications.”

Planning Policy Wales Edition 9 November 2016 paragraph 4.2.4 states;

“A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise. Where;

- *There is no adopted development plan; or*
- *The relevant development plan policies are considered outdated or superseded; or*
- *Where there are no relevant policies*

There is a presumption in favour of proposal in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.”

Paragraph 4.2.5 states *“In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge*

whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision.”

The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that *“There is a danger that the need to increase supply and lack of a 5-year housing land supply could be used to justify development in inappropriate locations.”*

The appeal of most relevance to this site allowed 40 dwellings on land north of Rhos Road (APP/A6835/A/16/3149082). The Inspector noted *‘The development of the site would result in the loss of open land on the approach to the settlement. The site is well-enclosed in views from the main roads and this mature vegetation can be retained as part of the development. The A550 also forms a logical boundary for the settlement at this location’*. The Inspector went on to comment *‘The proposed development would not accord with the Policy GEN3 of the UDP because the site is outside the settlement limit. However, the site is adjacent to the limit and is well enclosed with a logical boundary limiting incursion into the open countryside. The site is on the edge of a settlement that is well served by a range of local facilities, bus services and a train station. The UDP Inspector considered local services to be good. The Council accepts that the site is in a sustainable location in terms of facilities and services’*.

The conclusion of the Inspector was that *‘I have found that the proposed development would be sustainable and this particular location would be appropriate. Having taken all relevant matters raised into account, I conclude that the benefits of the proposal outweigh the conflict with the development plan’*.

It is therefore key in making the planning balance to consider the sustainable development *‘key principles’* and *‘key policy objectives’* set out in PPW.

Housing Land Supply

Welsh Government Technical Advice Note 1 states that *“The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study....The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.”*

In these circumstance, advice contained in para 6.2 of TAN1 is that *‘The housing land supply figure should also be treated as a material*

consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies’.

Further guidance is contained in para 9.2.3 of PPW that ‘*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and scale and location of development provided for in the development plan*’. This paragraph then goes on to explain what constitutes ‘*genuinely available*’ and this is defined as ‘*...sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live*’.

It is clear from national planning guidance that considerable weight should be attached to the lack of a 5 year housing land supply as a material planning consideration. Furthermore, decisions must also be made in the context of the Welsh Governments ‘presumption in favour of sustainable development’. It is acknowledged that the Council cannot demonstrate a 5 year housing land supply within the terms of TAN1 and the Council has identified measures that would be taken to increase housing land supply. One of the measures is as follows:

‘Firstly, the Council will continue to work with landowners and developers in bringing forward appropriate and sustainable windfall housing sites as well as addressing any difficulties or obstacles preventing the delivery of allocated sites. Applications for sites within settlement boundaries will generally be looked upon favourably provided that they satisfy the Plan’s policies. Applications on sites outside of existing settlements will be assessed on their individual merits in terms of whether they represent logical and sustainable development having regard to material planning considerations and will not be approved merely because they would increase housing land supply. They must also be capable of demonstrating that they can positively increase supply in the short term (perhaps by granting a short term permission) otherwise they would not be capable of meeting the requirements of TAN1. The Council has developed a guidance note for developers in this respect, which seeks to ensure that speculative sites put forward on the basis of a lack of housing land supply are genuine development proposals, as opposed to simply adding value to land’.

Although it is acknowledged that Welsh Government have written to Local Planning Authorities asking for their views on a consultation period to consider the effect of paragraph 6.2 of TAN the outcome of

the initial consultation is not yet known. Although it was indicated that paragraph 6.2 may be disapplied during any consultation period it is not clear if the consultation will happen or whether paragraph 6.2 would be disapplied. Therefore the weight that should be attributed to TAN 1 as a material planning consideration in the overall planning balance remains unchanged. Furthermore it would be unreasonable of the planning authority to attempt to delay the determination of the planning application to await the announcement or outcome of any consultation.

Development Guidance Note

i. The need for the Development

This application has been submitted in the context of the lack of a 5 year land supply. In addition, the application proposes a unique development within Penyffordd and the surrounding area specifically targeted at meeting the needs of an increasingly elderly population.

It is understood that the site has been put forward for consideration as a candidate site in response to Flintshire County Council's 'Call for Candidate Sites' forming part of the preparations for the LDP. In the absence of a formal determination from the Local Planning Authority with regards to the site's potential, the applicant has provided an analysis of the site and concludes *"that it has been demonstrated that the Candidate Site could be an environmentally-sensitive developed site, well connected and well served...and in terms of location, scale and type, it is an appropriate site, clearly acceptable to National Planning Policy and sustainably located without any negative constraints and, therefore, appropriate for inclusion as a residential allocation within Flintshire's Local Development Plan."*

ii. Full Application

In accordance with the Developer Guidance Note, the Council would prefer the submission of a full application to allow the Council to properly assess the proposal in terms of the need to be met, the housing to be provided, and the deliverability of the scheme. Outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, as without full information it may prove difficult for the Council to be satisfied that the proposal represents a sustainable and deliverable form of development.

The application is in outline and has been submitted by Real Planning on behalf of the landowner, the background of which is not known.

Justification has been submitted to demonstrate that an outline application does not affect the deliverability of the site following issues raised by officers. Although the aim of an outline application is to

formally seek the principle of development, the application is accompanied by compelling evidence of site constraint investigations, detailed information and a firm commitment to promoting the suitability of the site for residential development that is both sustainable and deliverable; the provision of such information at this stage avoids the need for excessive pre-commencement conditions that can otherwise delay commencement.

iii. Sustainability Appraisal

The application is supported by a 'Sustainability Appraisal' which provides commentary on how the proposal is considered to be sustainable in the context of guidance in PPW. The applicant has undertaken an analysis of the site, and considers that it has been demonstrated that the application site scores highly against the respective criteria.

The overall conclusions of the appraisal are that "the site is of medium size and an acceptable extension to the village of Penyffordd with the potential to meet the requirement for additional housing. It has no physical constraints and would result in little adverse environmental impacts. The site is a 'non-strategic' site considered appropriate for residential development and is accommodated in terms of infrastructure availability, and access as evidenced through the assessment process and supporting documentation. The site benefits from excellent public transport opportunities that are consistent with minimising the need to travel and increasing accessibility by modes of other transport other than the private car. It has been clearly demonstrated that the application site is in a sustainable location, and that the proposed development is environmentally, socially and economically sustainable when judged across the criteria, and will positively contribute to meeting the considered housing supply shortage for Flintshire."

iv. Viability Assessment

The applicant has not submitted a viability statement, however arguments have been made that due to the absence of physical constraints or issues that would otherwise limit the viability of the development, the applicant is content that the scheme is viable. Furthermore, there is no dispute over the requested S106 contributions which are towards Active Travel Improvements and public open space contributions.

v. Housing Delivery Assessment

The applicant's planning statement provides commentary regarding deliverability. Despite the infancy of the proposed scheme, the applicant confirms that the site complies with the advice in paragraph 9.2.3 of PPW in that the site is in willing ownership, with no known

constraints and all major infrastructure and utilities are immediately accessible.

The applicant is confident that there is sufficient market demand for housing within this location and that the site can be disposed of to a housebuilder following outline consent. Further, the applicant accepts that the Authority has the powers to limit commencement to a shorter period as a means of ensuring planning permissions are implemented and to further reinforce the assurance that dwellings will be delivered to meet the shortfall to which the permission was justified.

The appeal decision at Rhos Road has demonstrated the weight to be attached to the lack of a 5 year housing land supply relative to development plan policies, having regard to an assessment as to whether the development is sustainable or would cause harm. In this context I consider that the proposal is similar in terms of its location and scale and has the potential to represent sustainable development. I consider that the site would meet the tests in PPW and TAN1, and that the need to increase housing land supply would outweigh the development plan presumption against development.

The community has raised concerns about the impact the proposed development would have upon the ability of the community and settlement to successfully integrate such growth, without negatively impacting on the cohesion of the existing community. The Council, in exercising its responsibilities as a decision-maker, is required to judge whether this proposal is a sustainable proposition. This responsibility is heightened by the duty placed on the Council under the Well Being of Future Generations (Wales) Act 2015, and specifically through the goal for more cohesive communities. This ensures principles of cohesion are enshrined in legislation to support the need to look at the sustainability of our communities and encourage long term thinking of how communities interact, live and work harmoniously together.

I am mindful of the recent appeal decision (APP/A6835/17/3174699) to allow a residential development of 186 no. units on land at Chester Road, Penymynydd, whereby the Council's reason to refuse planning permission related to the cohesiveness of communities. The inspector in her appeal consideration refers to Welsh Government's '*National Community Cohesion Delivery Plan 2014*', which describes community cohesion as "*how everyone in a geographical area lives alongside each other with mutual understanding and respect.*" Essentially, it is about everyone getting on together, having equal opportunities to participate and have access to services, supporting integration, valuing difference and focusing on shared values that join people together.

The community have produced a 'Penyffordd Place Plan' (PPP) which contains the strategic aims and objectives for the development

of the village as a whole. Whilst this plan can be afforded little weight given its lack of formal consultation and relationship to the emerging LDP, in the context of community cohesion and shared values, the plan identifies at paragraph 3.06 that *“the will of the village is that there is no growth under the LDP, but if development is permitted, the maximum acceptable size of an individual site must not exceed 25 homes.”* In the first instance, the shared value is that there should be no growth during the plan period. The ‘threshold’ of 25 No. units is considered to be a low density of development that would not represent the best use of land. Therefore the future vision for housing development in respect of the plan is not considered to be sustainable.

The application site lies in a sustainable location situated adjacent to the boundary of Penyffordd in close proximity to public transport. It is evident that Penyffordd accommodates a reasonable range of local services, facilities, clubs and associations; none of which have expressed concern of an inability to accommodate future residents. Objections have been raised in relation to access to medical services and capacity of local health centres, neither practices nor the Local Health Board have made any representations to the Council or offered any evidence of capacity issues.

The inspector in her appeal consideration of APP/A6835/17/3174699 land at Chester Road, Penymynydd, concluded that there is *“no compelling evidence to suggest that the existing community could not successfully integrate or that services and facilities in Penyffordd could no accommodate the proposal, which would increase patronage to such services, facilities, as well as to local clubs and associations. Whilst the proposal would be a material expansion of the village, the objections relating to the social cohesion of the community have been made out. I conclude, therefore that the proposed development would not cause significant harm to the community or undermine the principle of the creation of cohesive communities, which forms the basis of the Welsh Government’s planning policy.”*

Forming comparisons with the Inspector’s decision for Chester Road, although the scales of development are fundamentally different the overall conclusions for this application correspond with the conclusions made above. Accordingly, having regard to National Guidance, I can see no evidence to support the contention that the development of this site would contravene either national planning policy or the requirements of the Well Being of Future Generations Act.

Highways

7.05 The proposed vehicular access into the site is from a proposed new central access off Rhos Road, allowing access to both the local and wider highway network. The application is accompanied by a

Transport Statement which demonstrates that safe vehicular access to the proposed development can be made from Rhos Road. It also highlights that the site is sustainably located and has good links to the public transport network; promoting the use of sustainable transport means.

The Local Member has requested a condition be imposed in relation to a road improvement scheme. The proposed condition seeks the involvement of both the application site and the site adjacent, known as North of Rhos Road. However, such a condition would fail the six tests for planning conditions, namely the tests of reasonableness and enforceability, and is therefore not included within the suggested conditions for this application.

Further representations have been made that the proposal will give rise to a level of traffic generation which would adversely affect the safety of existing highway users and is unsustainably excessive. The Local Highway Authority have considered the proposal and raise no objections on highway safety grounds. Accordingly, there is no objection to the proposals, subject to the imposition of conditions.

