

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **4TH SEPTEMBER 2024**

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

SUBJECT: **OUTLINE APPLICATION – PROPOSED
ERECTION OF UP TO 17 NO DWELLINGS WITH
ASSOCIATED WORKS.**

**APPLICATION
NUMBER:** **OUT/000470/23**

APPLICANT: **MR & MRS N WALLACE**

SITE: **TAN Y BRYN
BRYN ROAD
FLINT**

**APPLICATION
VALID DATE:** **15th MAY 2023**

LOCAL MEMBERS: **COUNCILLOR P CUNNINGHAM
COUNCILLOR M PERFECT
COUNCILLOR V PERFECT**

**TOWN/COMMUNITY
COUNCIL:** **FLINT TOWN COUNCIL**

**REASON FOR
COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO
DELEGATION SCHEME AND MEMBER
REQUEST.**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This outline application with all matters reserved for subsequent approval, proposes the erection of up to 17 No dwellings on land at Tan y Bryn, Bryn Road, Flint. The application has been submitted following dismissal of an appeal to Planning Environment Decisions Wales (PEDW) on 21/6/22, in relation to an outline application for up to 18 No dwellings submitted under 060699.
- 1.02 The appointed Inspector in determination of the appeal considered that the principle of development including its proposed density, the

highway network/ potential highway layout and impact on living conditions were all acceptable, noting that the precise details of development could be secured at reserved matters stage. The appeal was however dismissed given concerns about the adequacy of information submitted at that time, to assess the impact of development on local bat populations, and there being no indication of measures for biodiversity enhancement.

- 1.03 This current application seeks to address the above, and has been amended since its initial submission, proposing a reduction in the number of dwellings from up to 18 to 17 units. A further round of consultation has been undertaken as a result.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation / Unilateral Undertaking for: -
- a) the payment of £1100 per dwelling, the monies being used to enhance Flint Skatepark at 1a, Holywell Road, Flint.
 - b) the payment of a Secondary School Educational Contribution towards Flint High School of up to £55,407 to accommodate the increase in pupil numbers based on a proposal for up to 17 No dwellings.
 - c) the provision of 15% affordable housing if a reserved matters application proposes the development of more than 10 No units.

Conditions

- 1 Details of the access, 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 No works associated with the proposed development of the site shall commence unless and until a detailed scheme for the widening of Bryn Road along the site frontage has been submitted to and approved by the Local Planning Authority.

- 4 No dwelling on the site shall be occupied unless and until all the works specified in the condition 3 of this permission have been completed.
- 5 The siting, layout, and design of the means of site access shall be in accordance with details to be submitted to and approved by the Local Planning Authority prior to the commencement of any site works.
- 6 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.
- 7 The stated visibility splays at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
- 8 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 Local Planning Authority prior to the commencement of any site works.
- 9 The gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 15 and a maximum of 1 in 12 thereafter.
- 10 A 1.8m wide footway shall be provided along the site frontage constructed to adoption requirements in accordance with the County Council's current specification for such works.
- 11 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 Local Planning Authority prior to the commencement of any site works.
- 12 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

The approved Construction Management Plan shall provide details of:

- i. Contact names and numbers of personnel responsible for adherence and monitoring the plan.

- ii. Contact name(s)/number(s) for any site related enquiries, including out of hours times.
- iii. Anticipated duration of the works
- iv. Typical working days and hours of the week
- v. Proposed signage types and locations
- vi. Position of any temporary gates – preferably set-back 12m to allow a delivery vehicle to park/wait.
- vii. The access and egress route with appropriate traffic monitoring in order to control traffic movements
- viii. Measures to avoid depositing mud, dust, or other debris onto the highway by traffic movements.
- ix. The timing of deliveries and main construction traffic arrivals and
- x. departures to avoid periods such as school arrival/leaving times.
- xi. Site notices informing construction workers and other site operatives of agreed working hours.
- xii. The parking of vehicles of site operatives and visitors
- xiii. Loading and unloading of plant and materials.
- xiv. Storage of plant and materials used in constructing the development.
- xv. Measures to control the emissions of dust and dirt during construction.
- xvi. A scheme for re-cycling/disposing of waste resulting from construction works.

13 No development shall commence until a foul drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any dwelling unit permitted.

