

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **22nd NOVEMBER 2023**

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

SUBJECT: **OUTLINE- RESIDENTIAL DEVELOPMENT OF UP
TO 140 DWELLINGS, MEANS OF ACCESS, OPEN
SPACE, SUSTAINABLE DRAINAGE
INFRASTRUCTURE AND ALL OTHER
ASSOCIATED WORKS (OUTLINE APPLICATION
INCLUDING ACCESS, WITH ALL OTHER
MATTERS RESERVED) AT WELL STREET,
BUCKLEY**

**APPLICATION
NUMBER:** **062458**

APPLICANT: **CLWYD ALYN HOUSING LTD**

SITE: **LAND AT WELL STREET, BUCKLEY**

**APPLICATION
VALID DATE:** **01ST FEBRUARY 2021**

LOCAL MEMBERS: **COUNCILLOR C PREECE
COUNCILLOR D ROSE**

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

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline application including access, but with all other matters reserved for residential development of up to 140 dwellings with associated means of access, open space, sustainable drainage infrastructure and all other associated works at Well Street, Buckley

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

2.01 Section 106 Agreement

- Primary School Contributions- Contributions required would be £330,939.00 towards improvements to Southdown CP school
- Payment of £1,100.00 per dwelling (£733.00 per affordable dwelling) in lieu of on-site provision The payment would be used to enhance existing play area at The Flash park, Bistre
- Scheme to ensure that the Affordable dwellings remain affordable in perpetuity and at an appropriate tenure.
- A sum of £14k to cover the cost of advertising and implementing future traffic regulation orders.

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. Outline 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. 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. In accordance with approved details
 - Application form
 - Location plan L01A
 - Existing site plan L02B
 - Indicative site plan L04B
 - Proposed Master Plan L03B
 - Ecology Management Strategy
 - Transport Assessment
 - Coal Mining Risk Assessment
 - Tree Constraints and Constraints
 - Drainage Strategy
 - Preliminary Ecology Assessment

- Remediation and Enabling Works Strategy
 - Heritage Impact Assessment
 - PAC report
 - Planning Statement
 - Design and Access Statement
4. 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).
 5. No works associated with the proposed development of the site shall commence unless and until a detailed scheme for the realignment of Well Street and creation of a site access junction has been submitted to and approved by the County Council. Such works shall become the subject of a Section 278 Agreement under the 1980 Highways Act prior to their implementation.
 6. The layout and design of the access from Daleside shall be in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
 7. The forming and construction of the means of site accesses shall not commence unless and until the detailed design thereof has been submitted to and approved by the County Council.
 8. The works associated with forming the means of site access shall be kerbed and completed to carriageway base course layer up to the internal tangent point of the entrance radii prior to the commencement of any other site building operations.
 9. Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be submitted to and approved by the County Council prior to the commencement of any site works. Such facilities being completed prior to the proposed development being brought into use.
 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. Facilities shall be provided and retained within the site for the parking / storage of bicycles in accordance with a scheme to be submitted to and approved by the County Council prior to the commencement of any site works. Such facilities being

completed prior to the proposed development being brought into use.

12. The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads shall be submitted to and approved by the County Council prior to the commencement of any site works
13. 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.
14. Positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
15. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority.
16. A Full Travel Plan and Transport Implementation Strategy (TIS) shall be submitted and approved in writing by the County Council prior to the first use of the development.
17. No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and include a detailed design outlining the measures proposed to accommodate the public sewer. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.
18. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
19. No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant as part of the reserved matters submission and approved in writing by the Local Planning Authority.

The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust After

approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd- Powys Archaeological Trust for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW.

20. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority.
21. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted, including measures to verify the approved works, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The site shall be remediated in accordance with the approved measures prior to occupation of any dwelling. If during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination and subsequent verification details shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.
22. A Bat emergent survey will be submitted with the application for reserved matters.
23. A Tree report complete with a scheme for RPA mitigation will be submitted with the application for reserved matters.
24. Notwithstanding the details hereby approved new objects or extensions of existing objects should not be permitted above the conical surface and the inner horizontal surface except when an object would be shielded by an existing immovable object, or if after a safety assessment, it is determined that the object would not adversely affect the safety or significantly affect the regularity of operations. The EASA references for precision approach and take-off runways are CS ADR-DSN.J.480 and J.485 respectively
25. A Green Infrastructure Assessment will be submitted with the application for reserved matters
26. Prior to the commencement of development a scheme for biodiversity enhancement of the site shall be submitted for approval, and thereafter shall be implemented in accordance with the approved details.