The submitted Design and Access Statement and Transport Statement both promote the use of public transport and of walking and cycling, as a means of access to local facilities and as justification for promoting the sustainability of the site in terms of its location. I am advised that Rhos Road is identified as an improvement route on the Active Travel Integrated Network Map with the schedules identifying the need for route improvements. Whilst the Bus Service provision remains under review, the Active Travel Improvements are still being developed and will include controlled crossing facilities on the A550. Therefore it is proposed that contributions should be sought to provide for a safe crossing of the A550 as an essential link between the application site and Penyffordd Railway Station.

With consideration to the above, I am advised by our Streetscene Department that the cost of such provision will be in the order of £70,000 and will be secured by the proposed legal agreement. The applicant has confirmed their agreement to this.

Landscape and Visual Impacts

7.06 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by Tirlun Barr Associates. The LVIA has considered the baseline landscape and visual environment through a desktop review of published documents and reports supplemented and verified by field work. This included the identification of a range of landscape receptors and visual receptors at fixed locations within the study area to create a series of viewpoints.

In summary, the LVIA concludes that public receptors and people

travelling along local roads will experience low grade visual impacts due to existing flat topography, built form and vegetation screening limiting views. The greatest visual effects will be experienced by a small number of properties with existing views over or towards the site whose location is generally either immediately adjacent to or very close to the boundaries. The change, although noticeable is anticipated to become a neutral element in the view as the proposals become assimilated into the existing urban form of the village over time.

The proposed site forms only a small part of the wider local and regional character area. Trees and hedgerows of merit are to be retained and enhanced as part of any detailed reserved matters application as part of a landscaping scheme which will also help to soften the built form and assimilate the development into the wider landscape context. The proposed development will sit between the existing settlement, the road and the A550 and will be an infill development that will have only limited landscape and visual effects over a small area of influence. Any visual impacts that remain will be local in nature and become neutral in tone as the proposal assimilates into the existing settlement form.

Accordingly, whilst the development of the site will have some impact on the approach to the settlement it is not considered that this harm is so great that it would outweigh against granting planning permission.

Drainage Impacts

7.07

Discussions have taken place between Welsh Water and Richard Broun Associates regarding the connection to the public sewers. The principle of freeing up capacity within the public sewer by removing surface water flows is considered to be acceptable and one which is offered in this particular case. The Proposed Drainage Strategy dated May 2017 that was submitted in support of the application and refers to the scheme of surface water removal. The calculations provided are considered to accurately represent the anticipated foul discharge from the site and identifies the amount of surface water entering the local public sewer.

I am advised in response to consultation by DCWW that there is no objection to the proposed development subject to the imposition of a condition that requires the drainage strategy to form part of the suite of documents that clarifies the precise technical design of the system. Accordingly, I propose to condition the submission and agreement of such a scheme.

No problems are envisaged with the Waste Water Treatment works for the treatment of domestic discharges from the site.

Affordable Housing

7.08 Initially the applicant proposed a 'nil' affordable housing contribution as detailed in the Affordable Housing Statement submitted with the application. However, following discussions with the Housing Strategy Manager who confirms that there is a specific need for affordable housing for individuals over 55 in the local area, the statement has been amended and a commitment to providing affordable housing in accordance with UDP policy HSG10 was agreed and accepted by the applicant.

I am advised that there is a need to reach agreement in respect of the proposed details of the affordable housing scheme, this requirement will therefore be addressed via the proposed legal agreement.

Open Space

7.09 Following discussions with the leisure services, it is proposed that a contribution of £1,100 per dwelling in lieu of on-site provision (£733.00 for any affordable housing) is secured through the proposed legal agreement. The payment would be used to improve teenage provision at Millstone Play area, Penyffordd. The Local Member has required that any contribution for open space should be ring fenced for the elderly. Unfortunately this does not align with the SPG for requiring contribution to open space and the contribution cannot be ring-fenced in this way.

Education

7.10 The application falls within the "Exceptions" area of the SPG23 note 5.1 whereby proposals specifically providing "housing designed for occupation by elderly persons" no education contribution will be sought as such housing will not affect the capacity of school places within the locality. Such housing proposals will be restricted by condition or agreement to restrict occupation by those aged 55 and over.

CIL Compliance

7.11 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 Regulations 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.

While the Authority does not yet have a charging schedule in place, the CIL Regulations puts limitations on the use of planning obligations.

These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

The Planning Authority is seeking an obligation towards Active Travel Improvements, Affordable Housing and Public Open Space in relation to this proposal.

a) Active Travel Improvements

With regards to the above contribution, I am advised that the sum of £70,000 sought will be used as a contribution towards the Active Travel Improvement Scheme to facilitate the provision of controlled crossing facilities, to ensure safe crossing of the A550 as an essential link between the application site and Penyffordd Railway Station.

The Planning Authority has not secured obligations for the provision of such facilities in this location since April 2010. In accordance with the details submitted and the consultation response received, it is considered that the planning obligation would contribute to the future well-being of people in the locality and complies with the provisions of S123 of the CIL Regulations.

b) Public Open Space

With regards to the above contribution, I am advised that the sum of £1,100 per dwelling (£733 per affordable dwelling) sought is required in lieu of onsite recreation provision in accordance with policy SR5 *Outdoor Playing Space and New Residential Development*.

I am advised by our Leisure Services Department that the sum will be used to improve teenage provision at Millstone Play area, Penyffordd.

In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

c) Affordable Housing

In respect of the CIL tests the following applies to the affordable housing provision the Council would require if planning permission were granted:-

Necessity

Supplementary Planning Guidance Note No. 9 Affordable Housing and Policy HSG10 'Affordable Housing Within Settlement Boundaries' of the Adopted Flintshire Development Plan sets out the Council's position in terms of the affordable housing requirement from residential developments as provided in Appendix 2 and 3.

The threshold for providing affordable housing on sites is a minimum size of 1.0 hectares or 25 dwellings, and this is set out in paragraph 11.75 of the UDP. This development therefore exceeds this threshold. Although the site is not within the settlement boundary, it has not been put forward as an affordable housing exception site, and therefore the Council considers that it would be appropriate to apply Policy HSG10 to this development and therefore apply the 30% provision as a starting point.

Direct Relationship to Development.

The proposal is in outline with all matter, save for access, reserved for future consideration. In accordance with Policy HSG10, the detailed layout of this site will be expected to provide for 30% of the proposed units for affordable purposes.

Fair & Reasonable Relationship in Scale and Kind

Based on the methodology above and the scale of the development, the provision as outlined above is considered to relate fairly and reasonably in scale and kind to the development for which permission is sought.

Other Matters

Objections have been raised based on the type and mix of housing, lack of parking and the impact of housing on privacy, light and living conditions. As this is an outline application matters of details regarding the housing type and mix, parking, design and outlook would be assessed at a reserved matters stage.

8.00 CONCLUSION

The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise.

In this instance it is considered the need for a 5 year land supply is a material consideration which outweighs the fact the site is outside the settlement boundary and is a departure from the development plan. Furthermore the site is considered to be sustainable, viable and deliverable in order to come forward within the next 5 years to meet the supply. In addition, whilst the site would not accord with UDP policies (by virtue of its open countryside location) it does accord with the broad thrust of national policies and guidance as set out in PPW

and the sustainable principle of the Well-Being of Future Generations Act.

In order to ensure that the site comes forward to meet the current shortfall, a 2 year planning permission is proposed. The 2 year commencement condition is necessary because the planning permission is being granted to meet a pressing need and therefore the development should be delivered quickly. This also addresses any issue in regard to the fact that this is an application for outline planning permission. The applicant has agreed with this point and accepted that this condition is necessary given the circumstances.

Although this application is a departure from the development plan and has been advertised as such, it would not need to be referred to Welsh Government under The Town and Country (Notification) (Wales) Direction 2012. The Direction requires local planning authorities to refer applications for 'significant residential development' where they are minded to grant planning permission for residential development of more than 150 residential units, or residential development on more than 6 hectares of land, which is not in accordance with one or more provisions of the development plan in force. The application does not fall within this definition.

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.

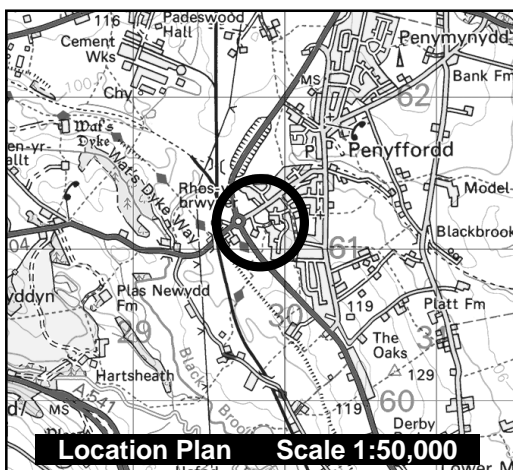
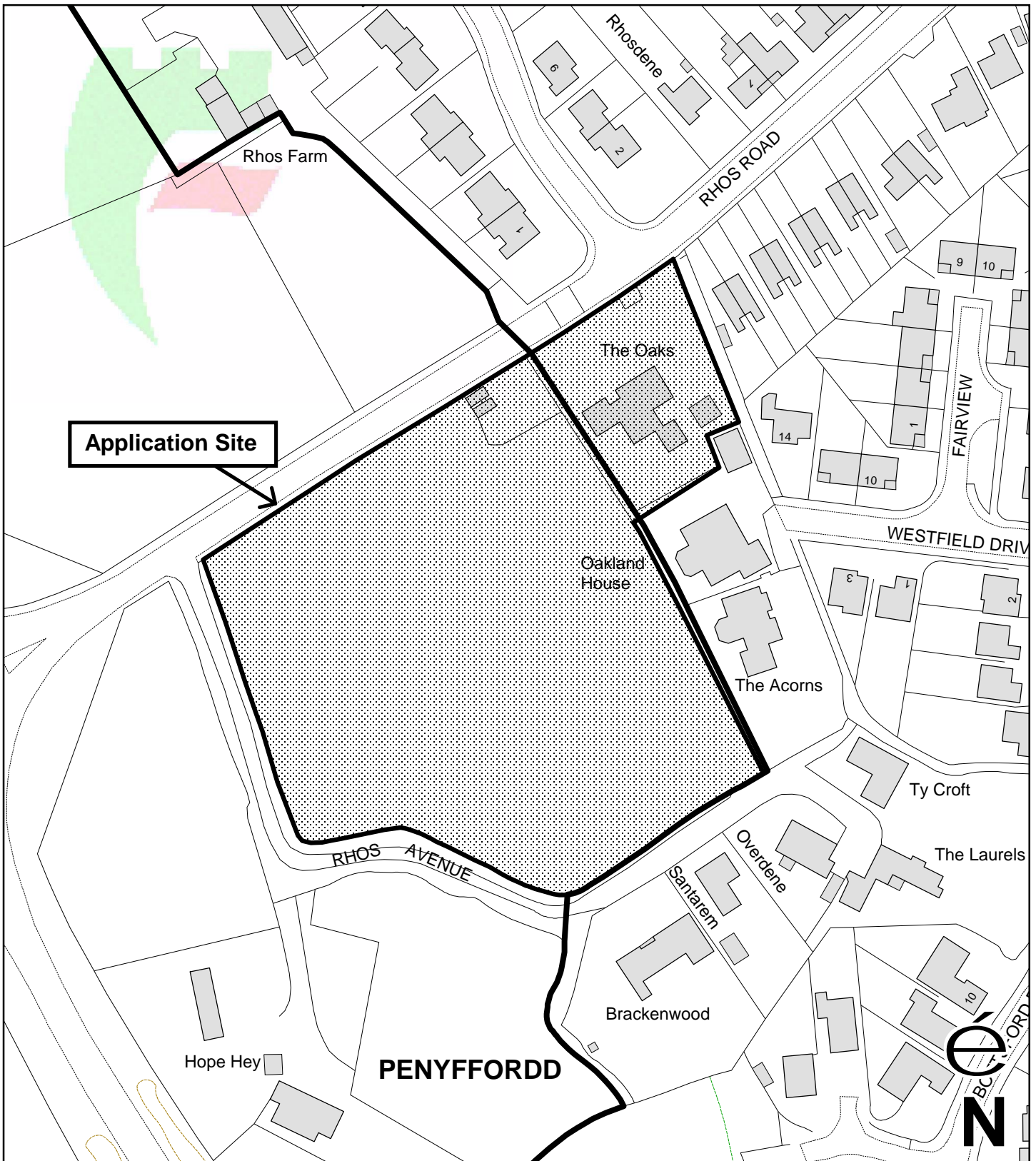
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

Contact Officer: Katie H Jones
Telephone: 01352 703257
Email: katie.h.jones@flintshire.gov.uk



Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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 Flintshire County Council, 2018.

