Hourigan Connolly
Chartered Town Planners

PLANNING STATEMENT

APPLICANT:
Stewart Milne Homes (North West England) Limited

SITE:
Land South of New Brighton Road, New Brighton, Mold, Flintshire, CH7 6RB

DATE:
7 May 2019

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Report Drafted By	Report Checked By	Report Approved By
NM	MH	MH
07.05.19	07.05.19	07.05.19

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Appendix 1 Appeal decision in relation to land adjacent to Bank Lane, Drury (APP/A6835/A/18/3209704).

1. INTRODUCTION

BRIEF

1.1 Hourigan Connolly is instructed by Stewart Milne Homes (North West England) Limited (hereafter referred to as "the Applicant") to prepare a Planning Statement as part of a full planning application to Flintshire County Council (hereafter referred to as "the Council") relating to land south of New Brighton Road, New Brighton, Mold, CH7 6RB (hereafter referred to as "the site"). The description of development given in the planning application form is:

> *"Residential development comprising 97 dwellings including the provision of affordable units, areas of public open space, landscaping and associated works."*

1.2 The application is accompanied by a range of supporting documents (see Annex 1 of the Covering Letter) which address key technical and site-specific planning matters to demonstrate why planning permission should be granted. This document should be read in conjunction these supporting documents.

PURPOSE

1.3 The purpose of this Planning Statement is as follows:

- To describe the site and surrounding area.
- To examine any relevant previous planning decisions that have been made in relation to the site.
- To identify any statutory or local planning-related designations affecting the site.
- To provide details of the scheme that is now being brought forward.
- To describe the pre-application engagement that has taken place.
- To outline the other documents submitted in support of the proposals.
- To consider the proposed development having regard to the provisions of the Local Development Plan.
- To consider any other material considerations.
- To outline the benefits of the scheme.
- To demonstrate that the planning balance lies clearly in favour of the proposals.

2. THE SITE & SURROUNDING AREA

SITE LOCATION

2.1 The site is located to on the north west edge of New Brighton, a village in the County of Flintshire. New Brighton is approximately 2km to the north east of the town of Mold. Other nearby villages include Sychdyn which is 1km to the north west and Mynydd Isa which is 1.3km to the south east.

2.2 An aerial image of the site is shown at Figure 2.1 below.

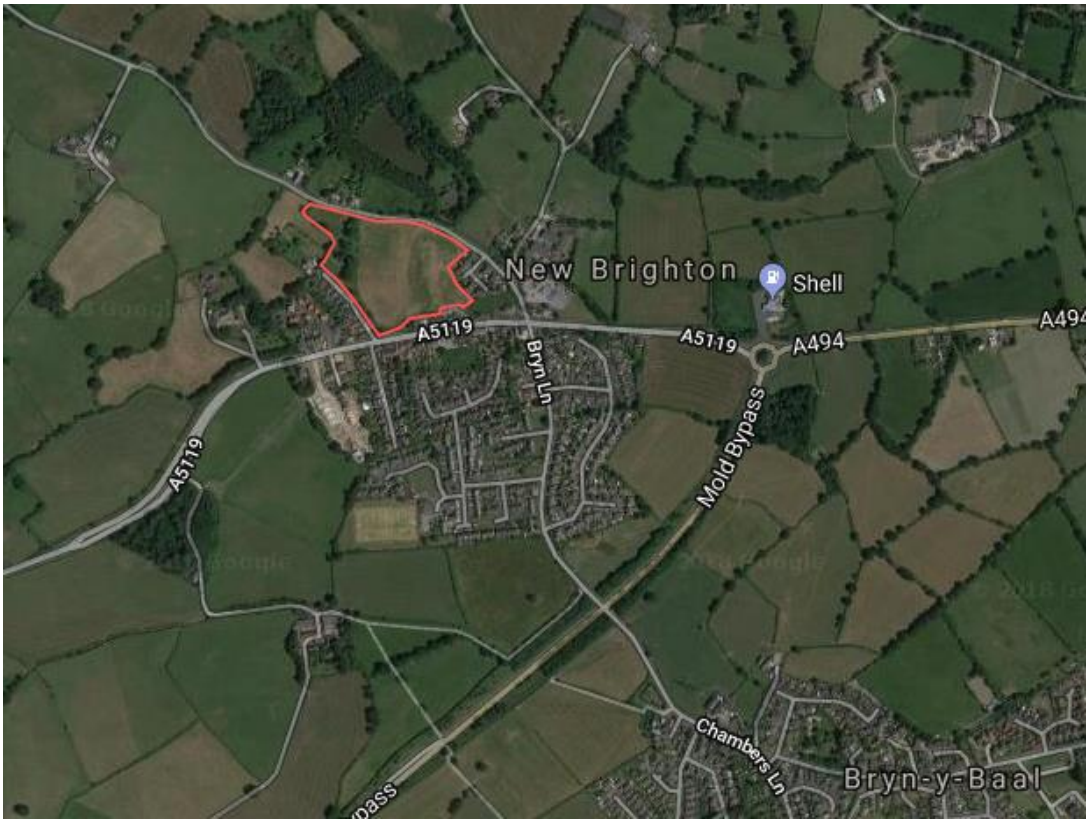

Figure. 2.1– Site Location (approximate site boundary denoted in red).

SITE DESCRIPTION

2.3 The site area measures approximately 3.6 hectares and is irregular in shape bound by New Brighton Road to the north, existing housing to the east, the A5119 to the south and Argoed View partially bounding the site to the west, with agricultural fields beyond this.

2.4 Adjoining the site there are a number of residential properties to the west, south and east at Argoed View, A5119 and Cae Isa respectively. There are also some commercial uses present along the southern boundary on the A5119 which include a stone masons and car sales shop.

2.5 The site is greenfield land currently used for agriculture.

2.6 There are existing hedgerows along the boundaries and there are a number of mature trees within the site to the west. The site has a gentle slope from west to east.

