

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 2 DECEMBER 2020**

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

SUBJECT: **059396 - FULL APPLICATION - ERECTION OF 80 DWELLINGS, CONVENIENCE STORE AND ASSOCIATED DEVELOPMENT AT COPPY FARM, CILCAIN ROAD, GWERNAFFIELD.**

APPLICATION NUMBER: **059396**

APPLICANT: **BROMFIELD GROUP LIMITED**

SITE: **COPPY FARM, CILCAIN ROAD, GWERNAFFIELD**

APPLICATION VALID DATE: **9TH JANUARY 2019**

LOCAL MEMBERS: **COUNCILLOR ADELE DAVIES COOKE**

TOWN/COMMUNITY COUNCIL: **GWERNAFFIELD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SIZE OF PROPOSAL**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the erection of 80 no. dwellings, a convenience store and associated development at Coppy Farm, Cilcain Road, Gwernaffield.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 1. It is considered that there is insufficient evidence to identify the need to bring forward this speculative site outside the settlement boundary of Mold. In the absence of the evidence of need, and in light of the satisfactory levels of residential housing completions, commitments and allocations as set out in the planned housing trajectory in the Deposit LDP, the Council does not attach considerable weight to the need to increase housing delivery. The proposal therefore conflicts with the principles set out in section 4.2 of PPW 10 as it would

prejudice the plan-led system with respect to the most appropriate housing sites from being brought forward as set out in the Deposit LDP.

2. The Local Planning Authority considers that insufficient information has been submitted to ensure that the proposal has fully taken account of bats and any other European Protected Species being present on the site into account. In the absence of adequate surveys, mitigation and reasonable avoidance measures it is not possible to demonstrate that the proposal adequately takes account of the European Protected Species and as such is contrary to policies GEN 1 and WB1 of the Flintshire Unitary Development Plan. Furthermore the proposal fails to safeguard protected and priority species from impacts which directly affect their conservation status as required by Planning Policy Wales 10.
3. In the opinion of the Local Planning Authority the proposal provides insufficient provision for affordable housing. As such, the proposal is contrary to policies STR4 and HSG11 of the Flintshire Unitary Development Plan.
4. In the opinion of the Local Planning Authority the proposal provides an inadequate level of onsite play and recreational space for the numbers of dwellings proposed. As such the proposal is contrary to policy SR5 in the Flintshire Unitary Development Plan and the guidance found within Local Planning Guidance Note 13: Open Space Requirements.
5. In the opinion of the Local Planning Authority the proposal does not provide an appropriate mix of dwelling size and type and would therefore fail to create a mixed and socially inclusive community. As such the proposal is contrary to policy HSG9 of the Flintshire Unitary Development Plan.
6. In the opinion of the Local Planning Authority the layout, by virtue of its inadequate private amenity space with regard to specific plots upon the site, would give rise to adverse living conditions for future and neighbouring residents. As such it is contrary to policy STR1 of the Flintshire Unitary Development Plan and the advice contained within SPGN2- Space Around Dwellings.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Adele Davies Cooke

No response at time of writing due to lack of information submitted with the planning application.

Gwernaffield Pantymwyn Community Council

Object to the proposal on the following grounds:

- Contrary to planning policies and Government planning advice
- Impact upon residential amenity

- Impact upon character and appearance of area
- Impact upon community facilities

Highways Development Control

Highways Development Control have no objection to the proposal and request conditions and advisory notes.

The Streetscene Area Manager and Transport Manager consider the proposal acceptable, subject to proposed off-site works being carried out.

Community and Business Protection

No objection in principle to development. Requires conditions for contaminated land, as well as noise and light during the construction phase of development.

Housing Strategy

In terms of evidence of housing need in Gwernaffield:

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units; (NB. This figure has since been update to 228 affordable units)

The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;

The need for affordable housing in Gwernaffield is as follows:

Size	Social	Affordable Rent	Affordable Ownership
1bed	5 (for over 55's)		
2bed	6	8	3
3bed	3	1	

There is some need for affordable housing in the area, with a mix of social rent, shared equity and affordable rent. Of the social rented properties 8 are for people aged over 55 years, which can be delivered through a Housing Association.