Map Scale 1:1250

OS Map ref SJ 2961

Planning Application **57388**

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.8

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **18TH JULY 2018**

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

SUBJECT: **FULL APPLICATION - ERECTION OF 24 NO. DWELLINGS AND ASSOCIATED GARDENS AND CAR PARKING AT LAND WEST OF GREENWOOD GRANGE, CHESTER ROAD, DOBSHILL**

APPLICATION NUMBER: **058310**

APPLICANT: **WATES RESIDENTIAL**

SITE: **LAND WEST OF GREENWOOD GRANGE, CHESTER ROAD, PENYFFORDD**

APPLICATION VALID DATE: **16TH APRIL 2018**

LOCAL MEMBERS: **COUNCILLOR DTM WILLIAMS**
COUNCILLOR C HINDS

TOWN/COMMUNITY COUNCIL: **PENYFFORDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the proposed erection of 24 no. affordable dwellings with associated gardens and car parking at former Dobshill Depot, Chester Road, Penyffordd.

For Members information the site is within the Council's Strategic Housing and Regeneration Programme (SHARP)

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

- 2.01 That conditional planning permission shall be granted subject to the following:

Conditions

1. Time Limit
2. In accordance with Approved Plans
3. Material samples to be submitted and approved
4. Landscaping scheme and Implementation
5. Finished floor Levels to be submitted and approved prior to development
6. Contaminated Land- Site investigation and remediation
7. Protected Species- reasonable Avoidance Measures
8. Protected Species- Compensatory Measures
9. Protected Species- Amphibian friendly surface water management scheme
10. Siting, Layout and Design of means of access to be agreed and implemented
11. Layout, design, means of traffic calming and signing , surface water drainage, street lighting and construction of internal estate roads to be submitted and agreed
12. Facilities for safe parking and turning of vehicles within site to be provided prior to proposed development being brought into use
13. Positive means to prevent surface water run off onto highway to be provided
14. Construction Traffic management plan to be submitted to and approved by the LPA
15. No development shall commence unless and until a scheme has been submitted and agreed that satisfied the policy and planning requirements relating to the retention of affordable housing.
16. No development shall commence unless and until a scheme has been submitted and agreed to satisfy policy and planning guidance requirements relating to public open space and recreation.
17. No development shall commence unless and until a scheme has been submitted and agreed to satisfy policy and planning guidance requirements relating to Education contributions.
18. Only foul water to be discharged into the public sewerage system.
19. No surface water and or/land drainage to be allowed to correct directly or indirectly to the public sewerage network.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor DTM Williams

The proposal represents an opportunity to provide much needed social housing for the area.

Main concern is that the proposal does not propose any private housing, which would allow local people to have a chance to get on the property ladder.

Requests a condition that a local lettings policy is drawn up prior to commencement of development. Also request that local community representative to have active involvement in the decision over the POS provision.

Councillor C Hinds

No objection as long as bungalows and apartments are switched.

Good mix.

Penyffordd Community Council

Fully support the application

Flintshire County Council and Waites have consulted actively with both Penyffordd Community Council and the local community throughout the process and have made improvements to the scheme as a result of the feedback they received. The addition of this affordable housing as well as the associated infrastructure improvements will help to provide for the needs of those most in need in our community and is welcomed.

Highway Development Control Manager

Requests that any permission includes conditions in respect of the siting, design of site access, details of traffic calming, signage, surface water drainage, streetlighting and the construction of internal estate roads and the submission of a Construction Traffic Management Plan.

Rights of Way

Public footpath 92 in the Community of Penyffordd abuts the site but appears unaffected by the development. The path must be protected and free from interference from construction.

Head of Public Protection

No objections in principle. The site is a former depot and as such there is potential for land to be contaminated. Requests condition with regards to site investigation and implementation of a remediation strategy.

Public Open Space Manager

Requests the payment of £733 per starter homes, or £1,100 for any non-starter home. The monies to be used to enhance existing POS in the community, namely Dobshill Play Area.

Capital Projects and Planning Manager

Advises that there is sufficient capacity at the nearest Secondary School (Elfed High School) and that they do not request commuted

sum payments with regard to Secondary education. There is a contribution requirement with regard to the nearest Primary School (Pentrobin V.A. School) and that a contribution requirement of £73,542 is requested.

Pentrobin VA School calculation

School capacity $110 \times 5\% = 5.5$ (6)

$110 - 6 = 104$ Trigger point for contributions is 104 pupils

(No. of units) 24×0.24 (primary formula multiplier) $= 5.76$ (6) No. of pupils generated) $\times \pounds 12,257$ per pupil (building Cost multiplier) = £73,542

Actual pupils $98 + 6$ (from the multiplies) = 104 meets trigger of 104

Elfed High School calculations

School capacity of $1037 \times 5\% = 51.85$ (rounded up or down) 52

Capacity $1037 - 52 = 985$ trigger point for contributions is 985 pupils

(No. of units 24×0.174 (secondary formula multiplier) $= 4.17$ (4 no. of pupils) generated $\times \pounds 18,469$ per pupil (Building Cost multiplier) = £73,876

Actual pupils $745 + 4 = 749$ does not meet trigger of 985

Housing Strategy Manager

In terms of evidence of need for affordable housing, advises:

- The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units.
- The LHMA identifies a shortfall of affordable dwellings in the Mold and Buckley sub area, of which Penyffordd is a part, of 165 affordable dwellings.
- The LHMA overall identifies a need for primarily 1 bed (14%) 2 bed (31.6%) and 3 bed (28.5%), split evenly between Social rented (56.2%) and Intermediate (43.8%) tenures
- The housing need for the area is:
 - 42 applicants for Social rent and 3 for Affordable rent for 1 bed flats
 - 22 Applicants for Social Rent for 2 bed flats
 - 74 Applicants for Social rent and 32 for Affordable rent for 2 bed flat/house
 - 9 Applicants for Social rent for 2 bed house
 - 45 Applicants for Social rent and 28 for Affordable rent for 3 bed house
 - 13 Applicants for Social rent and 5 for Affordable rent for 4 bed house
 - 4 Over 55 applicants for Social rent for 2 bed bungalows

As an 100% affordable scheme which has been informed by housing strategy in terms of local need and as there is a demand for social and affordable housing the application is supported,

Welsh Water/Dwr Cymru

Requests that any permission includes conditions in respect of foul

water drainage.

Natural Resources Wales

Natural Resources Wales would not object to the proposal providing that a requirement for field surveys of ponds is carried out and conditions relating to protected species are imposed.

County Ecologist

No objection to the development providing there is a condition or note regarding vegetation clearance and the protection of birds during nesting season. And a prior to commencement condition with regards to a scheme of reasonable avoidance measures for amphibians and reptiles during site clearance.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

3 Letters of Support

- Need for affordable dwellings in Penyffordd
- Brownfield site- Ideal location

2 Letters of Objection

- Road safety- Increased traffic, existing on street parking

5.00 SITE HISTORY

5.01 035424- Retention of existing office building, floodlighting columns, communications mast and sawdust extraction unit- Approved 8th May 2003

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 - Housing

GEN1 - General Requirements for Development

GEN3 - Development Outside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG8 - Density of Development

HSG9- Housing Mix and Type

HSG11- Affordable Housing in Rural Areas

SR5 - Outdoor Playing Space and New Residential Development

EWP14 - Derelict and Contaminated Lane
IMP1- Planning Conditions and Planning Obligations

Additional Guidance

Planning Policy Wales 9 (PPW9)
Technical Advice Note 5- Nature Conservation and Planning
Technical Advice Note 12- Design
Technical Advice Note 18- Transport
Local Planning Guidance Note 2- Space About Dwellings
Local Planning Guidance Note 3- Landscaping
Local Planning Guidance Note 8-Nature Conservation and Development
Local Planning Guidance Note 9- Affordable Housing
Local Planning Guidance Note 14- Open Space Contributions

7.00 PLANNING APPRAISAL

7.01 Proposal

This application, applied for in full, is for the erection of 24 no. dwellings on the site of the former Council depot, Dobshill. The proposal includes;

- 4 No 1 bedroom flats
- 4 No 2 bedroom flats
- 8 No 2 bedroom houses
- 5 No 3 bedroom houses and
- 1 No 4 bedroom house.
-

The application is for a 100% affordable housing scheme.

Site Description

The site, which represents approximately 0.56 hectares of previously developed land, is a former Council depot which is located on the edge of the settlement boundary of Dobshill in a semi-rural location with built development to the east and south of the site and a play area to the west. The site is largely flat and screened on all boundaries by existing hedgerow.

Principle of Development

The site is previously developed land, namely a former Council depot. It is located adjoining the settlement of Dobshill, a category C settlement in the Flintshire Unitary Development Plan. Planning Policy Wales 9 states a preference for re-using previously developed land, where it is appropriate to do so.

Policy HSG11 of the Adopted Unitary Development Plan governs affordable housing in rural areas. It is considered that the proposal is

in compliance with this policy.

Main Issues

The main issues are considered to be the acceptability of an affordable housing scheme in this area, ecology, contaminated land and the impact of the proposal on the character of the area and impact on neighbouring living conditions.

Affordable Housing

Policy HSG11, Affordable housing in rural areas, allows for affordable housing schemes as an exception to the general principle that new housing will not be permitted outside of settlement boundaries. In order to be compliant with this policy the genuine local need must be established.

In terms of evidence of need the Local Housing Market Assessment (LHMA) for Flintshire identified an annual shortfall of 246 affordable units and in 2015/16 124 affordable units were delivered- a combination of supported housing, social and intermediate rent as well as shared equity.

In the LMHA Penyffordd sits within the Mold and Buckley sub-area which identifies an annual shortfall of affordable dwellings of 165, which is not being met on an annual basis.

The scheme should remain affordable in perpetuity and a condition to this effect should be imposed.

There is a demand for social and affordable housing in the area and it is considered that the proposal helps to meet this need. As such the proposal can therefore be considered to be compliant with policy HSG11 and LGPN9-Affordable Housing.

Ecology

The site is over 1 kilometre from the Deeside and Buckley Newt Site SSSI, and over 700 metres from the nearest known GCN (great crested newt) record. The site, however, is covered in a large amount of spoil formed from broken up tarmac, concrete slabs, brick piles and gravel. This spoil has potential as terrestrial habitat for great crested newts and as basking habitat for reptiles. Given this potential for the site to have GCN habitats conditions are required for reasonable avoidance measures to be followed during site clearance and other work on site. Further conditions considered necessary to mitigate against any harm to protected species, in particular GCNs, are the submission of compensatory measures, including but not limited to, long term management, surveillance, tenure and provision of

resources and the submission of an amphibian friendly surface water management system.

The existing hedging on the site boundaries, which is fairly sparse in places and in need of management, would benefit from a landscaping scheme, which I proposed is conditioned.

Contaminated Land

Given the previous use of the site there is potential for contamination to be present on site. A Phase II Interpretive ground survey was submitted with the application, this survey included proposed remediation measures and actions to be taken to mitigate against any possible risk.

A condition requiring an updated Phase II report to take into account ground investigations undertaken once the existing ground rubble is removed on a portion of the site, and the submission of a Phase III remediation and validation proposal should be imposed onto any consent. The recommendations and remediation measures from this report would then inform safe development practice to mitigate any potential risk from contaminants on site.