2.7 There is an existing farm gate access on to New Brighton Road. A Public Right of Way also runs through the western part of the site from Argoed View to New Brighton Road.

SURROUNDING USES

2.8 As mentioned above, the site is largely surrounded by residential properties, a stone mason and car sales shop. Beyond this to the south is the main built up area of New Brighton which also contains a church, playing pitches and a community centre. A hotel is located to the east of the site which also has a restaurant and conference facilities. Further east is a petrol filling station and convenience store. The wider area surrounding area around the village is mainly open farmland.

SUSTAINABILITY CONSIDERATIONS

2.9 The site is partially within the settlement boundary (see Chapter 7) and otherwise on the edge of New Brighton. The following amenities are located nearby:

Amenity	Name	Distance from site (km)
Hotel / Restaurant / Conference Facilities	Beaufort Park Hotel	0.2
Place of Worship	St James Church	0.2
Petrol Filling Station and Convenience Store	Shell	0.6
Community Centre	New Brighton Community Centre	0.8
Primary School	Ysgol Mynydd Isa	1.3
Secondary School	Argoed High School	1.6

Figure 2.2 – Local amenities

2.10 There are bus stops on the A5119 immediately adjacent and to the south of the site which are served by the numbers 4/4S and 5. The number 4/4S bus provides a frequent service between Mold and Chester via Buckley and Broughton, 7 days a week. The number 5 bus provides an hourly service between Mold and Ellesmere Port via Queensferry, Monday to Saturday where there are a wide range of further amenities.

2.11 The Transport Assessment summarises the sustainability credentials of the sites location as follows:

- *"The site is within an acceptable walk and cycle distance of a range of local amenities and facilities.*

- *There is a reasonable level of public transport including an effective service by bus which also provides access to rail services within a short journey distance.*
- *Areas of significant employment in Mold, Ewloe and Buckley are accessible within a short bus or cycle journey from the site.*
- *Based on the above factors, the proposed development would provide good opportunities for sustainable travel."*

SUMMARY

2.12 This site comprises undeveloped agricultural land partially within and partially outside the Settlement Boundary of New Brighton. Given its location close to shops, services and public transport to meet day-to-day needs it is a sustainable location for new housing to help meet the future housing needs of the County.

3. PLANNING HISTORY

3.1 According to the Council's online resource one planning application has been submitted at the site previously:

Application Reference	Site Address	Description	Status
041608	Land off New Brighton Road	Outline - Residential development with new access.	No decision made, file closed 17 December 2008.

Figure 3.1 Planning History

3.2 There is no information about this application on the Council's website and it is assumed it was withdrawn.

4. STATUTORY AND OTHER DESIGNATIONS

HERITAGE DESIGNATIONS

4.1 The application site does not include any listed buildings and is not within a Conservation Area. There are no scheduled monuments within the site boundaries and the site is not within a designated World Heritage Site.

FLOOD RISK AND DRAINAGE

4.2 According to the Natural Resources Wales (NRW) Flood Map, the site is located within Flood Zone A – an area considered to be at little or no risk of fluvial or tidal flooding, with a less than 1 in 1000 (0.1%) annual probability of flooding in any given year and is at low risk of flooding from surface water.

4.3 A Flood Consequence Assessment (FCA) accompanies the application. This confirms that the site is not at risk of river or sea flooding however the NRW advice maps indicate that there is a risk of surface water flooding in part of the site. The FCA advises that the inclusion of mitigation measures (such as raising finished floor levels above the surrounding ground and providing storage for surface water originating off site) and a drainage network incorporating sustainable drainage systems (SuDS) will mitigate risk both on and off site.

4.4 The FCA and Drainage Strategy explores the priority hierarchy for surface water run-off in accordance with the Welsh Government's 'Recommended non-statutory standards for sustainable drainage in Wales' (2017). Having explored each of the priority levels for sustainable drainage, the Strategy confirms that all surface water run-off will be collected into gravity piped networks and discharged into a SuDS pond and surface water public sewerage networks at restricted flow rates. Finished Floor Levels of the proposed dwellings will be raised as recommended by the FCA.

4.5 The FCA concludes that the site, following these mitigation measures for surface water flooding, is considered to be at low risk of flooding.

4.6 PUBLIC RIGHTS OF WAY

4.7 A Public Rights of Way (PROW) (Number 121) runs through the western part of the site in a north/south direction from New Brighton Road to Argoed View. This footpath will be required to be diverted to accommodate the development. The PROW Diversion Plan shows how the footpath can easily be realigned to the east and a new route provided through the estate road thereby maintain the connection between New Brighton Road and Argoed View. The location of the existing footpath is shown below.

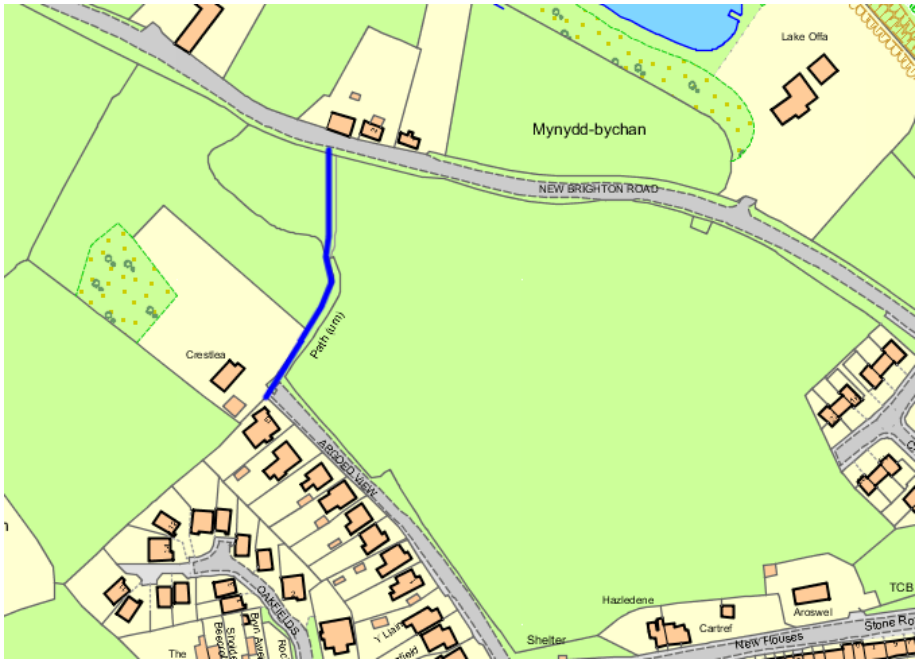

Figure 4.1 – Location of PROW.