The proposed affordable housing provision of 2no. gifted units is not supported.

Education and Youth Services

Schools Affected:Primary

Ysgol Y Waun

Current NOR 97 (Excluding Nursery)

Capacity 107 (Excluding Nursery)

No. of Surplus Places: 10

Percentage of Surplus places: 9.35%

Secondary

Ysgol Maes Garmon, Mold

Current NOR 529

Capacity 711

No. of Surplus Places: 182

Percentage of Surplus places: 25.60%

Primary School Pupils

School capacity 107 x 5% = 5.35 (5)

107 – 5 = 102 Trigger point for contributions is 102 pupils

(No. of units) 80 x 0.24 (primary formula multiplier) = 19.2 (19 No. of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £232,833

Actual pupils 97 + 19 (from the multiplier) = 116 meets trigger

116-102 = 14 x £12,257 = £171,598.00 (cannot ask for more contributions that development generates)

Contribution requirement would be £171,598.00

Secondary School Pupils

School capacity of 711 x 5% = 35.55 (36)

Capacity 711 - 36 = 675 Trigger point for contributions is 1178 pupils.

(No. of Units) 80 x 0.174 (secondary formula multiplier) = 13.92 (14 No. of pupils) generated 14 x £18,469 per pupil (Building Cost multiplier) = £258,566.00

Actual pupils 529+36=565, does not meet trigger of 675

Contribution requirement would be £0.00

Aura

In accordance with PGN13 Public Open Space provision, the development should provide play and recreation facilities. The Authority would require a centrally located area of POS to be in the region of 4500m² of designated play and recreation facilities.

Welsh Water/Dwr Cymru

Drainage arrangements are acceptable in principle. Requests conditions and notation.

Natural Resources Wales

Would object to the scheme if a bat survey and report is not provided to assess the extent of adverse impacts on any bats and other European protected species, with any avoidance and mitigation measures required.

Airbus

No aerodrome safeguarding objection to the proposal

Wales and West Utilities

No apparatus in area of enquiry.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

92 Letters of objection

- Impact upon character of village
- Scale
- Lack of play provision
- Density
- Loss of privacy, intrusion
- Road safety
- Contrary to policy
- Housing mix- too many 4/5 bed dwellings
- Loss of agricultural land
- Subsidence problems locally

9 Letters of Support

- Village needs investment
- Difficult place to find a property to buy
- Will help sustain community
- Shop will benefit local community
- Improve footpaths
- Good for local businesses

5.00 SITE HISTORY

5.01 056664- Erection of farm shop and associated works, formation of new vehicular and pedestrian access- Approved 16/06/2017

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 - New Development

STR4 – Housing
 STR7 – Natural Environment
 STR8 - Built Environment
 STR10 - Resources
 GEN1 - General Requirements for New Development
 GEN3 - Development Outside Settlement Boundaries
 D1 - Design Quality, Location and Layout
 D2 - Design
 D3 - Landscaping
 WB1 - Species Protection
 HE8- Recording of Historic Features
 AC13 - Access and Traffic Impact
 AC18 - Parking Provision and New Development
 HSG4 – New Dwellings Outside Settlement Boundaries
 HSG8 - Density of Development
 HSG9 - Housing Mix and Type
 HSG11 - Affordable Housing in Rural Areas
 RE1 – Protection of Agricultural Land
 SR5 - Outdoor Play Space and New Residential Development
 Local/Supplementary Planning Guidance Notes
 Developers Guidance Note – speculative development
 LPGN 2 - Space around dwellings
 LPGN 9 - Affordable Housing
 LPGN 11 - Parking Standards
 LPGN 13 - Open Space Requirements
 Planning Policy Wales Edition 10 December 2018

7.00 PLANNING APPRAISAL

7.01 Proposal

7.02 This is a full planning application for the erection of 80 dwellings, convenience store and associated development, at land at Coppy farm, Cilcain Road, Gwernaffield.