14 No development shall take place, nor shall there be any site clearance until further bat emergence surveys have been undertaken and measures designed to safeguard bat roost sites and their management including lighting proposals have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

15 No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site to provide details of:

- a. all existing trees, hedgerows, and other vegetation on the land, including details of any to be retained, and measures for their protection during the course of development and future management
- b. proposed new trees, hedgerows, shrubs, or vegetation,

- including confirmation of species, numbers and location and the proposed timing of the planting
 - c. proposed materials to be used on the driveway(s), paths and other hard surfaced areas
 - d. proposed earthworks, grading and the mounding of land and changes in levels, final contours, and the relationship of proposed mounding to existing vegetation and surrounding landform
 - e. proposed positions, design, materials, and type of boundary treatment.
- 16 All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five years of the time of planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 17 No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 18 No hedgerow removal shall be undertaken during the bird nesting season (March - September) unless preceded by a nesting bird check for active nests by a suitably qualified ecologist. If clear of nests, this vegetation should be removed within 48 hours (preferably 24 hours). If a nest is found, an appropriate buffer will be established by the ecologist, which is to be left undisturbed until the ecologist confirms that the chicks have fledged, or the nest is no longer active.
- 19 No development shall commence until an Arboricultural Impact Statement (AIA) and Arboricultural Method Statement (AMS), for the detailed layout are submitted to and approved in writing by the Local Planning Authority.

The AMS shall include a plan showing the position and specification for protective fencing and method for safeguarding the trees during development.

Once approved, development shall only be carried out in accordance with the AIA and AMS, unless the Local Planning Authority agree to a variation in writing.

- 20 No development shall commence until a survey of the remains of the World War II Air Raid Shelter within the site has been

submitted to the Local Planning Authority to establish its suitability for retention and preservation.

3.00 CONSULTATIONS

3.01 **Councillor P Cunningham (Local Member):** No response received at time of preparing report.

Councillor M Perfect (Local Member): Request site visit and Planning Committee determination. Preliminary concerns relate to the principle of development at this location, inadequacy of access and potential flooding.

Councillor V Perfect (Local Member): No response received at time of preparing report.

Flint Town Council: Object as it is considered that the proposal represents overdevelopment of the site to the detriment of ecological habitat and biodiversity net benefit.

Highways Development Control: Recommend that any permission includes conditions in respect of road widening along the site frontage, access detail, visibility, gradients, surface water run-off and the submission of a Construction Traffic Management Plan.

Community and Business Protection: No objection

Welsh Water/Dwr Cymru: No objection subject to the imposition of a condition requiring the submission of a foul drainage scheme.

Natural Resources Wales: No objection subject to the imposition of a condition to minimise the impact of development on protected species and their habitats.

Airbus: No aerodrome safeguarding objection.

Public Rights of Way (PROW): Public Footpath 78 abuts the site but appears unaffected by the proposed development. The path must be kept free from interference during construction.

Council Ecologist: No objection in principle subject to the imposition of a condition to secure adequate landscaping, mitigation, biodiversity net benefit and management.

Capital Projects and Planning (Education): Advises that the schools affected by the proposed development are as follows:

St Mary's Primary School
Capacity 317 (excluding nursery)

Current NOR 225 (excluding nursery)
Number of Surplus Places 92
Percentage of Surplus Places 29.02%

Flint Secondary High School
Capacity 707
Current NOR 824
Number of Surplus Places -27
Percentage of Surplus Places 3.39%

Primary School Calculation
Trigger for Contributions 301
Does not exceed trigger for contributions.

Secondary School Calculation.
Trigger for Contributions 757
Number of unit 17 x 0.17 (Secondary Multiplier) = Child Yield 3
Child Yield 3 x Cost Multiplier £18,469.00
Developer Contribution requested for £55,407.00.

Leisure Services (AURA): Request the payment of a commuted sum of £1100 per dwelling, the monies being used to enhance Flint Skatepark.

Henrob: Clwyd Powys Archaeological Trust (CPAT): No objection subject to the imposition of a condition to require the undertaking of a survey of the remains of a World War II Air Raid Shelter within the site to establish its suitability for retention and preservation.

Forestry Officer: No objection in principle. Note that the application has been submitted in outline with all matters reserved for subsequent approval. Consider that the revised illustrative layout and supplemental reports seek to address previous concerns reducing the removal of trees to facilitate development.

4.00 PUBLICITY

4.01 Neighbour Notifications were sent to 37 neighbouring and nearby properties. The application was also publicised by way of a Press Notice and Site Notices displayed near the site.

Nine letters of objection received, the main points of which can be summarised as follows:

1. Proposal would represent overdevelopment.
2. Detrimental impacts on highway safety
3. Loss of wildlife habitat
4. Detrimental impact, on living conditions.