ECOLOGY

4.8 The site is not subject to any ecological designations. A Preliminary Ecological Appraisal has been undertaken which identifies the following protected sites within 2km of the site:

- Deeside and Buckley Newt sites UK0030132 Special Area of Conservation (SAC), located 1km (at closest) to the north east of the site.
- Buckley Claypits and Commons 2592 Site of Special Scientific Interest (SSSI), located 1.5km (at closest) to the east of the site.
- Maes y Grug 1423 (SSSI), located 1km (at closest) to the north east of the site.

4.9 In addition to the Preliminary Ecological Appraisal there have been bat, reptile and Great Crested Newt surveys carried out. The results of these surveys demonstrate that, subject to appropriate mitigation measures, there would not be any harm caused by the development to any protected species. The proposals provide for an opportunity to incorporate a range of measures which would improve and enhance biodiversity across the entire site. This is discussed in further detail in the accompanying ecological reports and in Chapter 8.

TREE PRESERVATION ORDERS

4.10 The site is not subject to any Tree Preservation Orders. A Tree Survey is submitted in support of the proposals which shows there are fourteen individual trees (T1-T14) five groups of trees (G1-G5) and four hedges (H1-H4) within the site. The proposals include the retention of all category A trees which will create attractive landscape features within the public open space area. A limited

number of trees will be removed to accommodate the development which are mainly Category C trees. The proposals also include for extensive new tree planting to mitigate the loss of trees and to create an attractive environment. Arboricultural matters are discussed in further detail in Chapter 7.

LANDSCAPING

4.11 The site is not subject to any national landscape designations. The site is on the edge of New Brighton and has a close relationship with the settlement with built form to the west, south and east of the site. Existing hedgerows are retained on the boundaries and the planting plans show new planting and landscaping throughout the development, which would help soften the visual impact of the development from the wider countryside.

AIR QUALITY

4.12 The site is not within or adjacent to an Air Quality Management Area. There are no material reasons in relation to air quality why the proposed scheme should not proceed, subject to appropriate planning conditions.

AGRICULTURAL LAND QUALITY

4.13 An Agricultural Land Classification (ALC) report submitted with the application demonstrates that the site is Grade 3b agricultural land. High level mapping from the Welsh Government Predictive Agricultural Land Classification Map shows that the majority of land to the north west of the settlement to be Grade 3a. Therefore, the site should be looked on favourably (in agricultural land quality terms) for development in the context of the wider area.

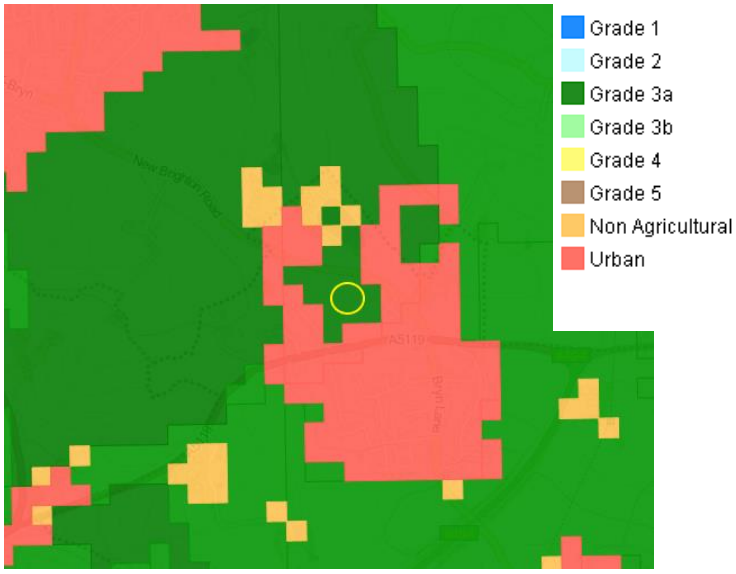

Figure 4.2 – Extract from Predictive Agricultural Land Classification (ALC) Map (Site Location Shown as Yellow Circle)

SUMMARY

4.14 In summary, the site is not constrained by any local, regional or national statutory or non-statutory designations that would preclude its development in the manner proposed. The technical surveys and assessments undertaken have ensured relevant ecological, arboricultural and flood risk mitigation measures have been included in the proposals; such mitigation can be secured by standard planning conditions.

5. THE PROPOSED SCHEME

DESCRIPTION OF DEVELOPMENT

5.1 Detailed planning permission is sought for the following, as described in the planning application forms:

> *"Residential development for the erection of 97 dwellings including the provision of affordable units, areas of public open space, landscaping and associated works."*

DEVELOPMENT CONCEPT

5.2 The proposal comprises the development of the whole site for residential purposes which includes 30% provision for affordable dwellings. A range of 2, 3, 4 and 5 bedroom housetypes have been chosen having regard to local need and demand, ensuring each area of the market is provided for including people on the affordable register, first time buyers, families and those downsizing. All of the housetypes are two storeys, the majority of which are semi-detached and detached, although there are a few short terraces throughout the scheme. The chosen housetypes have a traditional style which will allow the development to seamlessly blend into the character of the area.