3.00 **CONSULTATIONS**

3.01 **(Local Member) Councillor C Preece:** Requests committee determination and site visit

(Local Member) Councillor D Rose: No response at time of writing

Buckley Town Council: No observations

Argoed Community Council (Adjoining): Whilst this proposed development is not within Argoed Ward, it will impact on our residents by way of the traffic. Raises concerns over adequacy of Well Street to accommodate traffic from this development, due to width. Requests further consideration of this point.

Highways Development Control: Requests conditions

Highways Rights of Way: Public Footpath 54 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

Community and Business Protection (Pollution Control): no objection in principle to the application. A final version of the report, to include the information gained from previous stages of the assessment and to be signed off in the quality control section of the document, must be submitted to show that the potential for land contamination to affect the site has been thoroughly identified, assessed and understood, that the remediation proposed is reasonable or that remediation will be achieved.

Education:

Southdown Primary School

It is the intention of Education & Youth to seek a developer contribution. The contribution sought will be for a total of **£330,939.00**

Buckley, Elfed High School

is the intention of Education & Youth not to seek a developer contribution.

Housing Strategy: The site provides the opportunity to deliver approx. 140 homes and Clwyd Alyn proposes they will all be built to meet DQR standards and have high energy efficiency.

Clwyd Alyn are proposing that a minimum of 40% of the total units would be for affordable housing with the remainder sold as market housing. This would help to achieve a balanced, mixed tenure community.

The SARTH and Tai Teg registers suggest there is considerable demand in Buckley for social and affordable housing and can support a development of this size. Housing Strategy would work with Clwyd Alyn to achieve a sustainable property and tenure mix based on the housing need for the area.

Welsh Water/Dwr Cymru: Requests drainage conditions. Confirms that capacity exists at the relevant Wastewater treatment works to cater for development, and that the WWTW has a valid Phosphate license.

Natural Resources Wales: Directs attention to their Planning Advice, and note that development connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater is unlikely to increase phosphorus inputs to a SAC beyond what has already been assessed and permitted by NRW

NRW also advise that the documents relating to ecological surveys should be included in the approved plans and documents condition on the decision notice.

Airbus: Requests condition

Clwyd Powys Archaeological Trust: Requests Archaeological survey prior to determination of application.

CADW: Confirm that they have no objection to the proposed development in regard to the scheduled monuments or registered historic parks and gardens

4.00 PUBLICITY

4.01 213 Neighbour Notifications were sent to adjoining/nearby properties. A Site Notice was also displayed and the application was advertised by way of a Press Notice in a local newspaper.

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

1. Traffic safety/Impact upon traffic numbers
2. Pollution
3. Land Contamination
4. Ecological impacts
5. Lack of local infrastructure
6. Out of keeping with area
7. Encroachment into the countryside

8. Impacts upon local amenity

5.00 SITE HISTORY

5.01 No Relevant history

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

- Policy STR1: Strategic Growth
- Policy STR2: The Location of Development
- Policy STR4: Principles of Sustainable Development, Design and Placemaking
- Policy STR5: Transport and Accessibility
- Policy STR6: Services Facilities & Infrastructure
- Policy STR11: Provision of Sustainable Housing Sites
- Policy STR13: Natural and Built Environment, Green Networks and Infrastructure
- Policy PC2: General Requirements for Development
- Policy PC3: Design
- Policy PC4: Sustainability and Resilience of New Development
- Policy PC5: Transport and Accessibility
- Policy PC6: Active Travel
- Policy HN1: New Housing Development Proposals
- Policy HN2: Density and Mix of Development
- Policy HN3: Affordable Housing
- Policy EN1: Sports, Recreation and Cultural Facilities
- Policy EN2: Green Infrastructure
- Policy EN4 Landscape Character
- Policy EN6: Sites of Biodiversity and Geodiversity Importance
- Policy EN7: Development Affecting Trees, Woodlands and Hedgerows
- Policy EN15: Water Resources
- Policy EN16: Development on or near Landfill Sites or Derelict and Contaminated Land

7.00 PLANNING APPRAISAL

7.01 Proposal

This is an outline application including details of access to the site, with all other matters reserved, for residential development of up to

140 dwellings, along with associated infrastructure and other works, on land off Well Street, Buckley.