5.00 SITE HISTORY

- 5.01 060699 – Outline application – Proposed erection of up to 18 No dwellings with associated works. Refused 2/9/21.
Appeal to the Planning & Environment Decisions Wales (PEDW)
Dismissed 21/6/22 given concerns that inadequate information had been submitted to assess the impact of development on local bat populations.

6.00 PLANNING POLICIES

- 6.01 Flintshire Local Development Plan
Policy STR2 – The Location of Development
Policy STR5 – Transport and Accessibility
Policy STR6 – Services, Facilities, and Infrastructure
Policy STR13 – Natural and Built Environment, Green Networks, and Infrastructure.
Policy PC1 – The Relationship of Development to Settlement Boundaries
Policy PC2 – General Requirements for Development
Policy PC3 – Design
Policy PC4 – Sustainability and Resilience of New Development
Policy PC5 – Transport and Accessibility
Policy HN2 – Density and Mix of Development
Policy HN3 – Affordable Housing
Policy EN6 – Sites of Biodiversity Importance
Policy EN7 – Development Affecting Trees, Woodlands, and Hedgerows.

Supplementary Planning Guidance Notes (SPGN)

- SPGN2 – Space Around Dwellings
SPGN3 – Landscaping
SPGN4 – Trees and Development
SPGN8 – Nature Conservation and Development
SPGN11 – Parking Standards
SPGN 23 – Developer Contributions to Education.

National Planning Policy/Guidance

- Planning Policy Wales (PPW) – Edition 11
Future Wales: The Development Plan 2020-2040
Technical Advice Note 5 – Nature Conservation and Planning
Technical Advice Note 12 – Design
Technical Advice Note 18 – Transport

7.00 PLANNING APPRAISAL

7.01 Introduction /Site Description

This outline application with all matters reserved for subsequent approval, proposes the erection of up to 17 No dwellings on land that forms part of the residential curtilage associated with Tan y Bryn, Bryn Road, Flint. The sloping site which amounts to approximately 0.8 hectares in area is located on the eastern side of The Bryn. It occupies a central position to the east of Nos 16-26 The Bryn, north of 15-31 Bryn Road and west of properties on the A5119 Northop Road.

7.02 Background

By way of the background of planning history at this location, a previous outline planning application for the erection up to 18 No dwellings on the site was refused under 060669 on 2/9/21 following consideration at the Planning Committee on 21/7/21. The reason for refusal is referenced below (italics):

- 1. It is considered that the proposal forms overdevelopment and is therefore contrary to part (i) C of Policy HSG 3 of the Flintshire Unitary Development Plan. Furthermore, as the proposal has an insufficient highway layout the proposal is in conflict with part (e) of Policy GEN 1 and Policy AC13 of the Flintshire Unitary Development Plan."*

7.03 An appeal was subsequently lodged with Planning & Environment Decisions Wales (PEDW), with the appeal being dismissed on 21/6/22, given concerns by the appointed Inspector, that inadequate information had been submitted to assess the impact of development on local bat populations. A copy of the appeal decision is attached as an Appendix to this report.

7.04 Proposed Development

Although submitted in outline, an illustrative site layout and accompanying sectional details have been submitted to show how the site could potentially be developed given the sloping topography.

7.05 The amended indicative site layout submitted in progression of this current application shows the proposed demolition of the existing dwelling to facilitate the erection of up to 17 No dwellings, and whilst this carries limited weight in the overall planning balance, it is useful to understand how the site could be developed. The precise details for development of the site would however need to be secured as part of any reserved matters application, as it is only the principle of development for up to 17 No dwellings that is being sought at this stage.

7.06 Main Planning Considerations

The main planning considerations to be addressed in determination of this application include:

- Principle of development

- Character and appearance
- Impact on living conditions.
- Affordable Housing
- Leisure / Educational Contributions
- Adequacy of access
- Impact on local bat population.

These issues are considered in further detail below.

7.07

Principle of Development

The site is located within the settlement boundary of Flint, which is a Tier 1 Main Service Centre as defined in the Flintshire Local Development Plan. The principle of development for general and affordable housing need in such locations, is generally supported in accordance with national /local planning policy subject to the safeguarding of relevant development management considerations.

7.08

Character and Appearance

The site the subject of this application amounts to approximately 0.8 hectares in area. The proposed erection of 17 No dwellings would represent a density of 21 dwellings per hectare (dph), which is below the 30 dph specified as a minimum referenced in LDP Policy HN2, that is sought to be achieved on sites within settlement boundaries.