7.03 The application represents a departure from the provisions of the Development Plan, and has been advertised as such.

7.04 The application is subject to an Article 18, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, Holding Direction from Welsh Government. This Direction has been issued to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination.

7.05 The Direction prevents the Council only from granting planning permission; it does not prevent it from continuing to process or consult on the application. Neither does it prevent it from refusing planning permission. This report has been shared with Welsh Government.

7.06 Site

The application site extends to approximately 3.01 hectares in size and is located on the edge of the settlement of Gwernaffield

7.07 The site is partly within the settlement boundary of Gwernaffield in the adopted UDP but is, for the most part, approximately 2.69 hectares of the entire site, outside the settlement boundary, and therefore considered to be in open countryside. Similarly, a small section of the land, approximately 0.32 hectares of the site would be considered to be previously developed land, but the majority of the application site is undeveloped agricultural land.

7.08 The land slopes from the north to the south, with a gentle to moderate slope running towards the highway which bounds the site to the south. Site boundaries are currently generally treated with native species field hedgerows

7.09 **Principle**

Gwernaffield is a category C settlement in the Flintshire Unitary Development Plan and had an indicative growth band of 0-10%. The proposed housing development is not for 'rural enterprise' dwellings and is not an affordable housing rural exceptions scheme and therefore does not comply with Flintshire Unitary Development Plan policies. By way of further context for the settlement Policy HSG3 required that any new dwellings within the settlement boundary would have to meet a proven local need.

7.10 **Housing Land Supply**

Since the application was submitted, Welsh Government has announced it has permanently revoked TAN1. The result of this is that there is no longer a requirement to maintain a 5 year supply of housing land. Instead, housing delivery for each authority will be measured against the trajectory in the adopted LDP. This is a significant material change in relation to the applicant's case which promotes a site on the basis of an exception to the relevant housing policy in the Unitary Development Plan as it would help meet a shortfall in the 5 year housing land supply. This is no longer a directly relevant consideration.

7.11 In relation to the new approach to measuring housing provision against the LDP trajectory, whilst the LDP is not yet adopted, Welsh Government have confirmed that the use of the Deposit LDP trajectory is a material consideration in assessing applications such as this proposal. In terms of present LDP performance in enabling the delivery of housing, in the first 4 years of the LDP Plan period, the County has seen annual completions of 662 (2016), 421 (2017), 608 (2018) and 454 (2019) which gives a total of 2,145 completions or an average of 536 units per annum. This is in excess of the Plan requirement of 6950 dwellings (or 463 units per annum) and is very close to the Plan's housing provision of 7,950 dwellings (or 530 units per annum). The LDP is therefore on track to deliver the amount of housing it is required to meet.

7.12 In respect of the previous terms of TAN1, the Council could not formally undertake or demonstrate a 5 year supply calculation, as it does not have an up to date adopted development plan. The Council can, however, provide informal calculations of supply. Firstly a measurement of supply

against past completions has been undertaken which shows that over a 5 year period the land supply is 5.59 years and over a 10 year period the land supply is 6.79 years. Secondly, a measurement against the Plan's annual average requirement has been undertaken which shows, against an average requirement of 463 units there is a land supply of 6.6 years. Although these figures have no formal standing, either at the time TAN1 was in force, or since its permanent revocation, they clearly demonstrate that the County does indeed have a supply of housing land not only available, but also being delivered.

7.13 In addition to the position set out in the above monitoring data there is also the additional supply provided by allocations in the Deposit LDP. A Background Paper on Housing land Supply was published alongside the LDP which explains the various components of housing land supply and sets out a Housing Trajectory to illustrate delivery over the Plan period. Appendix 4 and 5 of that background paper shows a 5 year supply can be achieved on adoption. The evidence base alongside the Deposit LDP clearly demonstrates that a 5 year housing land supply can be delivered.