Impact on character and appearance of the area

In accordance with Policy HSG8 of the Flintshire Unitary Development Plan a site density to achieve a minimum of 30 dwellings per hectare is expected. The proposed site area is 0.58 hectares and therefore the erection of 24 residential units would represent a scale of development that both exceeds the minimum standard of policy HSG8 as well as having regard to the character of the site and locality. I consider that the proposal represents an efficient use of land without compromising the character or appearance of the area.

The proposal comprises a range of dwellings of varying sizes, with four 2-bed apartments and four 2 1-bed apartments in an apartment block, two 2-bed bungalows, eight 2-bed houses five 3-bed houses and one 4-bed house. Policy HSG9 in the Flintshire Unitary Development Plan advocates developments providing an appropriate mix of dwelling sizes and types to create mixed and socially inclusive communities. The proposal has been informed by the housing need in the locality and provides a significant number of smaller dwellings, identified as being a housing type required in the area. I consider that the proposal is in line with the requirements of the policy.

The proposed dwellings are of a variety of designs that creates a pleasing visual mix within the site. External materials are render and brick with concrete tile roofs, which are appropriate for the locality.

I consider the proposal to be acceptable in design terms, and to accord with the relevant development plan policies. Conditions relating to the materials proposed, and the finished floor levels of the dwellings, are suggested to protect neighbouring residential amenity and to ensure that the development is appropriate in scale to its surroundings.

Impact on living conditions of neighbouring occupiers and future occupiers

Due to the existing screening, the topography of the site and the position of neighbouring residential properties in relation to the site I do not consider there to be any issues of adverse overlooking or otherwise loss of privacy or existing residential amenity.

The houses are orientated front to front and I do not consider that any direct overlooking will result from the site layout. Adequate separation distances are provided by the proposed dwellings both to each other and to existing neighbouring properties.

The development broadly complies with the standards set out in SPGN2- Space Around Dwellings. The dwellings are provided with adequate private amenity space. Whilst there is a 8 metre depth to the gardens on the northern portion of the site whereas the SPGN specifies a minimum depth of 11 metres, the general standard complies with the advice and as there are no neighbouring properties to the north of the site this lower standard will not result in any adverse impact upon existing amenity. Block 6, on the southern portion of the site, also has similarly reduced garden depths. These plots are well screened and provide a good standard of amenity space compliant with the guidance. The area and shape of the amenity space allows for useable garden areas that allow for recreation and play and provides a good standard of amenity for future occupiers. The Supplementary planning guidance allows for a reduction in the standards where it is desirable to achieve a good mix of dwellings or density on the site. I consider the amenity spaces provided to be compliant with the guidance.

Highways

The former use of the site, as a Council Highways depot, was subject to a significant number of vehicle movements. The proposal represents a use that is likely to generate significantly less traffic than was hitherto the case.

Conditions are suggested to ensure that the layout, design and means of site access are in accordance with details submitted to and approved by the Local Planning Authority. Similarly details of traffic calming, signing, surface water drainage, street lighting and the

construction of estate roads can be submitted and approved prior to the commencement of development.

A Construction Traffic Management Plan shall be provided to control the impact of the development of the site on the existing highways network and neighbouring amenity.

POS and Education contributions

Members will be aware that applications of this type are the subject of consultation with the Public Open Spaces Manager (Leisure Services) and the Capital Projects and Planning Unit with the Local Education Authority.

The consultation has established that:-

- a) As there would be no on-site recreational provision the development would require a commuted sum of £733.00 per starter home or £1,100 per unit if not starter homes in lieu of on-site provision. These monies would be used to enhance existing POS in the community, specifically Dobshill Play Area, which is adjacent to the proposed site.
- b) There is a contribution requirement of £73,542 with regard to Pentrobin V.A. School Primary School, but there is no education contribution needed with regard to Elfed High School as the trigger has not been met.

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'.

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.

The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards play and recreation facilities, and to meet the educational need. Accordingly, it is

proposed that a condition in respect of the above is imposed such that no development is permitted to commence until a scheme to address this issue is submitted and agreed.

8.00 CONCLUSION

In conclusion it is my view that the scale, form and design of the development would be sympathetic to the character of the site and its surroundings. I consider that the proposal represents an appropriate re-use of this previously developed land and will contribute to meeting the local affordable housing need, with commensurate positive impacts upon the local community.

Accordingly I recommend that planning permission be granted subject to the imposition of conditions within paragraph 2.01 of this report.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

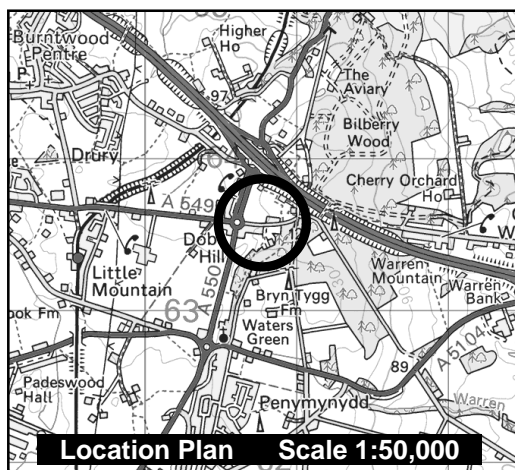
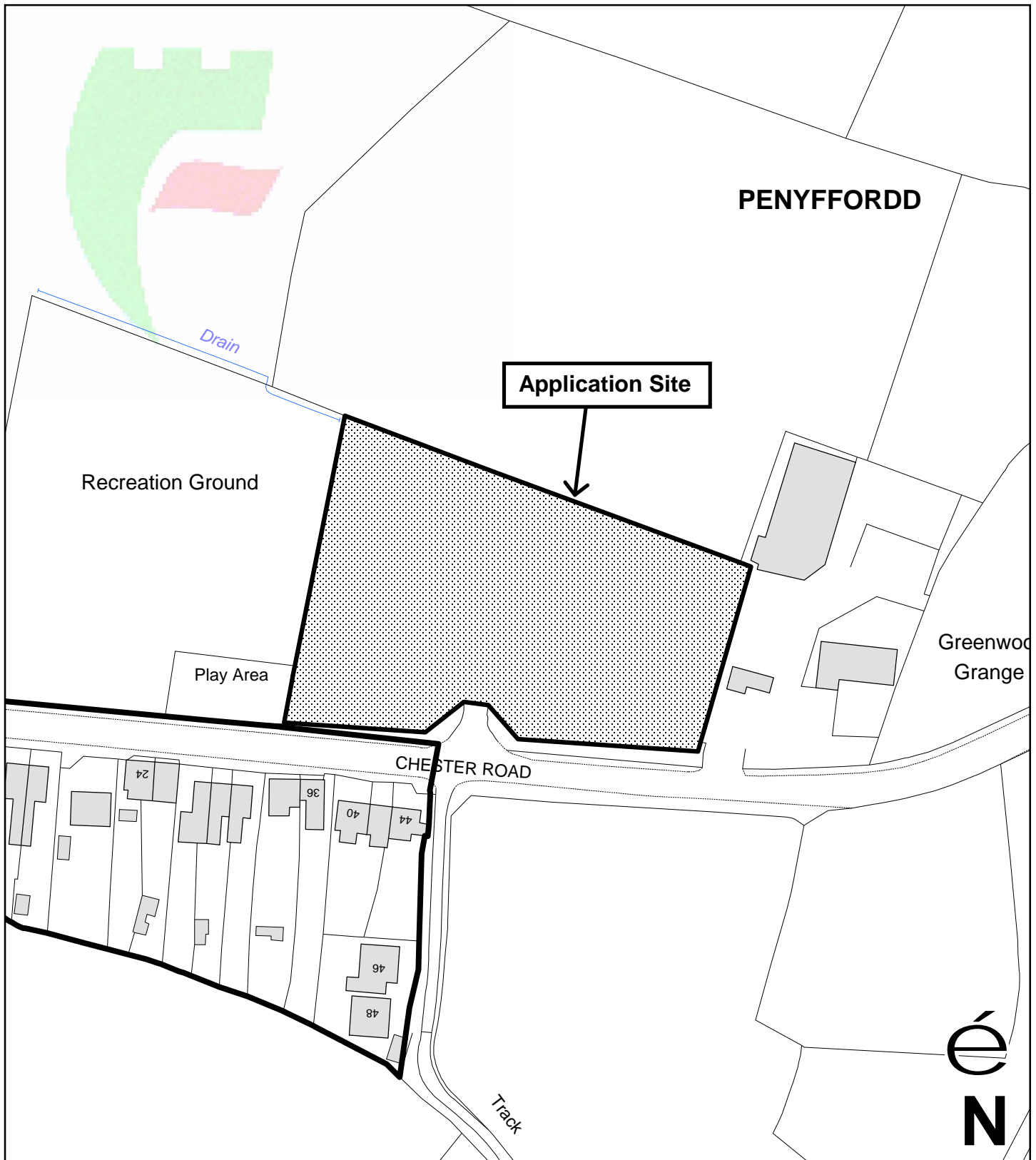
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: James Beattie
Telephone: 01352 703262
Email: james.beattie@flintshire.gov.uk



Planning, Environment & Economy,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Flintshire County Council, 2018.

Map Scale 1:1250

OS Map ref SJ 3063

Planning Application **58310**

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.9

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **18TH JULY 2018**

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

SUBJECT: **CONSTRUCTION AND OPERATION OF A WASTE MANAGEMENT FACILITY FOR THE MANAGEMENT OF MUNICIPAL, COMMERCIAL AND INDUSTRIAL WASTE, COMPRISING: A WASTE RECEPTION HALL WITH GROUND LEVEL PIT TIPPING AREA, SORTING HALL WITH ASSOCIATED EQUIPMENT FOR SEPARATION AND PROCESSING, A REFUSED DERIVED FUEL (RDF) HALL, CONTROL ROOM, ELECTRICAL ROOM AND WORKERS FACILITIES, ANAEROBIC DIGESTION TANK FARM AND ASSOCIATED INFRASTRUCTURE AT LAND OFF WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL ESTATE.**

APPLICATION NUMBER: **058270**

APPLICANT: **LOGIK WTE LTD**

SITE: **LAND OFF WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL ESTATE, CH5 2LF. LAND OFF WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL ESTATE, CH5 2LF.**

APPLICATION VALID DATE: **19/04/2018**

LOCAL MEMBERS: **COUNCILLOR WHITE**

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

REASON FOR COMMITTEE: **THE APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT.**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application which is accompanied by an Environmental Statement for a waste management facility comprising a materials recycling facility and anaerobic digestion facility which would manage residual waste of up to 182,000 tonnes per annum. The main outputs of the facility would be biogas, a refuse derived fuel, compost like output. The AD element of the facility would produce up to 2MW.
- 1.02 The proposal site is the location of the former Gaz De France power station, on the Deeside Industrial Park and comprises an area of vacant employment land approximately 6.27ha. The site is accessed via an unadopted industrial estate road which leads into Weighbridge Road, the A548 and the A55 and motorway network beyond.
- 1.03 The site has previously been raised up out of the flood plain but is located within a wider area which is subject to flood risk. The site is within 2km of a number of statutorily designated sites including the Dee Estuary SAC/SPA/Ramsar/SSSI, Inner Marsh Farm and Shotton Lagoons and Reedbeds SSSI and River Dee SAC/SSSI.
- 1.04 The main planning issues are considered to be:
- Principle
 - Sustainability/Need
 - Employment
 - Visual Impact and Design
 - Highways
 - Ecology
 - Trees
 - Air Quality
 - Noise and Vibration
 - Contaminated Land
 - Flood Risk
 - Drainage
 - Fire Risk
- 1.05 The proposed facility would enable residual wastes to be diverted from landfill and produce up to 2MW of green energy. In terms of absolute capacity requirements there is no compelling need for the facility in terms of North Wales, however, the site represents a sustainable location which is easily accessible via road and rail. Subject to the inclusion of conditions it is considered that there would be no harm to protected species or designated sites or the amenity of the local area. The proposal would enable the beneficial reuse of land which is currently vacant and would provide economic benefit through the provision of both direct and indirect jobs.
- 1.06 The proposal is therefore recommended for approval subject to no additional material issues being raised by Connah's Quay Town

Council following their Planning meeting on the 30th of July 2018.