7.09

The proposed scale of development considers the site constraints in particular the topography, landscape features together with the density of existing development at this location which is also set at approximately 21dph.

7.10

The application suggests that the proposed dwellings would range from single to 2 -storey in height. This recognises that as part of any reserved matters application, that it will be necessary to consider a mix of house types on the site given its topography, ecological constraints, and relationship to existing dwellings. The parameters of scale provided indicate that the dwellings are proposed to be 8-16m wide, 8-11m in depth, 5m to eaves and 8 m in height. This range in the scale of the proposed units would it is considered be acceptable and help to assimilate the development into the site and wider surroundings.

7.11

It is important to note that the scale parameters are consistent with those forming application 060699 and recognises that whilst that application proposed the development of up to 18 No dwellings, the appointed Inspector concluded in paragraphs 10-12 of the appeal decision letter as follows (italics):

“10 The Council acknowledges that the proposed density of housing at 23 per hectare, falls below the 30dph specified as a minimum in Policy HSG8 of the Flintshire Unitary Development Plan (UDP). It

appears to me that the density is broadly similar to the housing estate that bounds the southern boundary whilst some of the terraced housing to the east would be at a higher density. The Council calculates the surrounding density to be 21dph. I agree with it that a lower density than sought in the UDP is justified given the site's constraints particularly its topography. Whatever the actual densities of nearby development, there is no reason to believe that the proposed development would appear at odds with its surroundings given the wide range of housing styles that that provide a visual context. The precise details of the development would be a matter for further consideration in response to a reserved matters application.

11 The scheme would inevitably give rise to the loss of some attractive landscaping within the site and along the frontage. However much of the main features are along the side and rear boundaries which could be protected from development. The extent of loss within the site, particularly of specimen trees, is a matter to be considered at the reserved alongside any new landscaping works. The same approach applies to the roadside frontage.

12 The scheme would not constitute overdevelopment in relation to the character of the site or the surrounding area. Whilst the proposed development would cause the loss of some landscape features, it would not unacceptably harm the character or appearance of the area. As such there is no conflict with criterion c. i of policy HSG3 of the UDP."

- 7.12 Having regard to the above it is considered that the density of the proposed development would be acceptable in the context of existing development at this location, the precise details of the development being considered and controlled at reserved matters stage subject to the safeguarding of relevant development management considerations.
- 7.13 Impact on Living Conditions
Of particular importance in consideration of this application, is ensuring that the privacy of the occupiers of the proposed dwellings and those existing dwellings adjacent to the site are safeguarded as part of the proposed development. Whilst recognising that the site layout submitted carries limited weight in the assessment process, it does consider the relationship of proposed dwellings to existing development, confirming that it is possible to design a layout meeting adequate interface separation distances having regard to Supplementary Planning Guidance Note 2 – Space About Dwellings. (SPGN2)
- 7.14 The impact of development on living conditions was addressed by the appointed Inspector in respect of the appeal under 060699, it

being concluded in paragraphs 15 and 16 of the decision letter as follows(italics)

15 In terms of private open space provision and the separation from neighbours, the illustrative layout does not appear materially different to the existing provision at the neighbouring housing estate to the south. Subject to further consideration of details such as the position of openings, screening measures and finished floor levels, I am satisfied that an acceptable effect on living conditions can be secured for future residents and their neighbours.

16 On this main issue, and mindful of the extent to which details can be controlled at reserved matters stage, I am satisfied that the development would not have a significant adverse impact on nearby residents and thus accords with policy GEN1, d. I am also satisfied that the scheme has the potential to provide adequate outdoor amenity space for prospective occupiers in line with the SPG. Highway Safety

- 7.15 Having regard to the above it is considered that an acceptable site layout can be satisfactorily secured at reserved matters stage having regard to LDP Policy PC2 and SPGN2.
- 7.16 Affordable Housing
In accordance with LDP Policy HN3, there will be a requirement on developments of more than 10 No units to secure the provision of 15% affordable dwellings given the sites location within the Flint and Coast sub-market area.
- 7.17 This can be secured /addressed through the completion of a legal obligation as part of this outline application, the precise details including tenure being addressed at reserved matters stage in light of demand at that time.
- 7.18 Leisure / Education Contributions
Supplementary Planning Guidance Note 13 seek to ensure that any new residential development of two or more units consider the need for the provision of sufficient open space or if the scheme is below 25 No units that there is a contribution secured to facilitate the provision /enhancement of existing recreational facilities in the locality. As in this case and based on the proposed density of development there would be no on-site recreational provision. The development would however require the payment of a commuted sum of £1100 per dwelling, and Leisure Services (AURA) have specified that the monies would be used to enhance Flint Skatepark at 1a Holywell Road, Flint.
- 7.19 In addition, Supplementary Planning Guidance Note 23 requires the impact of development on any existing school capacity to be considered given the potential impact on these existing facilities. As