5.3 The accommodation schedule is shown below.

Housetype	Bedrooms	Number
The Esthwaite	2	10
The Rydal	2	1
The Aston	2	2
The Torver	3	18
The Argyll	3	16
The Castlewellen	3	9
The Caplewood	3	14
The Castlevale	4	4
The Carlton	4	2
The Westwood	4	3
The Parkwood	4	2
The Dukeswood	4	3
The Glenmore	4	2
The Hampsfield	4	5
The Heddon	5	1
The Laurieston	5	2
The Kingsmor	5	3
Total		**97**

Figure 5.1 – Accommodation schedule

LAYOUT

5.4 The site measures 3.6 hectares therefore the proposals have a gross density of 27 dwelling per hectare which is appropriate for the edge of village location. The accompanying Design and Access Statement discusses the design rationale behind the layout, and how it has evolved to take into account the site's opportunities and constraints. Dwellings will front on to New Brighton Road creating a strong frontage along the northern boundary. A perimeter block structure has been adopted internally with houses facing on to internal streets, providing natural surveillance and active frontages. The Design and Access Statement discusses how the site can be interpreted as three character areas, each with different styles which will give the scheme its own identity.

5.5 A range of parking solutions are provided within the layout in the form of integral garages, side parking and frontage parking with landscaping helping break up any continuous rows of frontage parking.

ACCESS

5.6 A Transport Assessment accompanies the application which has been prepared following pre-application discussions with the Council. This outlines that the site will be accessed from a new priority junction on New Brighton Road which will have sufficient visibility splays either side of the proposed access point. A secondary vehicular access to the development will be provided further west along New Brighton Road which will serve only 5 dwellings. This access will take the form of a simple priority controlled access arrangement. The change in speed limit will be relocated approximately 30m to the north-west along New Brighton Road in order to accommodate visibility from the proposed secondary access. A village gateway and traffic calming features will be provided, including dragon teeth and hi-vis signage.

5.7 The proposals include a signalised pedestrian crossing features to be incorporated into the A5119 / New Brighton Road / Bryn Lane Signalised Junction, with dropped kerb and tactile paving to be provided along the New Brighton Road arm of the junction. There is currently no footway on New Brighton Road beyond the junction with Cae Isa. It is proposed to provide a new section of footway along the western side of New Brighton Road to the south east of the development which will link up with the existing footway improving pedestrian access to the site.

5.8 Having regard to the above, the Transport Assessment concludes that there are no highway or transport related reasons to withhold planning permission for the scheme.

SURFACE WATER

5.9 As discussed in the preceding Chapter, all surface water run-off from highways, roof and private drives will be collected into gravity piped networks and will discharge into a SuDs pond and the public sewerage networks at restricted flow rates agreed with Welsh Water.

TREES & PLANTING

5.10 The proposals provide opportunities for new tree planting and landscaping all of which will be managed by a management company. Category A trees within the western section of the site will be retained.

OPEN SPACE

5.11 Areas of informal and formal public open space are provided throughout the layout adjacent to the vehicular access, along the southern boundary, and to the west of the site. The area to the west includes a play area for young children which is overlooked by surrounding properties.

ECOLOGICAL ENHANCEMENT

5.12 The Preliminary Ecological Appraisal makes a number of recommendations, example include; the installation of bat and bird boxes in retained trees and gables; creating gaps beneath garden fences to allow hedgehogs to move between gardens; and the use of Sustainable Urban Drainage Systems. All of these enhancements have informed the proposals and can be conditioned as part of the planning approval.

SUMMARY

5.13 In summary the proposals represent an opportunity to develop an unremarkable greenfield site for much needed new housing that will have significant benefits in relation to environmental, social and economic considerations. These benefits are discussed further in Chapter 9.

6. PRE-APPLICATION CONSULTATION

PRE-APPLICATION DISCUSSIONS

6.1 The proposals have been discussed in detail with various Officers at the Council on a number of occasions via electronic communication, verbally over the phone, and during meetings at the Council offices. In short, the key Officers at the Council have been kept up to date on the progression of the proposals, with the Applicants engaging with the Council throughout.

6.2 A formal pre-application enquiry was submitted on 2 October 2018 and a meeting was held with Glyn Jones, Development Management Team Leader on 13 November 2018. Following this meeting, Hourigan Connolly circulated a meeting summary note. Glyn Jones then provided a written response on 4 January 2019 which comprised an amended version of the meeting note including comments from the Education Authority, highways and ecology. In summary the Council Officers acknowledged the merits of the site being released for housing and confirmed that significant weight can be afforded to the provision of new housing subject to the proposals according with the applicable national and local planning policy guidance.

6.3 The various discussions undertaken at pre-application stage have been invaluable and have informed and shaped the proposals as currently proposed.

PRE-APPLICATION COMMUNITY CONSULTATION

6.4 The applicant has carried out a 28 day Pre-Application Community Consultation Process (hereafter referred to as 'PACC') as required by the Planning (Wales) Act 2015. This involved posting site notices adjacent to the site, posting leaflets to surrounding residents, consulting with Specialist consultees, leaving a hard copy of the application in Mold Library and hosting information on the Hourigan Connolly website.

6.5 The PACC process is discussed in detail in the accompanying Pre-Application Community Consultation Report.

7. THE DEVELOPMENT PLAN

INTRODUCTION

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

> *"where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".*

7.2 In this instance the Development Plan comprises:

- The Flintshire Unitary Development Plan 2000 - 2015 (UDP).

FLINTSHIRE UNITARY DEVELOPMENT PLAN 2000 – 2015 (UDP)

7.3 The UDP was adopted in September 2011. Although it remains the adopted Development Plan, it expired in 2015 and hence it does not reflect the needs of the County post 2015.