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

2.01 Conditions to include:

1. The development shall be commenced within 5 years
2. The development shall be carried out in accordance with the approved plans.
3. The site shall only be used for the management of non-hazardous waste.
4. The submission of a scheme for restoration of the site which would be implemented following the cessation of the operation of the facility.
5. The submission and implementation of a Phase II intrusive contaminated land assessment, remediation where necessary and verification.
6. The submission and implementation of a Construction Environmental Management Plan.
7. The submission and implementation of a Construction Traffic Management Plan.
8. The submission and implementation of a landscaping scheme.
9. The submission and implementation of a scheme for the provision of neutral grassland habitat within the site.
10. The submission and implementation of Reasonable Avoidance Measures (RAMs) for protected species.
11. Surveys for reptiles prior to construction works.
12. The submission and implementation of a drainage scheme for the management of foul and surface water.
13. The submission and implementation of a Flood Warning and Evacuation Plan.
14. The submission of final site levels within the site.
15. A scheme for the protection of the railway which shall include matters relating to fencing, foundations, ground disturbance.
16. The submission of a lighting scheme.
17. The submission and implementation of a scheme for the external storage of waste.
18. The submission and implementation of a Fire Strategy.
19. No surface water and/or land drainage shall be allowed to connect directly or indirectly to the public sewerage network.
20. Hours of operation
21. Sheeting of vehicles
22. The facility shall not operate unless fitted with an effective odour abatement control system.

3.00 CONSULTATIONS

- 3.01 Local Member Councillor Martin White: No response received at time of writing report.

Neighbouring Ward Member: Councillor C.Jones: Request site visit and Committee determination due to the sensitivity and size of the application site.

Connah's Quay Town Council: Verbally advise that the consultation which was issued on the 4th of May has not been received. Consultation resent but Council meeting not scheduled until the 30th of July. Request that they are given sufficient time to comment.

Sealand Town Council: No objection

3.02 **Internal Consultees**

Public Protection: Agree with the conclusion that the emissions would have a negligible effect on amenity or local air quality. The monitoring of emissions would be a requirement of the Environmental Permit. Do not expect noise and dust to be a concern during the construction phase given the distance from sensitive receptors. Odour is likely to be the main issue which the design and process controls proposed would address. Advise that the conclusions would remain of relevance for the approved Northern Gateway development.

Contaminated Land Officer: Provided that the report is a final version and that there are no amendments to the information received, the recommendations made in section 6.4 are reasonable and the report satisfactory. The report does conclude that at least a Phase 2 assessment is required. The remaining phases of the assessment (Phase 2 and any remedial works and verification) could be secured with a suitable condition if a planning permission is granted.

Highways (DC): No objection and do not wish to make a recommendation on highway grounds. The anticipated volume of traffic, approximately one vehicle every 6 minutes, is not considered to be significant.

Ecologist: Advise that due to the proximity of the site to nationally and internationally designation sites permission can only be granted if it can be demonstrated that there is no likely significant effect on the designated features of the Dee Estuary SAC/SPA/Ramsar and the River Dee SAC. Accept that there would be no direct effects on these features but that there could be indirect effects caused by changes in air and water quality due to the potential for critical overload in particular the "in-combination effects". The HRA needs to assess these indirect and in combination issues to determine if there are any potential effects and if there are if they can be remediated through conditions/ mitigation measures. Advise that locally designated sites would not be affected. Agree with the Ecology report conclusions that the unimproved neutral grassland is the key feature of the site and this was also identified as of value for reptiles and butterflies previously. The grassland hasn't been

managed since the 2012 survey so the grassland is taller and the associated species will have changed. Request a number of conditions to secure mitigation for the habitat that would be lost and to ensure the construction of the facility would not have an adverse impact on reptiles and nesting birds.

Tree Officer: No objection to the proposal subject to the inclusion of conditions to secure the provision of landscaping, tree protection and maintenance.

Drainage Officer: Advise that in accordance with the hierarchy in SPG29, infiltration methods should be considered in preference to attenuation and a restricted discharge to a watercourse as originally proposed in their conceptual design. Confirm that there appears to be some form of impediment on the proposed receiving watercourse that the Council is currently in the process of investigating. It would not appear that the impediment is located on land in the ownership of FCC but the Council do have powers under the Land Drainage Act 1991 to enforce a riparian owner to remove impediments from within watercourses located on their land.

Business Support: Supportive of the application which will give rise to 42 new full time jobs within a suitable industrial location adding to the economic sustainability of the area.

3.03 **External Consultees**

Natural Resources Wales: Request a number of conditions to address matters relating to water quality and contaminated land. Advise that due to the proximity of the site to the Dee Estuary and River Dee recommend that the Local Planning Authority carry out a Test of Likely Significance.

Dwr Cymru/Welsh Water: No objection in principle. Request conditions to prevent surface water from connecting to the public sewerage network and the inclusion of advisory notes on any permission.

Network Rail: No objection in principle. Provide detailed comments and request a number of conditions to ensure that the development would not have an adverse impact on the railway line.

Airbus: No objection

Welsh Government Transport: Do not issue a direction.

Fire Service: There are already large water users in this area. Welsh Water have water mains in this area, however, there are no designated fire hydrants within a short distance of the site.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

4.02 In response to the public consultation exercise the Local Planning Authority received a letter of objection on the basis that:

- The technology is not in accordance with national waste policy;
- Insufficient information was provided in the Waste Planning Assessment;
- Question the need for the facility.

4.03 A letter was also received which didn't object to the application in principle but raised concerns about the impact of the proposal on surface water and the receiving drainage system.

5.00 SITE HISTORY

5.01 Application 97/390 (26890) Shotton Power Station is a 210 megawatt (MW) gas-fired CHP generating station. The station was constructed in 2001 primarily to supply heat to the adjacent UPM Shotton Paper Mill. The station ceased generating power in June 2012 and the decision was taken to close the power station.

5.02 The power station operated under a deemed planning permission which was issued on 3 December 1998 by the Secretary of State for Trade and Industry in accordance with Section 36 of the Electricity Act 1989 and Section 90 of the Town and Country Planning Act 1990. Condition 50 required the site to be restored to the satisfaction of the Council and an application for the restoration of the site, reference 051485, was approved on 20.03.2014. A letter was sent by the Local Planning Authority on the 31.05.2017 confirming that the restoration undertaken within the site was in accordance with the approved scheme.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1: New Development

STR3: Employment

STR7: Natural Environment

STR10: Resources

GEN1: General Requirements for Development

D1: Design Quality, Location and Layout

D2: Design

TWH2: Protection of Hedgerows

WB2: Sites of International Importance

WB3: Statutory Sites of National Importance

WB5: Undesignated Wildlife Habitats

AC13: Access and Traffic Impact

AC18: Parking Provision and New Development

EM1: General Employment Land Allocations
EM3: Development Zones and Principle Employment Areas
EM7: Bad Neighbour Industry
EWP6: Areas of Search for New Waste Management Facilities
EWP7: Managing Waste Sustainably
EWP: Control of Waste Development and Operations
EWP12: Pollution
EWP13: Nuisance
EWP14: Derelict and Contaminated Land
EWP17: Flood Risk

Supplementary Planning Guidance

Supplementary Guidance Note 3: Landscaping
Supplementary Guidance Note 8: Nature Conservation and Development
Supplementary Guidance Note 11: Parking Standards
Supplementary Guidance Note 21 – Environmental Impact Assessment (2017)
Supplementary Guidance Note 29: Management of Surface Water for New Development

Planning Policy Wales Edition 9

Technical Advice Notes

Technical Advice Note 5 – Nature Conservation and Planning
Technical Advice Note 11 – Noise
Technical Advice Note 12 – Design
Technical Advice Note 15 – Development and Flood Risk
Technical Advice Note 18 – Transport
Technical Advice Note 21 – Waste
Technical Advice Note 23 – Economic Development

7.00 PLANNING APPRAISAL

7.01 The Site and the Proposed Development

7.02 This application is for full planning permission for the construction and operation of a waste management facility. In summary, the proposed development comprises a system where waste which is received is mechanically sorted using water with the biodegradable elements then being treated using Anaerobic Digestion (AD) technology. It is essentially Mechanical Biological Treatment or MBT. Recyclate would be removed during the mechanical separation and sent for reprocessing. Biodegradeable material would then be treated using AD to produce water, digestate and biogas. The facility would manage up to 182,000 (600tpd) tonnes of residual municipal, commercial and industrial wastes per annum.

7.03 The main elements of the proposal are:

- Main process building – measuring approximately 122m in

length, with a width of approximately 54m at the southern end and approximately 35m at the northern end and a maximum height of 20.59m. The building would operate under negative pressure with an extraction system to clean the extracted air treated. Fire prevention measures, including equipment, signage and a sprinkler system.

- Weighbridge and kiosk
- Vehicle washing
- Biological area – tanks:
 - 3x Acetogenic tanks measuring 12m in height with a diameter of 9m
 - 3x digesters measuring 12m in height with a diameter of 10m
 - 1x Methanogenic tank measuring 15m in height with a diameter of 16m
 - 1x Balance tank measuring 11.5m in height with a diameter of 10.5m
 - 1x SBR measuring 7m in height with a diameter of 6m
 - 1x Settling tank measuring 6m in height with a diameter of 6m
 - 1x Sampling tank measuring 5m in height and 5m in diameter
 - 1x Biogas holder measuring 12.5m in height and diameter
 - 3x 2.5mm drum screens measuring 4m in height and 1.8
 - 3x 0.77mm drum screens measuring 4m in height and 1.8m in diameter
 - 3x Screw press measuring
- Laboratory – portacabin style building double height.
- Vehicle maintenance shed.
- Admin and welfare facilities.
- Perimeter site road.
- Perimeter fencing and gates.
- CCTV
- Surface water drainage system comprising 5 geocellular surface water attenuation tanks.

7.04 The construction phase is anticipated to last approximately 18 months. The hours of operation during the construction phase would be:

- 8am -6pm Monday – Friday
- 8am – 1pm Saturday

And during the operation phase, hours of operation would be:

- 6am – 8pm 5 days a week
- Deliveries 6am-4pm 5 days a week
- Biological Area 24 hours per day 7 days a week

7.05 The site would employ up to 42 full-time employees. There would be up to 292 vehicle movements a day, comprising 80 Refuse Collection

Truck, 20 residue trucks, 2 Recyclable trucks, 4 RDF trucks and 40 employee vehicles.

- 7.06 The proposal site is located within Zone 4 of the Deeside Industrial Estate and forms reclaimed marsh land which was developed as part of the Steel Works, comprising made ground underlain by tidal flat deposits and coal measures at depth. The majority of the site is elevated approximately 4m above Weighbridge Road. The site was previously occupied by the Gaz de France power station which has now been cleared and constitutes previously developed land.
- 7.07 The site is accessed via the A548 Weighbridge Road, which links to the east with the A494(T)/A550, which in turn provides access to the strategic road network via the M56/M63 and the A55(T). The site is bound to the north by Parc Adfer, an Energy from Waste Facility (EfW) which is currently being constructed, planning reference 052626, a Converter Station to the south, planning permission reference 046311, is bound by the railway line to the east and a number of industrial uses to the west, including, but not limited to, Tata Steel and UPM.
- 7.08 There is mature landscaping to the east of the site, along the railway line and vegetation along the western boundary and either side of the access road into the site. The nearest watercourse is approximately 15m to the east (a drain) and a primary river (main river) approximately 80m to the east. There are no source protection zones or abstraction points within 1km and the underlying strata is a Secondary Aquifer. The Dee Estuary is located approximately xkm to the west of the site and the River Dee is approximately 1.4km to the South/South West of the site.
- 7.09 The nearest sensitive receptor is located approximately 1.9km south west of the site (Connah's Quay) and 2km south east of the site (Garden City). The site is approximately 1.27km from the Northern Gateway site which has secured planning permission for mixed use development including residential which would be located approximately 1.7km from the site.
- 7.10 Principle
- 7.11 The northern part of the site is allocated under Policy EM1 for B1, B2 and B8 employment uses and is within an area identified under Policy EWP 6: Area of Search for Waste Management within which proposals for waste management are supported subject to meeting other relevant Plan policies. The site is within an area designated under Policy EM3: Development Zones and Principle Employment Areas, which directs B1, B2 and B8 uses to this location subject to a number of detailed tests and Policy EM7: Bad Neighbour Industry which supports development which is potentially polluting on sites designated under policy EM3. Emissions from the proposed facility

would be tightly controlled via an Environmental Permit which would be issued by Natural Resources Wales.