a result, primary and secondary school formula multipliers have been applied to assess the impact on both St Mary's Primary School and Flint High School. This confirms that: - a) there is a requirement for a secondary school educational contribution of £55,407 based on the potential construction of 17 No dwellings.

- 7.20 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.
- 7.21 It is unlawful for a planning obligation to be considered 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.
- 7.22 While the Authority does not yet have a charging schedule in place, with 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.
- 7.23 I am advised that since the advent of the CIL Regulations that no more than 5 obligations for the same project have been entered into in respect of the leisure / educational contributions requested and am satisfied that on application of the tests set out above the contributions would satisfy these requirements.
- 7.24 Adequacy of Access
As previously referenced all matters including the proposed access to the site itself, are reserved for subsequent approval. Whilst the objections to the development on highway grounds are noted, consultation on the aspect of the development has been undertaken with the Highway Development Control Manager to assess the adequacy of the existing highway network in proximity to the site and acceptability /feasibility of designing a road layout given its topography. It has been confirmed that there is no objection to the principle of development from a highway perspective, subject to the imposition of conditions as outlined in paragraph 2.00 of this report.

7.25 It is important to note that the Inspector in considering the appeal in relation to application 060699, commented on the adequacy of the highway network to serve the proposed development, concluding in paragraphs 23 – 26 of the decision letter as follows (italics)

23 Regardless of destination, occupiers of the proposed dwellings would have the choice of two routes when travelling from the site. For many journeys including to the town centre, the shortest route would be northwards along Bryn Road. However, I agree with the appellants' traffic consultant that such a route would not be an attractive proposition given its narrow, steeply sloping alignment and the potential for delays when meeting oncoming traffic. In contrast, the route to Halkyn Road via Bryn Mor Drive would be along a much better carriageway such that most drivers are likely to prefer it. Indeed, the extension of the estate road would not only benefit users of Bryn Road but may encourage those travelling to properties closer to that end of the road to use the southern route.

24 Local objectors suggest that existing residents on the southern part of Bryn Road travel along its length rather than southwards. I accept that the route taken by future residents would be a matter of individual choice; for the reasons explained I consider that the likelihood is that most would travel along the easier route especially as there would be no discernible time benefit in taking the shorter route even on unhindered journeys. The appellants have also suggested that when the detailed access arrangements are being designed consideration could be given to arrangements that would discourage motorists from accessing or leaving the site from the north. Those visitors reliant on satellite navigation directions may be taken along Bryn Road, but they would be a small proportion of the additional flows generated by the development.

25 Concerns have also been raised in relation to the wider highway network, however there is no evidence to demonstrate that the additional traffic associated with the proposal would materially affect the capacity of the road network, or otherwise have a harmful effect. Whilst the appellants' technical traffic data is questioned by objectors, I am satisfied that it provides a reliable estimate of 10 vehicles per hour. Whilst vehicles associated with the construction of the development may cause some inconvenience to users of Bryn Road this could be minimised by considerate working practises which could be secured through a planning condition.

26 For the foregoing reasons I am satisfied that the scheme would have an acceptable effect on highway safety. It would accord with criterion e) of Policy GEN1 which seeks the provision of appropriate, safe, and convenient access for all users. It would also accord with Policy AC13 which seeks that approach roads are of adequate standard to accommodate the traffic likely to be generated.