7.14 In the context of the new arrangements for monitoring housing provision, notwithstanding that the LDP is not yet adopted, evidence of actual housing provision in the first four years of the plan period demonstrates that the plan is in line with its draft trajectory, which is a material consideration in determining this application for a site not allocated in the UDP or emerging LDP. It is also important to mention that Welsh Government, in their formal representations on the Deposit Plan have no fundamental concerns about the soundness of the Plan. In their covering letter Welsh Government states 'The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect'. In the supporting document the Welsh Government 'support in principle' the scale and location of homes and jobs. This formal response does not suggest that there are concerns about the Plan 'not delivering' or being unsound.

7.15 **Sustainability**

The settlement sits within the bottom tier of the settlement hierarchy and the Flintshire Unitary Development Plan Inspector generally commented that such settlements were relatively unsustainable in terms of their facilities and services. The growth rates for settlements were not targets and were intended to guide levels of development. The proposed development of 80 dwellings would result in a growth over the Local Development Plan period of 23.5% which is a significant growth for such a settlement. In the context of the Flintshire Unitary Development Plan settlement hierarchy such a level of growth would sit in excess of that for category B settlements (8-15%) and category A settlements (10-20%). The level of growth that would be experienced in Gwernaffield would be completely at odds with the spatial strategy in the Flintshire Unitary Development Plan.

7.16 The emerging Local Development Plan also provides a useful context for the proposal. The Local Development Plan has a 5 tier settlement hierarchy and Gwernaffield sits within the 4th tier as a Defined Village. This was based on a comprehensive set of settlement audits for some 80 plus settlements and had regard to services and facilities, character, size, accessibility and

sustainability. The spatial strategy in terms of housing is set out in policy ST2 of the Preferred Strategy which directs new allocations to the first three tiers. No new allocations will be identified in tier 4 or 5 settlements reflecting their relative lack of sustainability. Whilst the agent claims that the settlement is 'highly' sustainable the position of the settlement in the Flintshire Unitary Development Plan hierarchy and the body of evidence in the settlement audits which informed the Local Development Plan settlement hierarchy does not reflect this.

7.17 The Flintshire Unitary Development Plan is still the adopted Plan for the County and even though its housing policies and settlement boundaries are out of date, its basic spatial strategy is still soundly based. Planning decisions must be made in the context of a sensible spatial strategy. The Local Development Plan also provides a more up to date spatial strategy and neither sees Gwernaffield as being appropriate or sustainable to accommodate such a scale of development. It is accepted that there is a housing need associated with Local Development Plan Plan period but this is presently being met by the average level of completions being delivered. Sensible planning cannot be discarded just because the Council cannot demonstrate a 5 year housing land supply.

7.18 In addition, the agent makes reference to other settlements such as Rhos y Cae and Llanfynydd having growth rates well in excess of the 10%. This should not be interpreted as being the 'norm' as this was largely based on earlier planning permissions that contributed to Flintshire Unitary Development Plan growth. In fact, it was such high levels of growth in these and other category C settlements, which the Inspector was concerned about in terms of sustainability. It was what led to the Inspector firming up policy HSG3 to ensure that any additional dwellings up to a ceiling of 10% in such settlements had to be to meet a proven local need.

7.19 It is acknowledged that the proposal also includes a convenience store which enhances its sustainable credentials. This convenience store replaces one previously given planning permission on the Coppy farm site, within the settlement boundary. This alone, and in the absence of further appraisals or robust evidence identifying the sustainable merits of the scheme, and taken together with the lack of affordable housing provision, and public open space within the site cannot be relied upon to make the site be considered sustainable. I consider that in the planning balance the proposal does not represent a sustainable form of development.

7.20 **Ecology**

An ecological survey has been submitted with the application. Whilst this survey did consider the existence of bats at the site, and concluded that there was no evidence of this protected species being present. Notwithstanding this report it has been considered by both Natural Resources Wales, and by the Council's Ecologist, that given the reasonable likelihood of bats being present, further specific bat surveys and reports should be undertaken that fully assess the extent of adverse affects of the development on any bats and other European protected species found to

be present, and to identify any avoidance or mitigation measures required. Until these further assessments have been carried out there is no assurance that the development would not unacceptably harm protected species or their habitats and, as such, this element must be considered a significant impediment to the acceptability of the scheme.