SITE SPECIFIC POLICY DESIGNATIONS

7.4 An extract from the UDP Proposals Map is shown below:

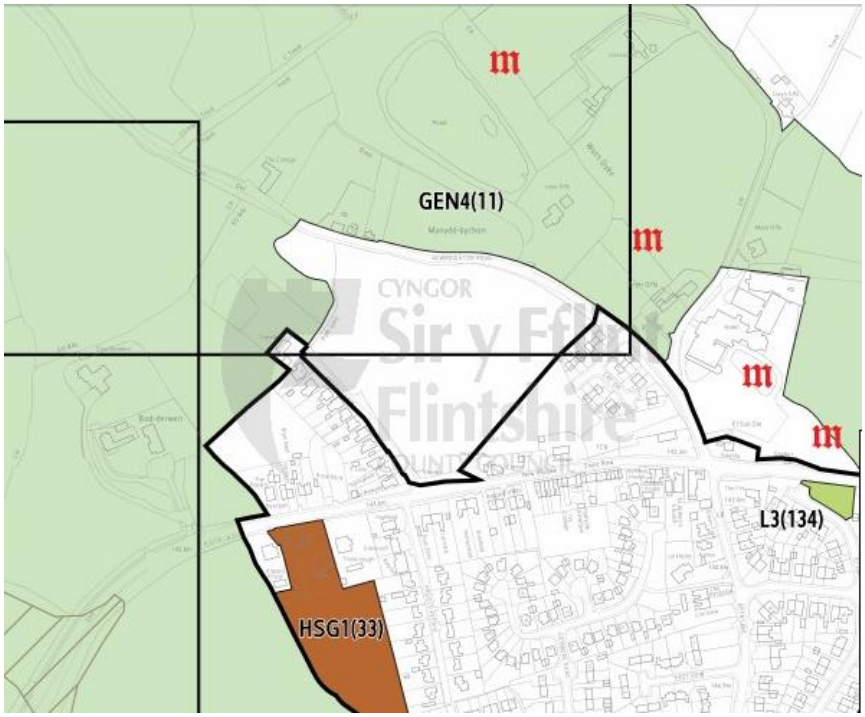

Figure 7.1 – Extract From UDP Proposals Map

7.5 Whilst part of the site is located within the Settlement Boundary (black line – where Policy GEN2 is applicable) the majority is located outside of it in what is in effect the open countryside. However, the land was not designated as Green Barrier in the UDP (unlike all of the other undeveloped land around New Brighton – where Policy GEN4 is applicable); it clearly has a close physical relationship with the settlement rather than the wider countryside and it does not perform the separation of settlements role that other Green Barrier land around New Brighton performs**.**

GENERAL POLICY CONSIDERATIONS

7.6 Whilst recognising that the policies within the UDP may now be regarded as outdated, the application, nevertheless, has been considered against relevant policy as follows:

POLICY STR1 NEW DEVELOPMENT

7.7 Policy STR1 is a strategic policy that sets out a number of factors to be considered in relation to new development. The table below assesses each of the proposals against the requirements of Policy STR1:

POLICY STR1 ASSESSMENT
Generally located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites and will only be permitted outside these areas where it is essential to have an open countryside location
Compliance with Policy The majority of the site is located outside of the defined settlement boundary of New Brighton as defined by the UDP and it is not currently allocated for housing. Therefore, there is a conflict with this part of the policy, however there are material considerations that outweigh this conflict which are discussed further in Chapter 8.
Required to incorporate high standards of design which are appropriate to the building, site and locality, maximise the efficient use of resources, minimise the use of non-renewable resources and minimise the generation of waste and pollution
Compliance with Policy The Design and Access Statement justifies the design rational behind the proposals. It discusses how the site can be interpreted as three character areas, each with different styles which will give the scheme its own identity. The proposed mix of housetypes have taken account of design cues found in the surrounding area. All the proposed dwellings will be constructed to the current building regulations having a 'fabric first' approach to minimise heat loss and reduction in carbon footprint. A Site Waste Management Plan will be prepared which will state how the development will minimise the generation of waste and pollution. Currently, over 80% of construction waste from Stewart Milne sites are sorted at source and recycled.

Required to create a safe, healthy and secure environment and protect standards of residential and other amenity.
Compliance with Policy The proposed layout takes into account the relationship of the site to existing development at Argoed View, A5119 and Cae Isa, where these dwellings are closest to the application site and ensures that the separation distances would be acceptable to avoid overlooking. The scheme proposals are designed to provide an inclusive, safe and well-managed environment. Design Out Crime requirements have informed the proposals with all public areas being overlooked and gardens enclosed by secure boundaries. The proposals therefore comply with this part of the policy.
Required to respect community identity and social cohesion including the adequacy and accessibility of community facilities and services.
Compliance with Policy New Brighton is identified as a Category B settlement in the UDP defined as a large village with a good nucleus of facilities, easily accessible by public transport which has some potential for growth. In the emerging LDP New Brighton has been designated as a Sustainable Village, these being defined as: "Settlements which benefit from some services and facilities and are sustainably located", therefore both the adopted and emerging Local Plans recognise the sustainability credentials of the settlement. Chapter 2 discusses that there are a range of amenities near to the site and further amenities are easily accessed by frequent public transport. The proposals will comprise sustainable development and will not have an adverse impact on social cohesion but will help to meet the Council's immediate need for additional housing given that Flintshire County Council cannot demonstrate a 5 year supply as required by TAN1 (see Chapter 8). The proposals therefore comply with this part of the policy.
Required to respect physical and natural environmental considerations such as flooding and land stability.
The Flood Consequence Assessment and Ground Investigations reports conclude that there will be adverse impacts on these matters therefore the proposals comply with this part of the policy.
Required to minimise or negate pollution to air, water and land; and
Compliance with Policy The proposals will have no impact on pollution. As mentioned above a Waste Management Plan will be prepared which will demonstrate how the development will minimise the generation of waste and pollution.
Assessed in terms of a precautionary approach whereby development proposals that would have a significant and uncertain environmental, social, economic or cultural impact, will be refused, in the absence of the best available information which proves that the impact can be negated or mitigated through proper risk control measures.
Compliance with Policy There will be benefits as a result of the development for example the provision of much needed market and affordable housing in a County which cannot demonstrate a five year supply of housing. There will be economic and social benefits through job creation and increased household spending in the area. The proposals will comprise sustainable development and have no more than localised impacts which can be sufficiently mitigated, therefore the proposals comply with this part of the policy.