7.02 Site

The site is located on the edge of the settlement of Buckley and comprises of 5.35Ha greenfield area located to the North of Well Street. The site is currently undeveloped farmland and consists of two fields with hedgerows on the boundaries and dividing the two areas with a centrally located hedge. There is existing built up residential development on the north eastern and north western boundaries of the site

7.03 The site is generally flat, although there is a relatively gentle rise in elevation towards the western boundary of the site. The south western boundary is bounded by the complex of Bryn y Pys farm with Well Street stables beyond. Generally the land to the south east and south west opens onto countryside and is distinct from the built up nature of the settlement to the east.

7.04 Principle

The site is within the settlement boundary of Buckley which is a Tier 1 Main Service Centre in the adopted LDP. Policy STR2 states 'Main Service Centres will be the main locations for new housing development which reinforces and contributes to sustainable settlements'. The policy specifies that provision in such settlements will include allocations and the site and the site is allocated for housing (HN1-1) in the adopted LDP. The principle of residential development in this location is therefore established.

7.05 Highways and access

The impact of this development site was scrutinized by the Inspector at the UDP public inquiry in 2007. At that time the Council employed a specialist highway consultant to gain an independent view of the impact of proposals; that consultant concluded that allocation as a residential development site was acceptable. The current application is supported by a similar detailed study which has taken into account changes in traffic generation patterns and changes to background flows since the previous 2007 assessments. The current assessment reaches similar conclusions to the initial one.

7.06 The Highway Authority received the statutory pre-application from the applicant and minor amendments to the proposal were made as a result of comments returned at the time. Access details submitted with the application indicate a junction layout on Well Street that conforms to the Inspector's recommendation.

7.07 The provision of pedestrian/cycle linkages both within the site and linking to the external network require further consideration with the provision of appropriate lighting and the potential to replace existing

stiles with gates. These improvements will however be covered by any future detailed application. Reserved matters consideration of layout will provide further details regarding these matters.

- 7.08 It is noted that there has recently been the imposition of a 20mph speed limit on certain streets within Buckley and Mynydd Isa. Impending changes to highway legislation may also enable the installation of a “modal filter” to restrict the movement of vehicles on Well Street south of the access. It is considered that any permission should include a S106 agreement to the value of £14k to cover the cost of advertising and implementing future traffic regulation orders.
- 7.09 It is considered that the principle of the proposed access arrangement is acceptable and comply with policies STR5 and PC5 of the Flintshire Local Development Plan. Conditions have been suggested by the Highways Authority and form part of the recommendation.
- 7.10 Affordable housing
Clwyd Alyn Housing Association are proposing to deliver this scheme in collaboration with Welsh Government. The land is currently in the ownership of Welsh Government who are requesting an exemplar housing scheme is delivered at this site.
- 7.11 The site provides the opportunity to deliver approx. 140 homes and Clwyd Alyn proposes they will all be built to meet Welsh Development Quality Requirements (WDQR) standards and have high energy efficiency. The site sits within the Mold and Buckley housing market area. Policy HN3 of the LDP requires 40% on site affordable housing within this market area. The application proposes to meet this requirement with 56 tenure neutral affordable homes (40%). Tenure neutrality means that the specific form of tenure available to applicants is not fixed and can therefore cover the different forms of affordable tenure to meet the need.
- 7.12 The SARTH and Tai Teg registers suggest there is considerable demand in Buckley for social and affordable housing and can support a development of this size. Housing Strategy would work with Clwyd Alyn to achieve a sustainable property and tenure mix based on the housing need for the area.
- 7.13 As an Outline permission the exact tenure, type and location within the site of the affordable units will be subject to consideration with a reserved matters submission. As the proposal commits to providing 40% affordable units across the site, however, it is considered that the proposal is compliant with policy HN3 of the Flintshire Local Development Plan.
- 7.14 Drainage and Phosphates
The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021,

NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC.