7.12 The site is located within an area characterised by heavy industry and was formerly part of the steel works before being redeveloped for a power station. Part of the site is allocated for employment uses, including B1, B2 and B8. Although the proposal is *sui generis*, it is akin to a B2 use, would generate employment and is therefore considered acceptable, in principle, in this location, in accordance with policies EM1, EM3, EM7 and EWP 6 of the adopted Flintshire Unitary Development Plan.

7.13 Sustainability/Need

7.14 Policy EWP7 of the adopted Flintshire Unitary Development Plan seeks to ensure that proposals for waste management facilities are rigorously tested to ensure that the facilities proposed are required to meet an identified need within the Regional Waste Plan. Since the Unitary Development Plan was adopted, the requirement to consider the Regional Waste Plan during consideration of proposals for waste management facilities has been removed through the publication of a revised Technical Advice Note (TAN) 21. The revised TAN 21 instead requires consideration of proposals against national waste policy. Given the change in national policy and guidance and the fact that the data upon which the Regional Waste Plan 1st Review is based is over 10 years old it is considered that it is appropriate to look beyond the 1st Review when assessing need. This is the view that an Inspector took when considering a waste management application previously and is considered to continue to be an appropriate stance in relation to this application.

7.15 The proposed facility would manage up to 182,000 tonnes of residual municipal waste per annum. This facility would comprise two main elements:

- a physical treatment element (the ‘front end’); and
- a biological treatment element (the ‘back end’).

7.16 The physical element comprises a number of different techniques to enable wastes to be sorted into separate streams before being sent off-site for processing elsewhere. The output of the physical element would be recyclate and a refuse derived fuel (RDF) which would then be sent off-site for treatment. Given the process that the waste would go through it is understood that it could potentially be managed at a cement kiln, if the specification is appropriate. The cement kiln at Paedswod is capable of using refuse derived fuel (RDF) but requires a high specification fuel which is comparatively homogenous with a high calorific value. To date no RDF from Wales has been managed at the Paedswod site, with all supplies coming from England and/or Scotland. It is considered that this is likely to be as a result of the required specification of the RDF.

- 7.17 The biological treatment element is effectively Anaerobic Digestion (AD) which is supported by national policy for the treatment of source separated food waste. The AD element of the facility would be located at the back end of the process, receiving the organic fractions of the residual waste. The outputs of the AD facility would be biogas, which would be used to generate up to 2MW electricity, liquid and digestate, a compost like output. Because the waste would not be source segregated, it would not be possible for the facility to achieve 'end of waste' status through compliance with Publicly Available Specification (PAS) 110. The facility would therefore be a recovery facility, rather than a recycling facility for the purposes of applying the Waste Hierarchy. Not achieving PAS 110 limits the market for digestate which could not be spread on agricultural land without an environmental permit. It would be possible for the AD facility to be operated separately to the front end of the facility, allowing it to receive source separated food waste, thereby enabling PAS 110 to be achieved. This would future proof the facility in the event that there is no outlet for the digestate or there being a significant reduction in the organic fraction within the residual waste.
- 7.18 The proposed facility is an intermediate treatment facility and cannot operate in isolation from other facilities. Recycled materials extracted would be sent off site for processing and the RDF produced would either need to be landfilled or combusted in a dedicated incinerator or at a coincinerator, displacing the need for fossil fuels. The compost like output (CLO) could be spread on non-agricultural land under a permit or dried to create an RDF.
- 7.19 TAN 21 advises that where wastes cannot be recycled, other waste recovery operations should be encouraged and that decisions should be made taking into account the waste hierarchy. Waste hierarchy Guidance published by the Welsh Government identifies MBT as being below Energy from Waste (EfW) where there is a high level of recovery but above Energy from Waste (EfW) where electricity only is produced. Similar guidance in England identifies MBT and EfW at the same level within the hierarchy. The outcome of any assessment depends largely on the assumptions used, economies of scale and how the facility sits within the wider network of facilities.
- 7.20 An objection received in response to publicity on the application raises the point that national waste policy and TAN 21 identify that high efficiency EfW plants are the preferred means of managing residual waste. The objector makes specific reference to studies which were undertaken on behalf of Welsh Government and Regional Waste Groups. The studies referenced actually found limited differences in terms of the sustainability of the different technologies put forwards which included a mixture of Advanced Thermal Treatment Processes (pyrolysis), MBT and incineration, with the exception of MBT where the output goes to landfill which scored

poorly. Therefore, whilst the WG may prefer EfW this doesn't mean that other technology types may not be appropriate as part of the overall mix.

- 7.21 TAN 21 cautions against overprovision of certain facility types, particularly landfill and EfW for which there are statutory caps placed on local authorities. Regional Annual Monitoring advises that any proposals for further residual waste treatment should be carefully assessed to ensure that the facility would not result in overprovision. The Collections, Infrastructure and Markets Sector Plan identifies a requirement for between 203 to 468 thousand tonnes per annum capacity of infrastructure for the treatment of residual waste in North Wales. Since the CIMSP was published Parc Adfer secured planning permission in Flintshire which has been procured following a collaboration of five of the North Wales Authorities and would manage up to 200,000tp residual waste, comprising local authority collected waste with head room for commercial and industrial wastes of a similar composition. A facility has also been developed on Bryn Lane in Wrexham, itself an MBT facility, to manage up to 70,000tpa procured as part of a PFI. There have also been a number of planning permissions granted within Flintshire for facilities which would be able to manage residual waste, including a facility which produces an RDF.
- 7.22 The Applicant has advised that wastes would be sourced from North and Mid-Wales and the North West of England. Whilst contracts have not been secured, the Applicant has provided Letters of Intent from potential suppliers of waste within the region. As discussed above, all North Wales local authorities, with the exception of Powys, are contractually bound by long term contracts for the management of local authority collected residual waste. The Applicant would need to rely on the commercial and industrial waste stream, the need for which is more difficult to predict compared with local authority waste, or importing residual waste from England.
- 7.23 The case for need is not compelling in this instance. Significant capacity has been secured for the management of residual waste both within Flintshire and the surrounding area, including Cheshire West and Chester. TAN 21 advises that overprovision will only be justified on the basis that the proposal represents a sustainably located facility. The site is located within the Deeside Enterprise Zone which is of national importance and is which is accessible by both road and rail and is well connected to the motorway network. The site is therefore considered to be a sustainably located facility. The sustainability of the technology proposed would depend upon how the output is managed. At this stage it is not possible to determine whether any of the RDF or CLO would require landfill, however, as a consequence of the landfill tax it is considered unlikely that this material would be landfilled as there would be fiscal incentive to manage the waste either at a co-incineration plant or Energy from

Waste facility. The proposed development would move the management of waste up the waste hierarchy and enable materials to be recovered which would otherwise be disposed of in landfill. In the event that there is no need for the facility in the locality wastes would need to be drawn from a wider area. As discussed above, the proposal site is a sustainably located facility which would help minimise any harm from drawing waste over a wider area. It is considered highly unlikely that there would be no market for the facility would be well located to receive waste from the Liverpool/Manchester conurbation.

7.24 Employment

The site is located within an area designated under Policy EM3: Development Zones and Principal Employment Areas, which supports B1, B2 and B8 employment uses subject to a number of detailed tests. Part of the site is also allocated for employment uses under policy EM1 (11). Alternative sites were considered by the Applicant but identified as either unavailable or unsuitable.

7.25 The proposal is predicted to generate 553 jobs during the construction phase and 42 jobs during the operational phase. The site is currently vacant land within the Deeside Industrial Park. Development of the site would enable the beneficial reuse of land. The Employment Land Review carried out in support of the Local Development Plan (LDP) demonstrates that there is currently an oversupply of employment land within the County and that the Deeside Industrial Estate has a comparatively high vacancy rate.

7.26 Technical Advice Note 23 provides advice on weighing the economic benefit of a proposal. The TAN identifies three tests to assist in weighing the economic planning balance: alternatives; jobs accommodated; and special merit. The site is considered suitable in principle for this type of use and is not considered to cause harm to sensitive receptors, subject to the inclusion of conditions. The ES considered the suitability of alternative sites and concluded that given the requirements of the site, and constraints at alternative sites the proposal site is the most appropriate for this development. The number of jobs that would be generated are considered to be low compared to employment densities which could be generated by a typical B2 use. In relation to 'special merit' PPW advises that the planning system should particularly support the low carbon economy. The proposal would produce up to 2MW renewable energy and would capture recycle which would otherwise be disposed of.

7.27 The proposed development would enable the beneficial reuse of land which is currently redundant. If planning permission was refused it is considered unlikely that there would be a more suitable site elsewhere which would cause less harm because the proposal site itself is considered suitable for this type of facility. There would be economic benefit during both the construction phase and the

operational phase and whilst the number of jobs provided would be lower than other industrial uses the vacancy rate in this area is comparatively high. The development would generate renewable energy and would enable the recovery of recyclate, keeping material within the economy which would otherwise be disposed of. As discussed above, the need for the facility in terms of North Wales waste management capacity is not compelling and in the event that the facility ceases operating it is considered undesirable to leave redundant buildings and structures within the site, in particular the biological part of the process since these structures are unlikely to be able to be utilised by the majority of other industrial uses. It is therefore recommended that a condition is included to require that the site is restored in the event that the site ceases operating.

7.28 Visual Impact and Design

7.29 Policy GEN 1 seeks to ensure that development harmonises with the site and surroundings. Policy Policies D1 and D2 seek to ensure that development is of a good standard of design, taking into account location. Whilst Landscape and Visual issues were scoped out of the EIA, A Landscape and Visual Appraisal was submitted alongside the application. The LVA confirms that there may be distant views from more elevated locations to the north. To the east, south and west, views of the site are prevented by the railway, Converter Station building and industrial units respectively. The site is located within the Deeside Industrial Park within an area characterised by large scale industrial buildings with varying design and use of colour. Whilst there is limited landscaping within the site there is mature vegetation outside of the site, along the railway line, which acts as a wildlife corridor and provides important screening. Proposed landscaping comprises tree planting along the eastern elevation of the main process building, either side of the main entrance, adjacent to the car park and in the loop adjacent to the weighbridge.

7.30 The site is within the Garden City coastal and estuary urban area, classified within Landmap as an extensive, often linear and interconnected urban area along the edge of the coast & estuary, with larger towns, sprawling suburban edges and large scale heavy industry including docks with a low visual and sensory value. The main nearby receptors would be users and customers of the industrial sites on the Deeside Industrial Park and are not be regarded as sensitive receptors. Railway users will have transient views of the site and are not regarded as sensitive receptors either. Although there may be more distant views possible from the north of the site, the impact of the development would be limited because of the wider industrial landscape.

7.31 The proposed design of the development is based on functional requirements with scale minimised where possible. The main reception building would extend up to almost 21m in height but would

be viewed in the context of other buildings within the industrial estate which are of similar scale. The use of different colour tones and orientation in the cladding to break up the mass of the building and suspended canopies used to provide shelter at the pickup help minimise the visual impact of the development.