POLICY STR 2 TRANSPORT AND COMMUNICATIONS

7.8 Policy TR1 is a policy relating to highways and sets a number of requirements which seek to ensure safe, efficient and integrated transport and communications system and improve accessibility throughout the County. The table below assesses the proposals against each of the requirements of Policy STR2:

POLICY STR2 ASSESSMENT
(a) minimising the number and length of journeys especially by private car.
Compliance with Policy The Transport Assessment demonstrates that the site is accessible by a range of transport modes with a range of facilities available by foot and public transport. The proposals will also improve pedestrian links to the bus stop on the A5119 therefore new residents can easily use the bus to access further amenities available in Mold. Therefore the proposals comply with this part of the policy.
(b) making the best use of existing roads and addressing congestion and safety issues through traffic management and calming measures.
Compliance with Policy The submitted Transport Assessment has assessed the highways around the site and considered what impact the development will have on their existing conditions. Overall, the residual cumulative impact of the development will not be 'severe'. In fact, the results show results show that the cross roads adjacent to the site will operate with spare capacity in 2023 with the development in place. The proposals therefore comply with this part of the policy.
(c) enabling the efficient use of and improvements to public transport
Compliance with Policy Please see response to (a) above.
(d) enabling alternative means of travel including cycling and walking.
Compliance with Policy The proposals will also improve pedestrian links to the bus stop on the A5119 therefore new residents can easily use the bus to access further amenities available in Mold. Improvements to local connectivity will also be made with and the provision of a new footway linking the site access to the existing footway provision at Cae Isa. The proposals also include a signalised pedestrian crossing at the A5119 / New Brighton Road / Bryn Lane, with dropped kerb and tactile paving to be provided along the New Brighton Road arm of the junction which will improve access to the site by foot and bicycle. The proposals therefore comply with this part of the policy.
(e) facilitating the transfer of freight from road to rail or water.
This part of the policy is not relevant to the proposals.
(f) facilitating the provision and use of telecommunications.
This part of the policy is not relevant to the proposals.

POLICY STR4 HOUSING

7.10 This policy sets out that the UDP will seek to provide for the housing needs of the County up to 2015 through a housing figure of 7,400 new dwellings over the Plan period; distributing new housing across the County based on a settlement hierarchy; providing a range of type and size of housing sites including affordable and special needs housing where there is a demonstrable need; and making the most efficient and effective use of housing sites. This policy expired in 2015 and hence it should be afforded no weight. However, it is material to note that New Brighton is identified as a Category B settlement in the UDP and is defined as a large village with a good nucleus of facilities, easily accessible by public transport which has some potential for growth. The proposed development would contribute towards meeting post 2015 need by delivering 97 residential dwellings ranging in size and mix in a sustainable location.

POLICY STR7 NATURAL ENVIRONMENT

7.11 This policy seeks to safeguard the natural environment of Flintshire by setting a number of requirements that developments should adhere to. The table below assesses the proposals against each of the requirements of Policy STR7.

POLICY STR7 ASSESSMENT
(a) protecting the open character and appearance of strategic green barriers around and between settlements.
Compliance with Policy Whilst part of the site is located within the Settlement Boundary of New Brighton, the majority is located outside of it in what is in effect the open countryside. However, the land was not designated as Green Barrier in the UDP (unlike all of the other land around New Brighton). The site clearly has a close physical relationship with the settlement rather than the wider countryside and it doesn't perform the separation of settlements role that other Green Barrier land around New Brighton performs**.** It should also be noted that part of the site was allocated for residential development by the Council in the Deposit Draft UDP (HSG1 (48)) (September 2003). The site also scores well in the Preferred Strategy Consultation (November 2017) which forms part of the emerging LDP. These matters are discussed later in Chapter 8.
(b) protecting and enhancing the character, appearance and features of the open countryside and the undeveloped coast.
Compliance with Policy Developing the site will result in the loss of a small parcel of countryside however there are material considerations that outweigh this which are discussed in Chapter 8.

(c) protecting and enhancing areas, features and corridors of nature conservation, biodiversity and landscape quality both in urban and rural areas, including urban greenspace.
Compliance with Policy The suite of ecology reports has fully assessed the development against ecology matters and makes a number of recommendations including the retention of various trees which have bat roost potential, installation of bat and bird boxes, use of SUDs, wildlife friendly landscape proposals etc. These recommendations have informed the scheme and can be conditioned if necessary. The proposals therefore comply with this policy.
(d) protecting and enhancing the Clwydian Range Area of Outstanding Natural Beauty.
Compliance with Policy The proposals will have no impact on the Clwydian Range Area of Outstanding Natural Beauty due to its distance from the site.
(e) protecting and enhancing the Dee Estuary.
Compliance with Policy The proposals will have no impact on the Dee Estuary due to its distance from the site.
(f) the protection and enhancement of the water environment.
Compliance with Policy Detailed survey work has been undertaken to understand fully the existing flow of ground water through and away from the proposed development site, and to inform the strategy for ensuring that suitable drainage is incorporated into the design proposal submitted with the planning application. The accompanying Flood Consequence Assessment confirms that the site is at very low risk of flooding from all sources and confirms that surface and foul water can be adequately dealt with. The proposals therefore comply with this policy.
(g) the protection of the quality of land, soil and air.
Compliance with Policy The Agricultural Land Classification report demonstrates that the site is Grade 3b. The Welsh Government Predictive Agricultural Land Classification Map shows that the majority of land surrounding the settlement to be Grade 3a therefore the site should be looked on favourably (in agricultural land quality terms) for development in the context of the wider area.

