

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **24<sup>TH</sup> JULY 2019**

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

**SUBJECT:** **OUTLINE APPLICATION FOR THE ERECTION OF  
10 NO. DWELLINGS AT SIGLEN UCHAF, RUTHIN  
ROAD, GWERNYMYNYDD.**

**APPLICATION  
NUMBER:** **053325**

**APPLICANT:** **MR & MRS PRICE**

**SITE:** **SIGLEN UCHAF,  
RUTHIN ROAD,  
GWERNYMYNYDD.**

**APPLICATION  
VALID DATE:** **25<sup>TH</sup> MAY 2015**

**LOCAL MEMBERS:** **COUNCILLOR K. HUGHES**

**TOWN/COMMUNITY  
COUNCIL:** **GWERNYMYNYDD COMMUNITY COUNCIL**

**REASON FOR  
COMMITTEE:** **AT THE REQUEST OF THE LOCAL MEMBER**

**SITE VISIT:** **YES – LOCAL MEMBER REQUEST**

**1.00 SUMMARY**

- 1.01 This is an outline application with all matters except for access, reserved for subsequent approval. It proposes the erection of 10 No. dwellings on land adjacent to Siglen Uchaf, Ruthin Road, Gwernymynydd.
- 1.02 Whilst all other matters are Reserved, the applicant has provided an indicative series of drawings indicating how the site may be developed. Members are reminded that these details are purely indicative.

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

2.01 That conditional permission be granted, subject to the applicant entering either into a Section 106 agreement or providing a unilateral undertaking which provides for the following;

1. Ensure the payment of a commuted sum equivalent to £1100 per dwelling in lieu of on site play and recreation provisions. Such sum to be paid to be used as a contribution towards the enhancement of existing recreation facilities at Llys Enfys Play Area, Gwernymynydd. Such sum to be paid upon occupation of 50% of the approved dwellings.

2.02 Conditions

1. Outline - Time limit
2. Outline - Details of reserved matters
3. In accord with approved plans
4. Outline - Submission and approval of site levels
5. Access visibility of 4.5m x 120 in an easterly direction and 4.5m x 94.5m in the westerly direction. Splays to be substantially complete before any other development upon site.
6. Submission of detailed siting, layout and design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads road prior to commencement.
7. Access to be as Dwg No. 45788/PO01 Rev. P
8. Scheme for parking & turning facilities, to include construction traffic, to be submitted & agreed.
9. Land contamination investigation prior to any development.
10. Remediation scheme to be submitted and agreed prior to any sites works. Implemented prior to occupation of any dwelling approved.
11. Wheel washing facilities to be provided for the duration of construction works.
12. Scheme for comprehensive foul and surface water drainage system to be submitted and agreed. No drainage to connect to trunk road drainage system.
13. Materials and finish colours to be submitted and agreed.
14. Tree and hedgerow protection to be submitted, agreed and implemented prior to works commencement.
15. Scheme for enhanced glazing to be submitted and agreed.
16. Site is crossed by public sewer. No development within 3 metres either side.
17. Garage fronts to be 5.5m behind footway or 7.3m from edge of carriageway.
18. Access gradient to be 1 in 24 for minimum of 10m and a maximum of 1 in 15 thereafter.

2.03 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

##### Councillor Kevin Hughes

Requests that the planning application be determined by the Planning Committee due to concerns over the proposed highway access.

##### Gwernymynydd Community Council

Objects to the proposal for the following reasons:

- Highway safety issue with the proposed access/egress point onto the busy A494;
- Inadequate visibility is demonstrated;
- There would be surface water run-off onto neighbouring properties, particularly the Haulage Yard which already suffers from flooding – the proposals dwellings would exacerbate the problem;
- There would be a problem with the foul water system as a result of adding further dwellings to an already overstretched main;
- Concern expressed with regard to underlying mine shafts and the stability of the ground;
- The application suggests that the proposed development site is a brownfield site, whereas the Community Council considers Siglen Uchaf to be a small holding; and
- The development does not accommodate an open space/play area facility, which is contrary to Flintshire County Council's planning policy.

##### Highways DC

No objection subject to the imposition of conditions.

##### Pollution Control

No objections. However, records indicate that the site is in an area of extensive lead mining. Therefore, recommend that a condition for a contaminated land site investigation is attached to any approval. In addition to this it is requested that conditions are considered for a scheme of enhanced glazing as the site is adjacent to a busy main road.

##### Public Open Spaces Manager

In accordance with Local Planning Guidance Note No. 13 'Public Open Spaces', the Authority is seeking an off-site capital contribution of not less than £1,100 per dwelling in order to enhance existing

recreation provision at the existing children's play area at Llys Enfys Play Area.

Dwr Cymru/Welsh Water

No objections. Recommends the imposition of a condition requiring proposed drainage scheme to be submitted and agreed. Request the imposition of a note in relation to the proximity to a public sewer.

Natural Resources Wales

No objections. Considers the proposals would not adversely impact upon the nearby AONB.

Airbus

No aerodrome safeguarding objection to the proposal.