7.32 Wastes would be delivered into the building to minimise the release of dust and litter. Processing would occur in the main building and in the biological area within closed units. This would help minimise the visual impact of the development on the surrounding area. Baled materials may be stored externally which could have an adverse visual impact, pose a fire risk, impact on local amenity and have an impact on controlled waters. It is therefore considered necessary to include a condition to control any external storage to minimise visual impact, to restrict the type of waste materials which can be stored externally. Fire prevention measures are proposed within the building but no external measures are proposed and should therefore be secured via condition. Although this is a matter which would be considered through the Permit controlled waters within the vicinity of the site are particularly sensitive and the impact of fire on developments to the north and south of the site could have wider consequences. This is discussed in more detail in the Ecology and Fire Risk sections below.

7.33 The Tree Officer, who has provided landscape advice in respect of this application, has not objected to the proposal subject to the inclusion of a landscaping scheme to secure retention of existing vegetation along the western periphery of the site and additional planting within the site. Subject to the inclusion of conditions to address the matters above, the proposal is considered unlikely to have a significant adverse visual impact, in accordance with policies GEN 1, D1 and D2 of the adopted Flintshire Unitary Development Plan.

7.34 Highways

7.34 Policy AC 13 permits proposals where approach roads to of an adequate standard and safe vehicular access can be provided to and from the main highway network. The access to the site was retained from the former Gaz de France site and rises up into the site from the industrial estate road which links up to Weighbridge Road and the A548 which connects to the motorway network. The site would be accessed over a 14 hour day between 6am-8pm with deliveries limited to 6am – 4pm, by up to 146 vehicles a day, 292 movements, comprising Refuse Vehicles, HGVs and cars. There would be 34 parking spaces and 3 accessible spaces provided in the existing parking area and covered cycle parking and changing facilities within the building.

7.35 The Applicant submitted a Transport Statement in support of the

application which demonstrated that there are no safety issues which would be exacerbated by the development and that the traffic movements generated by the development would be 1% when compared with existing traffic flows on the A4585 Weighbridge Road. The Highways Officer has not objected to the proposal on highway grounds and has advised that the anticipated level of traffic generation is not considered to be significant. The site is accessed off an un-adopted section of road, therefore access/egress does not directly affect highway users. The position of the gatehouse and layout of the access road should not result in any undue backup of vehicles accessing the site. The Applicant is, however, advised to carefully consider the operation of the access junction and interaction with other accesses and it is recommended that this matter is raised on the decision notice.

7.36 Ecology

- 7.37 Policy WB1 supports development where it would not have a significant adverse effect on important species or their habitats. Policy WB2: Sites of International Importance seeks to ensure that development will not have an adverse effect on internationally designated sites. Policy WB3 Statutory Sites of National Importance states that there is a presumption against development which would have a significant adverse effect on the nature conservation interest of the site. Policy WB4 Local Sites of Wildlife and Geological Importance and Policy WB5 Undesignated Wildlife Habitats seeks to protect habitats of local importance. The Dee Estuary SSSI/SPA/Ramsar/SAC is 200m to the north of the application site while the River Dee SSSI/SAC over 1.5km to the south west. The Dee Estuary is designated for its wintering bird populations (SPA/Ramsar site) and for its estuarine habitats (SAC). The River Dee SSSI/SAC is primarily designated for its migratory fish eg Atlantic Salmon but also for Otter. The Shotton Lagoon and reedbeds SSSI is 830m to the south west and Burton Mere and Wetlands RSPB reserve (includes Inner Marsh Farm SSSI) is over 1km to the north west, both contribute towards breeding and wintering bird populations of the Dee Estuary and form part of the Dee Estuary SPA and Ramsar designations.
- 7.38 The Applicant has submitted an extended phase I habitat report in support of the application which has informed the Environmental Statement. The report confirms that to the north of the site is an area of rough grassland which provides grassland habitat suitable for reptiles and which has moderate ecological value. Surveys of reptiles are recommended, as are ground nesting bird surveys or avoidance of the nesting season. A Biodiversity enhancement plan is also recommended if there is to be a loss of the rough grassland habitat.
- 7.39 Planning permission can only be granted if it can be demonstrated that there is no likely significant effect on the designated features of the Dee Estuary SAC/SPA/Ramsar and the River Dee SAC. Under

the precautionary principle if there is an element of doubt then permission cannot be granted. The Local Planning Authority has carried out a Test of Likely Significance, as recommended by NRW and concluded that there would be no direct effects on either the Dee Estuary or the River Dee but there is the potential for indirect effects caused by changes in air and water quality due to the potential for critical overload in particular the “in-combination effects”. In line with the requirements of the Conservation of Habitats and Species Regulations the LPA has carried out an Appropriate Assessment which has considered the impacts of the development, alone and in combination with other plans and projects.

- 7.40 An Air Quality Assessment submitted in support of the application considered the impact of emissions on air quality at the above ecological receptors. Predicted ambient NO_x and nitrogen and acid deposition were identified as well below the screening thresholds contained within guidance. NRW has advised that they agree with the conclusions of the air quality assessment in relation to designated sites and conclude that emissions from this development are not likely to cause a significant effect on the features of the designated sites. The drainage strategy proposed would prevent the discharge of pollutants from the site and into the nearby watercourse. It is considered that further information is required regarding the drainage strategy and on contamination within the site, which is discussed in more detail below. Mitigation to prevent or minimise the release of pollutants could be secured via condition and is considered able to ensure that the development would not have a significant effect of the Dee Estuary or River Dee.
- 7.41 A number of Section 7 species, list of of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, are understood to be likely to be either using the site or in close proximity to it including the Dingy Skipper, common lizard, whitethroat and skylark. It is recommended that the mitigation proposed within the Extended Phase I Habitat Survey is secured via condition
- 7.42 Within the site itself the unimproved neutral grassland is considered to be habitat of value and mitigation should be provided and secured via condition including appropriate management. Reptiles could be present within the site and it is therefore recommended that a survey is carried out prior to commencement of development. Subject to the inclusion of conditions to address the matters raised above and to secure reptile surveys and reasonable avoidance measures; lighting to minimise impacts on protected species; the submission of a biodiversity enhancement plan; and ground nesting bird surveys or avoidance of the nesting season, the proposal is considered in accordance with policies WB1, WB2, WB3, WB4 and WB5v of the adopted Flintshire Unitary Development Plan.

7.43 Trees

7.44 Policy TWH1 seeks to protect trees which are important in the local landscape. The Applicant submitted an arboricultural report in support of the application which identified small areas of trees within the site. The report includes a number of recommendations including the preparation of an Arboricultural Impact Assessment.

7.45 The trees within the site are of local importance only in terms of landscape. There are trees along the railway line which provide important screening and act as a corridor for wildlife but these are outside of the Applicant's control. The Tree Officer has advised that there are small areas of trees within the site which merit retention and has not objected to the proposal subject to the inclusion of conditions to ensure existing trees are protected during construction and to secure the provision of additional planting in the site, including maintenance. Subject to the inclusion of conditions to address the matters raised above the proposal is considered unlikely to have an adverse impact on trees, in accordance with policy TWH1 of the adopted Flintshire Unitary Development Plan.

7.46 Air Quality

Policies GEN 1, EWP 8 seek to ensure that development does not have a significant adverse impact on recognised habitats or the safety and amenity of nearby residents as a result of the adverse effects of pollution. Policy EWP 12 supports development where it would not create or increase risk to the general public outside the boundaries of the site.

7.47 The Applicant has carried out an Air Quality Assessment (AQA) in support of the application which considered the impact of the development on air quality during the construction phase and operational phase. The assessment confirmed that there are no Air Quality Management Areas (AQMA) within close proximity of the site and the closest sensitive receptors are located at distance. Ecological receptors within 2km include River Dee and Dee Estuary SAC/SPA/RAMSAR/SSSI. The AQA concluded that the impact of the development on human health would be negligible and that the impact on ecological receptors would be insignificant and is discussed in more detail under the Ecology section. The Assessment did not consider the impact of the development on the Northern Gateway site, however, given the distance from the site the findings are considered to remain of relevance.

7.48 *Construction*

Impact of dust during the construction phase was considered as part of the ES and not identified as significant due to the distance of the site from both human and ecological receptors, in accordance with Institute of Air Quality Management (IAQA) guidance. Potential sources of dust would include site plant and vehicle exhaust

emissions. The Applicant has requested that dust control measures are secured via condition through the submission of a Construction Environmental Management Plan (CEMP). The Environmental Health Officer has not objected to the proposal and has advised that similar sized developments in the vicinity of the site have not caused complaint. Notwithstanding this, given the potential for impact on ecological receptors, although low, it is considered reasonable to secure mitigation via condition.

7.49 *Operation*

The site would require an Environmental Permit and would be regulated by Natural Resources Wales (NRW) and would be required to employ Best Available Techniques (BAT), which means the available techniques which are the best for preventing or minimising emissions and impacts on the environment. Permitting is a separate consenting process but both planning and permitting would be required to operate the site. It is understood that the Applicant is in discussion with NRW regarding the submission of a Permit application, however, no Permit has been determined to date.

7.50 Potential sources of dust/odour/bioaerosols during the operational phase would include activities carried out within the main waste reception building; emissions from the exhaust stack from the gas engine (AD), odour from the AD tanks and site plant and exhaust emissions. A number of mitigation measures are proposed including direct tipping of waste within the reception area by HGVs; enclosing the waste handling operations within enclosed buildings; the use of fast acting automatic roller shutter doors in the waste reception building; negative pressure within the building and air extraction through a biofilter; sheeting of vehicles and minimisation of time period for external storage of reject material.

7.51 The Environmental Health Officer has advised that the main issue would be from odour but because of the design of the process and the controls that would be put in place it is not expected to cause any undue problems and that plans for the management and control of odours are adequate.

7.52 Subject to the inclusion of conditions to ensure that the development is carried out in accordance with the proposed mitigation measures it is considered unlikely to have an adverse impact on amenity, in accordance with policies GEN 1 and EWP 8 of the adopted Flintshire Unitary Development Plan.

7.53 Noise and vibration

Policy EWP 8: Control of Waste Development and Operations supports proposals where they do not result in unacceptable disturbance to local communities through noise or vibration. Policy EWP 13: Noise and Light: Requires proposals which are likely to cause an increase in noise or vibration to demonstrate that there will

be no detrimental impact on users, outside the boundary of the site, who may be sensitive to such nuisances. The nearest sensitive receptors are between 1.9-2km away, and sensitive receptors within the Northern Gateway site would be approximately 1.7km away.

- 7.54 The Applicant has carried out a BS4142:2014 Noise Assessment and considered noise and vibration as part of the ES. BS5528:2009 +A1 2014 was used to assess HGV movements beyond the site boundary. Background noise within the site is identified as dominated by traffic and other industrial uses. Noise arising from the development during construction and operation is predicted to be negligible at nearby residential receptors as it would be below background noise levels. As such, no mitigation, beyond those included within the design of the building, is proposed. The Assessment did not consider the impact on occupants of the Northern Gateway site, however, given the distance from the site the conclusions are considered to remain relevant. The Environmental Health Officer has not objected to the proposal and has advised that with regards to noise from the construction phase other similar sized sites have not generated complaint.
- 7.55 It is considered that the proposed development would not have an adverse impact on nearby sensitive receptors as a result of noise and vibration, in accordance with policies GEN 1 and EWP 8 of the adopted Flintshire Unitary Development Plan.
- 7.56 Contaminated Land
- 7.57 Policy EWP 14: Derelict and Contaminated Land supports proposals subject to any contamination being adequately dealt with as part of the development so that no risks remain on site for future receptors.
- 7.58 The site comprises made ground and was occupied by a number of heavy industrial uses including the steel works and the Gaz de France power station. A Phase I Site Investigation Report was submitted in support of the application which did not identify any significant contamination risks that cannot be appropriately managed through standard design or mitigation techniques. A series of recommendations were made within this report which includes carrying out an intrusive investigation to identify whether any remediation works are required. Where such works are required, it is recommended that a verification report should be submitted.
- 7.59 The assessment concludes that there is no significant source of contamination and therefore the likelihood of significant risk to the proposed development, its users and controlled waters is identified as low. It is recommended that a Phase 2 Intrusive investigation is undertaken to inform the detailed design and construction risk assessment for the site. Both the Contaminated Land Officer and Natural Resources Wales advised that a condition should be included

to secure a Phase 2 intrusive investigation and any required remediation and verification. Subject to the inclusion of conditions to address the matters raised above, the proposal is considered acceptable with respect to policy EWP14 of the adopted Flintshire Unitary Development Plan.