POLICY GEN1 – GENERAL REQUIREMENTS FOR NEW DEVELOPMENT

7.12 The policy sets out a list of requirements to satisfy for proposals requiring planning permission.

POLICY GEN1 ASSESSMENT
(a) the development should harmonise with the site and surroundings in terms of the siting, scale, design, layout, use of space, materials, external appearance and landscaping.
Compliance with Policy The Design and Access Statement justifies the design rational behind the proposals. It discusses how the site can be interpreted as three character areas, each with different styles which will give the scheme its own identity. The proposed mix of housetypes have taken account of design cues found in the surrounding area and the landscape proposals show a sufficient amount of new planting. The proposals therefore comply with this part of the policy.
(b) the development should take account of personal and community safety and security in the design and layout of development and public/private spaces.
Compliance with Policy The scheme is designed to provide an inclusive, safe and well-managed environment. Design out crime requirements have informed the proposals with all public areas being overlooked and gardens enclosed by secure boundaries. The proposals therefore comply with this part of the policy.
(c) the development should not have a significant adverse impact on recognised wildlife species and habitats, woodlands, other landscape features, townscapes, built heritage, features of archaeological interest, nor the general natural and historic environment.
Compliance with Policy The suite of reports has fully assessed the development against ecology, landscape and tree matters and the proposals are considered acceptable. There are no known archaeological or historic features on or adjacent to the site. The proposals therefore comply with this part of policy.
(d) the development should not have a significant adverse impact on the safety and amenity of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution.
Compliance with Policy There will be no significant adverse impact on the safety or amenity of nearby residents. The layout shows adequate separation between new and existing properties. Construction and Waste Management Plans will be developed to ensure that any associated impacts as part of the construction process are managed and mitigated. The proposals therefore comply with this part of policy.

(e) the development should provide, where appropriate, safe and convenient access for pedestrians, cyclists, persons with disabilities, and vehicles, together with adequate and suitably located parking spaces and servicing/manoeuvring space.
Compliance with Policy Access is provided for vehicles, pedestrians and cyclists ensuring access for all and new footways will be created. Parking for each dwelling will be provided in line with the Council's guidelines. Roads are demonstrably suitable for all vehicles to manoeuvre safely. The proposals therefore comply with this part of policy.
(f) the development should not have an unacceptable effect on the highway network as a result of problems arising from traffic generation, and should incorporate traffic calming measures where appropriate.
Compliance with Policy The submitted Transport Assessment has assessed the highways around the site and considered what impact the development will have on existing conditions. Overall, the residual cumulative impact of the development will not be 'severe'. In fact, the results show results show that the cross roads adjacent to the site will operate with spare capacity in 2023 with the development in place. The proposals therefore comply with this part of the policy.
(g) the development should have, where appropriate, convenient access to public transport, and wherever possible is well related to pedestrian and cycle routes.
Compliance with Policy As discussed above and in the Transport Assessment there are bus stops adjacent to the site which provide frequent public transport to Mold, Chester and other surrounding settlements. The proposals therefore comply with this part of the policy.
(h) the development must have regard to the adequacy of existing public services (e.g. gas, water, electricity), with new infrastructure capable of being provided in reasonable time and at minimum public cost.
Compliance with Policy There are no constraints in terms of services that would prevent the site from being delivered.
(i) the development should not result in/be susceptible to problems related to drainage, land stability, contamination, or flooding, either on or off site.
Compliance with Policy The accompanying Geo Environmental Assessment and Flood Consequence Assessment conclude that there would not be any risk from contamination or flooding as a result of the development.
(j) the development should not prejudice land or buildings safeguarded for other uses, or impair the development or use of adjoining land.
Compliance with Policy There would not be any impact on the existing commercial uses located on the A5119 to the south.

(k) the development should not result in the permanent loss of the best and most versatile agricultural land where either suitable previously developed land or land in lower agricultural grades is available.
Compliance with Policy As mentioned above, the Agricultural Land Classification report concludes that the site is Grade 3b agricultural land. The Welsh Government Predictive Agricultural Land Classification (ALC) Map indicates that there is better agricultural land around the settlement. There is insufficient previously development land to meet the housing need for the County.

POLICY GEN2 – DEVELOPMENT INSIDE SETTLEMENT BOUNDARIES

7.13 Part of the site is located within the Settlement Boundary therefore a number of dwellings proposed in the south east part of the site comply with Policy GEN2 of the UDP which states that ***"development will normally be permitted within settlements defined by settlement boundaries."***

POLICY GEN3 DEVELOPMENT IN THE OPEN COUNTRYSIDE

7.14 This policy sets out criteria for exceptions to the general rule that development proposals outside Settlement Boundaries will not normally be permitted. The majority of the site is located outside of the defined Settlement Boundary of New Brighton as defined by the UDP and the proposed residential development does not fall within any of the exceptions mentioned. Therefore, there is conflict with this policy.

7.15 However, the settlement boundary was drawn to accommodate the development needs for the UDP plan period which expired in April 2015. The boundary should have been reviewed before the UDP expired but it has not. Therefore this policy has very limited weight. It is noted that Settlement Boundaries will have to be redrawn to accommodate the existing and future housing needs and the Council has acknowledged that greenfield sites will have to be allocated for housing.

7.16 As will be discussed later in Chapter 8, for those Councils where a UDP is out of date and an LDP is not yet been adopted (as is the case with Flintshire) they will not be able to demonstrate whether or not they have a 5 year housing land supply i.e. they have a zero housing supply figure.

7.17 The site is located immediately adjacent to the settlement of New Brighton, and whilst falling within the open countryside, it is in a sustainable location and its development would significantly contribute to the Council's shortage of housing land supply. The proposed development offers an opportunity to extend the settlement of New Brighton without resulting in detrimental visual impacts to the wider countryside.