- 7.26 Having regard to the above, it is considered that the principle of development can be supported from a highway perspective having regard to LDP Policies STR5, PC2 and PC5
- 7.27 Impact on Local Bat Populations
In dismissing the appeal in respect of 060699, the Inspector considered that the application did not give adequate certainty at that time, that the potential impact of development on bats could be addressed including measures to secure biodiversity net benefit.
- 7.28 The site is predominantly amenity grassland (lawn) with a central area of trees and shrubs including fruit trees and bounded by hedgerows and shrubs. This current application has sought to address these concerns with the submission of a Preliminary Ecological Appraisal (PEA), Tree Condition Survey, Tree Protection Plan and Biodiversity Enhancement Plan to aid the assessment process, and give more details in relation to these aspects of the development.
- 7.29 Consultation on the details submitted has been undertaken with the Council's Forestry Officer, Council's Ecologist and Natural Resources Wales (NRW)
- 7.30 The Forestry Officer acknowledges that the site layout currently submitted is for illustrative purposes only and would need to be revisited as part of any reserved matters application. It is however considered that trees can be retained whilst achieving the development of up to 17 No units, with the landscaping of the site and retention of key landscape features being secured by the imposition of a condition in the event of outline planning permission being obtained.
- 7.31 In addition, the Council Ecologist raises no fundamental objection to the development having regard to the details submitted in that no priority habitats are present and recognising the intention to retain those key trees within the central area of the site that are of habitat value. In line with the appeal decision bat emergence surveys have been undertaken which recorded a maximum of 3 Common/Soprano Pipistrelle Bats both being widespread species that readily make use of suitably placed bat boxes or other crevices as mitigation. It is considered that having regard to the submitted biodiversity enhancement plan that a range of options exist to compensate for the loss of a number of trees, including additional planting, hedgehog houses and bat/bird boxes. To address the above, it is considered that this outline application be the subject of a condition to secure:
- Details of the bat compensation in conjunction with lighting and landscape proposals building on the Reasonable avoidance measures provided in the submitted reports.

- A detailed landscape plan including trees to be retained plus new tree and hedge planting and biodiversity net benefit in line with the requirements set out in Planning Policy Wales (PPW)
- An associated long term Management Plan.

- 7.32 Natural Resources Wales (NRW) also consider that the current proposals offer lower risks to the bat population within the site but request that as part of any reserved matters application updated emergence surveys are undertaken to support the proposed layout at that time.
- 7.33 The concerns raised in relation to the proposal representing overdevelopment of the site to the detriment of ecological habitat and biodiversity net benefit are noted. Whilst the precise layout of the site falls to be considered at reserved matters stage, it is considered that the number of units and associated house types including the introduction of smaller and/ or semi-detached units within the site may help to achieve this balance.
- 7.34 Other Matters
It is important to note the remains of a World War II air raid shelter. located within the south -eastern corner of the site, the illustrative site plans showing this to be located/retained within one of the proposed residential curtilage areas
- 7.35 As previously referenced this layout carries limited weight in the assessment process. Henrob:Clwyd Powys Archaeological Trust (CPAT), who have been consulted on the application and recognise at this stage of the application process the status of the site layout, but consider that there is a need to undertake a survey of the remains to establish its long term suitability for retention and preservation. This can be secured through the imposition of a condition in the event of outline permission being granted.
- 7.36 In addition to the above, there are 2 No existing definitive footpaths in proximity to the site namely: - i) Footpath 78 – this runs from Bryn Road to Northop Road, outside but adjacent to the sites northern boundary ii) Footpath 79 – this runs from Northop Road in an approximate 45 degree south westerly direction, from a spur into the site to an existing cul-de-sac head at Bryn Road
- 7.37 There are no specific detailed proposals in relation to the wider pedestrian connectivity to the existing facilities at this stage which is supported from a sustainability perspective. This would need to be secured and evaluated at reserved matters stage in the event of outline planning permission being obtained.

7.38 Whilst the concerns relating to the potential flooding of the site are noted, the site does not fall within a defined area at risk of flooding. Consultation has been undertaken with both Dwr Cymru/Welsh Water and Natural Resources Wales who raise no objection to the development on flood risk grounds with the disposal of surface water from the site being the subject of separate approval from SuDS (Sustainable Urban Drainage Systems)

8.00 **CONCLUSION**

This outline application seeks to establish at this stage the principle of development only of the site for a total of up to 17 No dwellings. It has sought to address the concerns of the Inspector in dismissing an appeal on ecological ground for a previous application on the site for residential development for up to 18 No dwellings through the submission of additional information to aid the assessment process.

Although an illustrative site layout has been submitted, this carries limited weight in the assessment process other than to confirm that it would be possible to develop the site for the scale of development proposed whilst meeting relevant policy and development management considerations. The precise layout and details of the development including its density would however need to be established at reserved matters stage.

Accordingly, it is therefore recommended that permission be granted subject to the completion of a legal obligation and imposition of conditions as referenced in paragraph 2.00 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: Robert Mark Harris

Telephone: 01352 703269

Email: Robert.M.Harris@flintshire.gov.uk