7.21

Further surveys have been requested from the applicant but have not been provided. Therefore, I consider that as it stands the development proposal would be contrary to policies WB1 of the Flintshire Unitary Development Plan and PPW 10 as the proposal cannot meet the necessary requirements to address the potential presence of protected or priority species.

7.22

Affordable Housing

The proposal shows 2 units, to be gifted to the Council, as affordable provision for the site.

7.23

In terms of evidence of housing need in Gwernaffield The Local Housing Market Assessment (LHMA) for Flintshire, which is the strategic document which frames the overarching housing need and is developed using rigorous data sources, identifies an annual shortfall of 228 affordable units.

7.24

The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;

7.25

The need for affordable housing in Gwernaffield is as follows:

Size	Social	Affordable Rent	Affordable Ownership
1bed	5 (for over 55's)		
2bed	6	8	3
3bed	3	1	

7.26

It is clear from the LHMA figures that there is some need for affordable housing in the area, with a mix of social rent, shared equity and affordable rent. It is not considered that the offer of 2 no. gifted units would adequately address this need, or provide a suitable level of affordable housing on this development of the size proposed.

7.27

The site lies predominantly outside of the settlement boundary for Gwernaffield and as such the proposal is contrary to the housing policies, as previously discussed. Even if this were not the case, the affordable housing provision would not accord with policy HSG10, which requires a residential development to meet the identified need, or to provide 30% affordable housing across the site . The current proposal does neither.

7.28

Public Open Space

In accordance with policy SR5 of the Flinshire Unitary Development Plan, and guidance within SPGN-13, a development of this size should be providing on-site play and recreation facilities. In accordance with this guidance it has been calculated that the development should provide a centrally located play area of 4500m² rather than relying on off site provision. This area should have a buffer of 20 metres from any dwelling.

7.29 It is considered that in general outdoor playing space should always be provided on site. Whilst it may be acceptable to offset a lack of on-site provision with financial contributions, this is only acceptable in exceptional circumstances. It has not been explained by the developer what these circumstances may be. In the absence of this information then the advice of Aura Leisure is considered to be applicable and the proposal fails to provide the requested level of equipped play space.

7.30 As the proposal does not propose any public open space it instead seeks to enhance connectivity between the site and a nearby existing play area, located to the west of Rhydymwyn road. I consider that even if it were accepted that an equipped play area would not be required if the existing facility which is easily accessible from the site and can be upgraded, it would still be appropriate to provide informal playing space and other public open space, which the proposal lacks. As such, I consider that the proposal fails to comply with the relevant planning policies with regard to outdoor playing space.

7.31 **Design, Location, layout**

Planning Policy Wales 10 states, in paragraph 3.14: "Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals."

7.32 It is considered essential that any development in a small village such as Gwernaffield should respect the general local vernacular style of building and their existing layout. At the moment a visitor is greeted with late nineteenth century cottages on one side of the road, with earlier examples set behind, whilst on the opposite site there is a grand entrance to the former Vicarage with some modest mid-twentieth century single storey dwellings. The majority of these are small in size and scale likely to have been homes occupied by farm working families that may have been employed by the nearby Rhual estate. The grand stone built Vicarage is much larger in both size and scale than the adjacent period style properties and signifies a hierarchical status amongst dwellings in the village with Rhual being the most significant in size and grandeur. In regard to the built environment it has to be said that a distinctive rural character is in existence at this entry point, consisting in the main of small or simple vernacular dwellings and which continue in essence throughout the rest of the village. Larger

buildings are found, but they tend to have a communal use and include the church and a public house.