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

7.16 Welsh Water have confirmed that there are no capacity issues and that the waste water treatment works has a valid phosphate permit. The foul water flows deriving from this development would be capable of being treated within the phosphate permit conditions.

7.17 It is considered that No Likely Significant Effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of additional phosphorus or pathway for impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice:

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or
- the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional wastewater generated in consequence of the proposed development will remain within the revised permit limits and
- that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

7.18 As such, it is considered that the proposal is in accordance with policy EN15 in the Flintshire Local Development Plan

7.19 Land Contamination

The submitted Land contamination Assessment has identified the presence of elevated concentrations of lead within shallow topsoil deposits. The shallow topsoil deposits are therefore not suitable for use within proposed “soft” areas, where a direct exposure pathway exists. The concentrations have primary exposure pathways related

to dermal contact and ingestion, soil ingestion and consumption of homegrown produce. It is considered that these exceedances can be mitigated by the installation of a chemically suitable cover system within proposed gardens in these areas. Alternatively, these hotspots can be excavated and delineated through chemical validation during remedial works and placed in a future low sensitivity area within the proposed development, after which cover systems will no longer be required.

7.20 At this point, it is considered that given the fact that this is an outline submission it will be possible and appropriate to impose a condition requiring investigation and remediation strategies, as well as final remediation and verification to follow prior to construction, to be submitted as a requirement of the reserved matters submission. It will then be possible to ensure that any land contamination is fully assessed and appropriately dealt with in line with the proposed layout for the site.

7.21 Ecology

An ecological assessment comprising of an Extended Phase 1 Habitat survey, a desk study, an assessment of the likely impacts on the ecological value of the site and recommendations for further survey and/or mitigation measures to be implemented was submitted in support of the application.

7.22 The assessment found that in general the application site has been found to be of low ecological value, but with the potential to support a number of protected and/or notable species. GCN (Great Crested Newts), roosting/foraging/commuting bats, nesting birds, reptiles and notable species such as hedgehog. No field evidence of any protected species was recorded during the site survey, other than nesting bird activity in the hedgerows.

7.23 Detailed mitigation is required in relation to GCN, including detailed design of habitat creation and landscape planting. The proposed scheme is anticipated to result in a small biodiversity net loss.

7.24 The development would result in the loss of ~5ha of improved grassland and 190m of species-poor native hedgerow. These habitats are of potential value to GCN, foraging/commuting bats, nesting birds, reptiles and notable species. There would also be significant short-term disturbance to all boundary habitats during construction, which have the potential to support protected species too. It is anticipated that the proposed development would result in a minor loss in the biodiversity value of the site.

7.25 The scheme will need to be undertaken under a GCN Development License, with the area subject to fencing and pitfall trapping. It is unlikely that sufficient terrestrial habitat can be incorporated into the

layout for GCN, therefore a commuted sum is also likely to be required to offset the impacts on GCN. Recommendations are made relating to the habitat/landscape design for the site, as well as the need for a Habitat Management Plan.

7.26 There is a single tree with bat roost potential which should be retained within the scheme (or else subject to a bat detector survey). It is considered that it would be appropriate to require a Bat Emergence survey to accompany the reserved matters application.

7.27 Policy EN7 in the Flintshire Local Development Plan states that where the impact of development affecting trees, woodlands or hedgerows is considered acceptable, development will only be permitted where:

- a. the development maximises their retention through sensitive design measures; and
- b. where the removal of trees is considered necessary, suitable replacements shall be provided elsewhere within the site; and
- c. it results in a net benefit in biodiversity.

7.28 When full details are submitted as part of the reserved matters it will be necessary for the developer to consider biodiversity benefits and the specific impacts of the proposed layout on ecological assets on site. In principle, however, it is considered that the submitted details are acceptable and comply with LDP policy STR13 given the outline nature of the proposal.