7.60 Flood Risk

7.61 Policy EWP 17: Flood Risk supports development within areas at risk of flooding where it is justified and subject to detailed tests to ensure that any flood risk can be effectively managed and would not increase the risk of flooding off-site. The majority of the site is within flood zone B with site levels of between 8.3m and 10.3m AOD. There is a small proportion of the site within flood zone C1 along the western boundary of the site with levels of between 5.2m and 8.3m AOD. The wider access route to the site is within zone C1. The proposed development is classified as 'highly vulnerable' for the purposes of TAN 15.

7.62 The Applicant has submitted a Flood Consequences Assessment and Conceptual Surface and Foul Water Management Plan in support of the application, which includes a Flood Warning and Evacuation Plan. The Assessment concludes that the majority of the site would not be at risk from flooding from river, coastal, surface water groundwater or reservoir breaching. A small portion of the site, along the western boundary and site entrance, may be subject to a tidal risk but would remain largely undeveloped and comprise water compatible infrastructure such as pipes, manholes, a culvert and grassed ditches.

7.63 The site comprises previously developed land within an area identified for employment use within the Unitary Development Plan. The majority of the site would not be at risk of flooding during a flooding event. Natural Resources Wales have not objected to the proposal subject to a number of conditions to secure further information regarding drainage and have advised that the local planning authority should secure a Flood Risk Plan which should include details of access and egress. A Flood Risk Plan was submitted alongside the planning application but did not include details of access and egress. It is therefore recommended that a revised Plan is secured via condition.

7.64 Proposed drainage is designed to attenuate run-off from the site so that it is equivalent to the greenfield run-off rate. The drainage scheme is discussed in more detail below, however, generally, it is considered that the development would not increase the risk of flooding off-site. Subject to the inclusion of conditions to address the matters raised above the development is considered to be justified, in line with the tests contained within paragraph 6.2 of TAN 15 and Policy EWP 17 of the adopted Flintshire Unitary Development Plan.

7.65 Drainage

- 7.66 Policy GEN 1: General Requirements for Development, criterion i) states that development should not result in problems related to drainage or flooding, either on or off site. Policy EWP16: Water Resources supports development where it would not have an adverse impact on groundwater or surface water. A surface water drainage scheme is proposed which would limit run-off rates to below the maximum permissible discharge rate of 27.5 l/s (Greenfield Qbar), for all rainfall events up to and including the 1 in 100 year plus 20% for climate change allowance. The scheme comprises a series of subsurface geocellular attenuation tanks, two bypass oil and silt separators, two grassed drainage ditches, two hydro-brakes and four non-return valves. The surface water drainage would connect to the existing Weighbridge Road culvert at the site main entrance located at the western boundary of the site.
- 7.67 The surface water drainage scheme is based upon the existing levels at the site. It is therefore considered necessary to condition final levels so that it is clear the drainage scheme would still work. Concern was raised in response to publicity on the application regarding the potential impact on the receiving drainage system. In particular, it was noted that there has been flooding on the road outside of the site suggesting capacity issues. Concern was also raised regarding the potential for contaminants to drain from the site to the watercourse. The Drainage Officer has advised that whilst there have been issues with flooding on the road there appears to be some form of impediment on the proposed receiving watercourse that is currently being investigated by the local authority. It would not appear that the impediment is located on land in the ownership of FCC but the Council do have powers under the Land Drainage Act 1991 to enforce a riparian owner to remove impediments from within watercourses located on their land.
- 7.68 The Applicant has advised that the water from tanks 1-4 would be used in the process and the water from tank 5 could be allowed to leak, thereby providing the attenuation required whilst complying with the Council's SPG on Drainage. The Drainage Officer has advised that infiltration testing would be required to demonstrate that such a design would be appropriate in this instance. Furthermore, such an approach would not be acceptable if the site is contaminated. It is therefore recommended that a condition is imposed to secure the submission of a detailed drainage scheme for the site which would need to be devised taking into account the findings of the Phase II Contaminated Land Assessment.
- 7.69 Subject to the imposition of condition/s to address the matters raised above the proposal is considered in accordance with policies GEN 1 criterion i), and EWP 16 of the adopted Flintshire Unitary Development Plan.

7.70 Fire Risk

7.71 Policy GEN 1 supports development where it would not have a significant adverse impact on other users of nearby land/property. The proposal includes the management of waste which is potentially flammable. Fire, if not controlled, could pose a risk to neighbouring users of land and property, including the railway line to the east, the converter station to the south and Parc Adfer to the north, the impact of which could have wider consequences. The Applicant has proposed fire mitigation, including equipment, signage and the installation of a sprinkler system. There are capacity issues in this area in relation to water supply and it is important to ensure that water supplies for firefighting would be sufficient in the event of a fire. Although sprinklers could help prevent the spread of fire, their use could potentially limit the availability of water for firefighting if adequate supply is not available. It is therefore recommended that an assessment is secured, by condition, to evaluate the capacity of the water network, taking into account the proposed use of sprinkler systems and, in the event that capacity is deemed insufficient, to secure the provision of fire hydrants and associated equipment.

7.72 The Fire Officer has also requested the submission of a Fire Strategy. Other conditions, including the submission of a detailed drainage strategy for the site, discussed in the drainage section above, would ensure that any firewater would not have an adverse impact on sensitive ecological receptors within the vicinity of the site. Subject to the inclusion of conditions to address the matters above, the proposal is considered in accordance with Policy GEN 1 criterion d).

7.73 **Environmental Impact Assessment**

The planning application was accompanied by the submission of an Environmental Statement. A substantial body of environmental information has been submitted. In making this determination, the Council has taken all the environmental information available to it into consideration, including the information presented in the application and the Environmental Statement. It has also considered the responses from consultees and to representations received from third parties.

8.00 CONCLUSION

The proposed facility would enable residual wastes to be diverted from landfill, producing up to 2MW of green energy and maximising the recovery of recyclate. The site is currently vacant and is located within an area identified for employment use within the UDP, surrounded by industrial uses of a similar scale. Its development would enable the beneficial reuse of the land and bring economic benefit through the provision of jobs, both direct and indirect. In terms of absolute waste management capacity requirements, there is no compelling need for the facility in terms of Flintshire or North Wales.

However, the site represents a sustainable location which is easily accessible via the trunk road and motorway network. There is also the potential for access by rail, though movement by rail is not proposed as part of the application. Any adverse impacts would be mitigated through the design of the facility or through the use of conditions and it is therefore considered that no harm would arise from granting planning permission. The proposal is therefore, on balance, recommended for approval subject to conditions.

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.

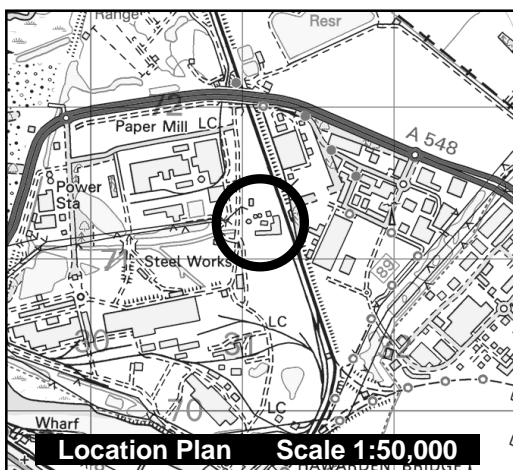
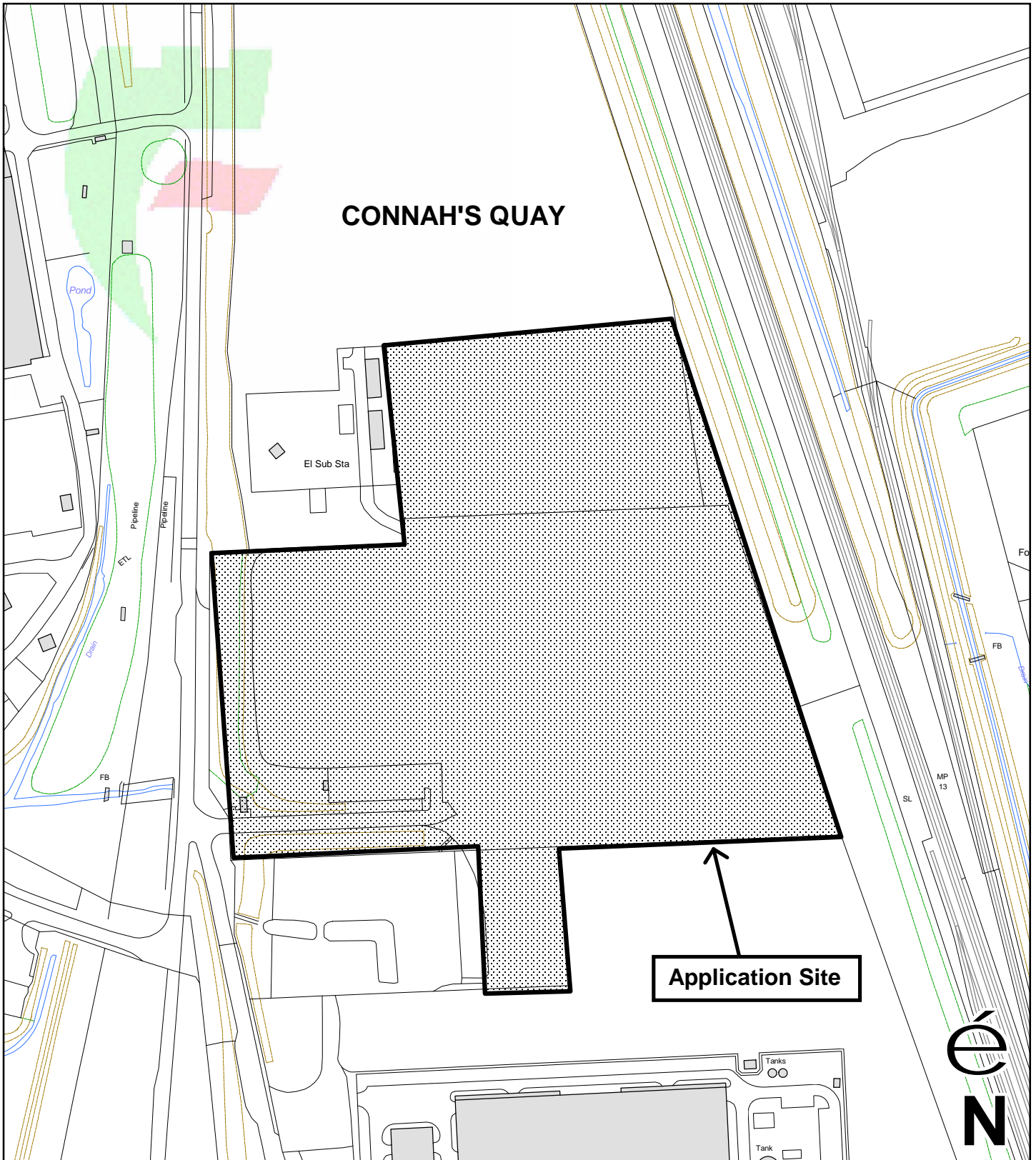
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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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 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3171

Planning Application **58270**

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