- 7.33 The house-types being proposed in this application would appear to have little regard to the rural vernacular style and character that exists currently in Gwernaffield. The size of these new buildings being proposed would appear to be out of scale to the smaller properties they will sit next to and it is clear from the individual house drawings that they have not been designed to complement the local style. The house types chosen for this development are typical large volume development house-types more typical of housing developments on the outskirts of large towns and cities. These type of developments often tend to have the hallmark of a particular developer, rather than corresponding to a particular local vernacular style.
- 7.34 The proposed layout would also appear to have taken on the form of a typical housing estate with houses sited in oblique and obscure angles and with little or no regard to the neighbouring buildings, either other houses on the scheme or existing houses on the periphery of the site. It appears that the main focus has been on delivering a high density of units, rather than having any particular regard to local vernacular density. As the proposed development will be located on one of the principal roads into the village it will mean that some the new buildings will front the road and others back onto the open fields. These essentially will give the visitor their first impression of this small rural village.
- 7.35 It is clear that one of the house types being proposed for the main road location differ in design and also their position to the existing properties which does not create a positive or attractive frontage. The terrace is of three storeys if you include the dormer windows of the second floor. This type of fenestration is not a common feature within the village, and there are no examples of any other prominent dormers within the streetscene. These properties are also set further forward than a historic terrace which is their immediate neighbour. The large detached new build units that are located on the outer edge of estate road will create the new village boundary, and it is considered that as a result of the developer house-type design and dense layout this will unfortunately give the impression to anyone entering on this road that they are entering a much large town rather than small rural village. As such it is not considered that the proposed house types either protects the character and amenity of the locality or adds to the quality and distinctiveness of the local area and as such is contrary to policy D2 of the Flintshire Unitary Development Plan.
- 7.36 The housing mix proposed is heavily biased towards 4/5 bed dwellings, with 68 of the 80 dwellings at this size, and does not have regard to the findings of the Local Housing Market Assessment which places greater emphasis on 1, 2 and 3 bed dwellings. It is considered that the mix proposed would not assist in creating mixed or socially cohesive communities. Taken together with the lack of affordable housing, discussed above, it is unlikely that the houses provided would be accessible to younger people or families, which is a stated aim of the proposal. As the proposal fails to take local housing need into account I consider that it fails to meet the requirements of policy HSG9 of the Flintshire Unitary Development Plan.

7.37 **Living conditions**

The proposed site plan does not provide plot numbers which introduces difficulty in articulating precise issues per plot. However, there are repeated reduced interface distances and garden sizes throughout the proposal. The terrace of dwellings identified as 'E's have a difficult relationship with Moel View and sit awkwardly with relation to the existing houses adjacent to them. The gardens serving the proposed dwellings 'E's and 'F's are substandard in length and area, offering almost no outside rear space to the proposed dwellings. There is a proposed dwelling which backs on to Penyffordd Field, on the eastern area of the site, which also appears to have no garden area proposed at all. The dwellings proposed on the eastern edge of the site all appear to have a reduced garden depth which falls below the recommended distances in SPGN2- Space Around Dwellings.

7.38

7.39 Private amenity space is important to the wellbeing of residents and to allow quiet enjoyment, children's playspace, drying clothes, and so forth. By failing to provide these on a number of the plots it is considered that the proposal fails to comply with the advice contained within SPGN2- Space Around dwellings and policy STR1 and in general provides an inadequate form of development which would be detrimental to the living conditions of both existing and proposed residents.

7.40 **Agricultural Land value**

Flintshire Unitary Development Plan policy RE1 seeks to protect grades 1,2 and 3a land unless there is an overriding need for the development; the development cannot be accommodated on derelict, non-agricultural or lower grade agricultural land, or available lower grade land has an environmental value or designation which outweighs the agricultural considerations.

7.41 A soils and agricultural land quality report was submitted with the application. Welsh Government's Land Value unit have assessed the supporting evidence and consider that its findings can be accepted. The report shows that 33% of the land is at grade 3a, with the remaining 64% of the land at a lower grade, subgrade 3b or 4. The subgrade 3a land is considered to be unsuitable for arable uses due to agro-climatic conditions which leave the ground too wet for parts of the year. The land is currently used for grazing. The land is considered to be predominantly lower agricultural grades due to its shallow depth. I do not consider that the proposal would be contrary to policy RE1. In all cases where agricultural land is affected by a development proposal, it will be necessary to take into account the size, structure and viability of the farm unit and the location of the proposed development in order to minimize unnecessary disruption to agriculture and farm structure. In the case of Coppy Farm this is a small farm unit that may be unsuitable for modern farming methods without significant investment.