7.29 Archaeology

Although there are currently no archaeological sites recorded in the Historic Environment Record within the development area, reference to the 1m DTM NRW lidar does show a relict watercourse in these fields, perhaps fed by two springs that have since dried up, and dry ground between. As this would have been favourable ground for human activity and settlement in the past, CPAT recommend that the plot is evaluated initially by geophysical survey to test the sub-surface potential for pre-historic and later archaeology. Follow up targeted trenching may then be required. This advice is in line with advice in PPW (Edition 11, Feb 2021) and TAN 24 (May 2017), which states that:

“Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains. The needs of archaeology and development may be reconciled, and potential conflict very much reduced, through early discussion and assessment.”

7.30 This means that Local Planning Authorities in Wales have to take into account archaeological considerations, and need to be fully informed

about the nature and importance of archaeological remains, and their setting, and the likely impact of any proposed development upon them. Given the outline nature of the submission it is considered that subject to the details being provided with reserved matters applications then the Local Planning Authority can make a properly informed decision in this regard.

7.31 It is therefore recommended that as a requirement of the reserved matters submission an appropriate archaeological evaluation is carried out, and the results of this evaluation should be considered when setting out the details aspects of the proposed development, including any required mitigation strategy. This can be secured by condition.

7.32 Planning Obligations

The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

7.33 While the Authority does not yet have a charging schedule in place, 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.

7.34 Education

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

Buckley, Southdown CP School

- It is the intention of Education & Youth to seek a developer contribution
- The contribution sought will be for a total of **£330,939.00**

Education and Youth have confirmed that they do not seek a developer contribution for Buckley, Elfed High School.

7.35 It is considered that the education contributions would meet the regulation 122 tests. Southdown CP school not appear to have received more than 5 contributions and therefore the limitations of regulation 123 does not apply.

7.36 Public Open Space

In accordance with policy EN1 as well as the guidance within LPGN13 Open Space Requirements, development of over 100 units will usually be required to provide public open space as well as more formalised play space on site. Whilst currently this application is in outline only the indicative layout does suggest that it may be difficult to provide formal play space alongside the necessary informal public open space areas, as well as areas for infrastructure, surface water drainage attenuation, and other such areas whilst providing the level of development, in terms of units, required by the allocation. Notwithstanding this, the lack of on site play space provision would need to be considered against the relevant policies at the time of the reserved matters submission, if the layout details failed to provide on-site provision.

7.37 The LPGN does allow for off-site provision in lieu of this on site provision secured by commuted sums payable by the developer. This has the added benefit of providing money to enhance existing play space in the community. It is suggested that with regard to this site this provision would be an appropriate request. It is therefore 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 exact amount will be determined upon agreement of the reserved matters and would be payable prior to the commencement of development.

7.38 Affordable Dwellings

As discussed earlier in the report, the development will provide 40% of the delivered units as affordable dwellings.

7.39 The tenure mix will be agreed as part of the Section 106 legal agreement. This agreement will also ensure that the affordable units will be retained as being affordable dwellings in perpetuity. As such it can be concluded that the proposal is in accordance with policy HN3 of the Flintshire Local Development Plan.

7.40 Green Infrastructure

In advance of an updated Planning Policy Wales (PPW) Chapter 6 of PPW11 has been amended with regards to green infrastructure,

net benefit for biodiversity, the protection afforded to Sites of Special Scientific Interest and trees and woodlands. These are also matters referenced in LDP policies, and in particular policies STR13 and EN2.

- 7.41 It will be essential to ensure that the development appropriately engages with these matters and meets the policy requirements of the amended Chapter 6 of PPW11. As this is an outline submission with all matters reserved much of the detail that will inform a full green infrastructure assessment is not contained in the submission, although at a strategic level the submission does engage with the relevant considerations in accordance with the advice contained within the amended chapter 6 of PPW11.
- 7.42 It is considered that a Green Infrastructure Assessment should be conditioned as required information to be submitted in support of the consideration of the reserved matters for this proposal. A condition requiring a scheme of biodiversity enhancement, to ensure biodiversity net gain is achieved, is to be agreed before the commencement of development and subsequently implemented, is suggested.

8.00 CONCLUSION

This is an outline application for the principle of development, with all matters, other than access, reserved for future consideration. The proposal will deliver 40 % affordable dwellings across the site, in accordance with the relevant LDP policy.

It is considered that the proposal is acceptable and complies with the relevant development management policies and as such is recommended accordingly.

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