Coal Authority

Advises that standard advice applies. Accordingly, The Coal Authority raises no objection to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Welsh Government - Transport

No objections. Requests the imposition of conditions in relation to the submission and agreement of access details, access width, parking and turning facilities, wheel wash during construction phase and highway visibility splays.

SP Energy Networks

SP Energy Networks have plant and apparatus within the area of the proposed development, the developer should therefore be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the electrical apparatus.

Wales & West Utilities

No objections to the proposal, however, apparatus may be at risk during construction works and the promoter of the works should be advised to contact Wales & West Utilities directly.

AONB Joint Advisory Committee

No objection to the principle of residential development. Considers a lower density proposal will, subject to the details, have a less urbanising impact than the previously refused scheme. Welcomes the retention of trees and hedges. Considers some provision of affordable housing should be sought.

**4.00 PUBLICITY**

4.01 This application has been publicised by way of the publication of a Press Notice, display of a Site Notice and Neighbour Notification letters. The application has been the subject of consultation on 4

occasions and 13 No. letters of objection have been received from local residents on the following grounds:

- Potential for parking on the roadside;
- Highway safety due to additional traffic and the access being located on the brow of a hill;
- Effect of additional drainage on lower properties;
- Contaminated land;
- Lacking detail re surface water and a sustainable urban drainage system should be implemented;
- The access/egress point onto the A494 will add more danger to an already busy road;
- Mine shafts in the area;
- Inconsistency of power supply to village; and
- In bad weather conditions there is an existing problem with vehicles not being able to access their properties and having to park in the lay-by. This problem will be exacerbated by the development when the new dwellings are inaccessible due to bad weather, resulting in the A494 being blocked.

4.02 1 No. letter of support has been received citing the visual betterment to the area from the proposed development and the provisions of houses in close proximity to Mold.

## **5.00 SITE HISTORY**

### **5.01 043076**

Residential development of 24 no. dwellings and associated works  
Withdrawn 19/3/2008

### **042344**

Demolition of existing buildings and erection of 24 no. two-storey detached dwellings and associated works including ground remodelling  
Withdrawn 30/3/2007

### **048850**

Erection of 18 No. dwellings and associated works  
Refused 22.2.2013  
Appeal DISMISSED 1.5.2014

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

Policy STR1 – New Development

Policy STR4 – Housing

Policy STR7 – Natural Environment

Policy STR9 – Welsh Language and Culture

Policy STR10 – Resources

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries  
Policy D1 – Design Quality, Location and Layout  
Policy TWH1 – Development Affecting Trees and Woodlands  
Policy L2 – Area of Outstanding Natural Beauty  
Policy AC13 – Access and Traffic Impact  
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries  
Policy HSG8 – Density of Development  
Policy D1 - Design Quality, Location and Layout  
Policy SR5 – Outdoor Playing Space and New Residential Development

6.02 Local/Supplementary Planning Guidance Notes  
SPGN 4 - Trees and Development  
SPGN 13 - Open Space Requirements

6.03 National Planning Policy  
Planning Policy Wales Edition 10 December 2018  
Technical Advice Noise 11: Noise

## **7.00 PLANNING APPRAISAL**

7.01 Site and its Surroundings  
The site comprises some 0.9 hectares of land to the east of Siglen Uchaf. The site at its southern edge is below the level of the A494 (T) and then rises up to the hedgerow denoting the settlement boundary at the rear of the site. The site is bounded to the west by Ty Newydd and to the east by a haulage yard adjacent to Fernleigh, above which is a freestanding bungalow 'Rockland'. Mature trees which are the subject of Tree Preservation Orders are located to the north western end of the site.

7.02 The Proposed Development  
This outline application proposes the development of this 0.9 hectare site for the purposes of residential development. All matters of detail, with the exception of matters relating to access are reserved for future consideration. Indicative details submitted suggest that the site could be developed for approximately 10 No. detached dwellings, together with the creation of a new vehicular access.

7.03 The Main Issues  
It is considered the main issues for consideration in the determination of this application to be;

- The principle of development having regard to planning policy;
- Access and highway safety;
- Amenity Impact;
- Impact upon trees; and
- Public Open Space.

- 7.04 The Principle of Development  
The site is located within the settlement boundary of Gwernymynydd 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 'windfall' sites.
- 7.05 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. The bringing forward of windfall sites such as this 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 be 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 and is consistent with the strategy of the LDP.
- 7.06 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 Councils Developer Guidance Note : Speculative Housing Development Proposals, do not apply to this site. It is considered therefore that the proposal accords with Policies GEN 2 and HSG3.
- 7.07 Access and Highway Safety  
There have been objections received in relation to highway safety with reference to the busy A494 and potential dangers as a result of the additional point of access/egress for this development. The application has been modified during the course of consideration to include matters relating the proposed point of access as a matter for consideration at this stage. During consultation of this issue with both the Council Highways Officers and Welsh Government's Transport Officers, the application has been amended. Welsh Government have both considered and approved an application for a departure from standards in relation to an access onto a trunk road. The accepted details provide for a point of access comprising a 6m wide carriageway and visibility splays as detailed below.
- 7.08 Members will recall at a previous site visit, concerns were raised in relation to the extent to which visibility in a westerly direction could be achieved. The amended proposals provide for the required splay of 4.5m x 120m in the easterly direction and 4.5m x 94.5m in the westerly direction. The plan indicates that the existing leylandii hedge to the north of this westerly splay will be removed and new boundary treatment provide to the back edge of this splay.