7.42 Welsh Government have considered the information submitted in support of the application and have given the view that its findings can be relied upon. As such I do not consider that the proposal would represent an unacceptable loss of agricultural land.

Planning Obligations

7.43 The infrastructure and monetary contributions that can be required from a planning application through a S106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.44 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

7.45 It would be usual for a development proposal of this scale, for planning obligations to be imposed covering education contributions, discussed below and securing the tenure and type of affordable dwellings on site, as well as contributions to public open space. I have discussed in the paragraphs above why the provision of affordable dwellings and public open space is considered to be unacceptable.

7.46 Were it considered to be acceptable to provide financial contributions to provide an upgrading of offsite equipped play areas then the contribution required would be calculated at a rate of £1,100 per dwelling (£733.00 per affordable dwelling) in accordance with the Local Planning Guidance Note.

Education

7.47 As part of the planning consultation, Education and Youth services have calculated the impact of the proposed development upon the local Primary and Secondary Schools. The capacity of Ysgol y Waun, Gwernaffield is 107, excluding the Nursery, with 10 surplus places, the capacity of Ysgol Maes Garmon, Mold, is 711, with 182 surplus places. In accordance with Supplementary Planning Guidance Note 23-Developer Contributions to Education contributions it was concluded that only the primary school would hit the triggers identified in that guidance, and as such contributions would only be sought for this school.

7.48 As the trigger point for the contributions at Ysgol y Waun is 102, and the development, which is calculated to generate 19 more pupils, would result in 116 pupils at the school, it is considered that a figure of £171,958.00 would be sought from this development.

7.49 Therefore if Members were minded to approve the proposal I consider that it would be a lawful request in accordance with Regulation 123 of the CIL Regulations.

Other Matters

7.50

After consultation between Highways Development Control and highways consultants working on behalf of the applicant initial concerns regarding the adequacy of the proposal from a highways point of view, and with regard to the impact of the proposal on the wider highways network, it is considered that the proposals are acceptable subject to the imposition of conditions, and the entering into of a Section 278 agreement under the 1980 Highways Act, which would secure a scheme for off-site highways improvements including footway widening, traffic calming, street lighting and bus stop facilities. These conditions would be imposed should Members be minded to grant the proposal planning permission.

7.51 The drainage arrangements submitted with the proposal, namely that it is intended that foul water flows would be disposed of via the public sewerage system, are considered to be acceptable in principle by Dwr Cymru Welsh Water, and no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site. It is considered that it would be appropriate to require the submission of full drainage details prior to the commencement of development.

7.52 Copsy Farm and its outbuildings, which would be demolished as part of this proposal, appear on the first edition Ordnance Survey map of 1872 and are therefore at least 148 years old. It is considered that whilst not listed the buildings are of local architectural and historic importance and as such should Members be minded to grant the proposal planning permission then a condition requiring an appropriate photographic survey to be undertaken before the buildings are demolished.

7.53 Third parties have identified potential issues of subsidence. These are structural matters which would be addressed outside the planning process by the Building Control Regulations.

7.54 Matters have been raised in support of the proposal, namely the village to require investment, shortage of housing and that the proposal would sustain and benefit the local community. However, it is considered that none of these factors outweigh the unjustified harm the proposal would cause to the open countryside.

8.00 CONCLUSION

In conclusion I do not consider that such a scale of development is appropriate or sustainable in Gwernaffield. It is contrary to the spatial Strategy in both the Flintshire Unitary Development Plan and emerging Local Development Plan. In addition there are a number of technical reasons why I consider the proposal to be unacceptable and contrary to the relevant Flintshire Unitary Development Plan policies and PPW10 in terms of the ecological issues on site, affordable housing, public open space, housing mix and with regard to sufficient amenity space provision. As such I recommend that the application is refused for the reasons given in paragraph 2.01.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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

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

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

LIST OF BACKGROUND DOCUMENTS

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

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