7.09 It has been confirmed that subject to the imposition of conditions in respect of the construction details of the access, the minimum width of the carriageway, visibility splays as set out above, provision of off-road parking and turning facilities (construction compound) and the use of a wheel wash during construction, the proposals are considered acceptable and would not be detrimental to highway safety. Accordingly, there are no objections raised on the grounds of highway safety and the proposal complies with Policy AC13.

7.10 Amenity Impacts

Gwernymynydd is a village made up of varying house types and the immediate area is urbanised with a mix of forms of dwellings in the area, ranging from suburban semi-detached houses to the south side of Ruthin Road to more traditional farm houses and steadings to the north. The indicative details provided with the proposal provide for 10 No. detached dwellings. These proposals respond to the concerns outlined by the Inspector in his dismissal of the previous application upon this site. Members will recall that concerns were raised in relation to the impact of the proposed landform resulting from those proposals. He was especially concerned in respect of the proposed 4m criblock wall to the eastern edge of the site and its potential to impact upon both the visual character and appearance of the area and the living conditions of nearby residents.

7.11 Although the plans submitted in connection with the current application are indicative, the indicated layout is achievable and the dwellings shown, in terms of scale and layout would not seem incongruous with the character of built form in the locality. The indicative plans shows that No 10 proposed dwellings would be capable of according with the Council's Local Planning Guidance Note with regards to private amenity space and space about dwellings. The proposed dwellings are set back from the A494 and at a lower level, before rising in line with existing land gradient to the rear of the site, which is reflective of the built form in the rest of the village.

7.12 Taking these factors into account, and recognising that the details in this respect remain the subject of further submissions and agreement, it is considered the proposal would not impact unacceptably upon either visual or residential amenity. It is therefore considered the proposal could broadly comply with Policies STR1, GEN1, HSG8 and D1, D2 and SPGN 2.

7.13 Impact upon Trees

There are 4 No. Tree Preservation Orders on the application site, two on the rear boundary, one centrally located within the site and one on the left-hand side of 'Siglen Uchaf'. The centrally located Sycamore, by virtue of its location, has the potential to be damaged as a result of this development. However, the indicative layout provided in connection with this application illustrates that the proposed dwellings



and roads can be sited in order to ensure that the tree is protected and in addition, those amendments would result in the tree being a main visual feature when entering the site from the A494. Existing boundary hedges are generally retained and the proposed development will be further augmented with new planting across the site, such planting details will form part of the Reserved Matters application. A condition is suggested to be imposed to require tree and hedge protection measures and therefore the proposal would comply with Policy TWH1.

7.14 Public Open Space

Consultations with the Public Open Spaces Manager has revealed that rather than formal provision within the site for play, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community. The consultation has established that the sum requested should be used in connection with a project to enhance the existing play and recreation offer at the nearby Llys Enfys Play Area.

7.15 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.

7.16 Accordingly and in line with the emerging SGPN 13: Open Space Requirements, I recommend that a contribution equivalent to £1100 per dwelling is sought via a S.106 agreement to satisfy this requirement. The proposal would therefore comply with Policy SR5 and LPGN 13.

7.17 Other matters

Concerns have been raised in respect of the adequacy of the existing drainage infrastructure to accommodate further flows from new development. Both Natural Resources Wales and Dwr Cymru/Welsh Water have been consulted upon the drainage aspects of the proposal. They both advise that a condition is imposed requiring the submissions of a surface and foul water drainage scheme for the site. No objection to the proposals has been raised by Dwr Cymru/Welsh Water in relation to system capacity concerns.

7.18 Concern has also been raised in respect of the historical mining and contamination legacy upon the site. The Pollution Control Officer has advised that due to historical mining activities within the area, a condition should be placed upon any grant of planning permission requiring a site investigation being undertaken to identify any potential contaminants from this use and indeed all previous uses and if found identify how these can be remediated against. It is proposed to condition accordingly. In view of the fact that remediation measures can result in levels changes as a consequence of potential cover system, it is also proposed to condition that proposed site levels are

submitted as part of the Reserved Matters application. The Coal Authority have not raised any objection to the proposals.

- 7.19 Issues raised in respect of the consistency of the power supply to the village are not reflected in the responses of the power suppliers who have been consulted upon this matter and no issues in this regard have been highlighted.

## **8.00 CONCLUSION**

- 8.01 It is considered that the proposal is acceptable in principle and the development proposed would be acceptable at this location meeting the Council's requirements.

### **8.02 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.

- 8.03 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.

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

- 8.05 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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