7.18 In conclusion to Policy GEN3, it is noted that there is a conflict with this policy, however material considerations outweigh this conflict and these are discussed further in Chapters 8 and 9.

POLICY D1 - DESIGN QUALITY, LOCATION AND LAYOUT

7.19 This policy sets out that development will be permitted only if it satisfies a list of criteria. Matters include scale, location, siting, layout, making best use of land, minimising the need to travel, density, its relation to topography and related aspect/view matters, creating attractive building alignments and frontages, providing adequate space around buildings including parking and landscaping, and maximising the efficient use of resources.

7.20 The proposed scheme is of high-quality design. The submitted Design and Access Statement sets out how the proposals take cues from surrounding vernacular, through material palettes and elevational treatments, to enhance local distinctiveness, visual connectivity and integration. The site is located on the edge of the settlement, surrounded by development on three sides, therefore its release for housing will form a logical extension to the village.

POLICY D2 - DESIGN

7.21 Again, this policy sets further design requirements that developments should adhere to. As set out above and in the Design and Access Statement, the proposed development will be of high-quality design. The applicant is actively building at various sites in Flintshire where their schemes have integrated seamlessly into their surroundings and this will be the case at New Brighton.

POLICY D3 – LANDSCAPING

7.22 Policy D3 sets out the landscaping requirements that new proposals are required to adhere to. New developments will be required, where appropriate, to include a hard and soft landscaping scheme.

7.23 The landscaping scheme proposed for this development has taken into consideration the topography of the site, the existing trees and vegetation and ensured appropriate boundary treatments are proposed. Landscaping has been an integral part of the development and existing features have been retained where possible for example the the existing Category A and B trees to the west are retained an made a feature of. The hedgerows around the boundaries are retained as much as possible apart from where new accesses are proposed. The submitted planting plans show that significant new planting will be introduced throughout the development.

POLICY TWH1 - DEVELOPMENT AFFECTING TREES AND WOODLANDS

7.24 This policy sets out that the Council will protect from development those woodlands and trees which are important local landscape, townscape and wildlife features. The submitted Arboricultural Impact Assessment demonstrates that the majority of trees will be retained and will be sympathetically be incorporated into the layout. A small amount of trees (Category C and below) need to be removed however these will be sufficiently mitigated for by replacement trees.

POLICY AC2 - PEDESTRIAN PROVISION AND PUBLIC RIGHTS OF WAY

7.25 This policy sets three criteria that development proposals should adhere to. The application complies with these criteria as follows:

a) There is clearly safe, direct, and overlooked foot access to main local pedestrian routes.

b) There are easily identifiable routes to and from public transport facilities and other local amenities.

c) The existing PROW to the west of the site will have to be diverted slightly to accommodate the development. However, the diverted route would actually improve its use as it would become a more formal route that would benefit from street lighting and being overlooked.

POLICY HSG3 - HOUSING ON UNALLOCATED SITES WITHIN SETTLEMENT BOUNDARIES

7.26 This policy sets out that on unallocated sites within settlement boundaries new housing will be permitted provided certain criteria are met. For Category B settlements there is a growth threshold of 15%, beyond which any additional development would have to be justified on the grounds of housing need. This policy is tied to the housing requirements of the UDP which is now time expired therefore no weight should be afforded to it.

POLICY HSG4 - NEW DWELLINGS OUTSIDE SETTLEMENT BOUNDARIES

7.27 Policy HSG4 deals with new dwellings outside settlement boundaries and states that they will only be permitted where it is essential to house a farm or forestry worker, which the proposals do not comply with. The proposals do not fall within the exceptions therefore there is conflict with this policy. However, it is clear that this policy relates to circumstances where it is assumed that there is a five year housing land supply and the Development Plan is up to date; it does not address the present circumstances which apply 'considerable weight' to the objective of improving housing land supply and therefore, is of limited weight. This is a view taken by many Inspectors in recent appeal decisions and is discussed further in Chapter 8.

7.28 As mentioned above under Policy GEN3, the Settlement Boundary was drawn to accommodate the development needs for the UDP plan period which expired in 2015 and greenfield sites will have to be allocated to meet the emerging LDP housing requirements.

POLICY HSG8 - DENSITY OF DEVELOPMENT

7.29 Policy HSG8 requires the density of residential developments to make efficient use of land, reflect the characteristics of the surrounding area, provide a range of housetypes with adequate

provision for privacy, whilst employing high quality design principles. These matters have already been addressed above and in the accompanying Design and Access Statement.

7.30 Policy HSG8 indicates that allocated sites should meet a minimum density of 30 dwelling per hectare on allocated sites in Category B settlements. Whilst this requirement is not relevant to the application because the site is not allocated in the UDP the proposed gross density of 27 dwellings per hectare is a sympathetic reflection of the character of the site and an appropriate density for this edge of settlement location. Clearly on a net basis the proposals would comply with the aims of the policy and deliver a minimum of 30 dwellings per hectare.

HSG9 Housing Mix and Type

7.31 Policy HSG9 takes forward the requirement for housing developments to provide a range of housing types to meet local need. In this instance it is proposed to provide a range of housetypes providing 2, 3, 4 and 5 bedroomed dwellings which are interspersed with one another throughout the development. This is appropriate to the demands of the local area, ensuring each area of the market is provided for, including people on the affordable register, first time buyers, families and those downsizing.

HSG10 Affordable Housing within Settlement Boundaries

7.32 This policy states that where there is a demonstrable need for affordable housing to meet local needs, the Council will take account of this as a material consideration when assessing housing proposals. Where this need exists, the Council will negotiate with developers to provide 30% affordable housing in suitable or appropriate schemes within settlement boundaries. Whilst the majority of the application site is outside of the existing UDP settlement boundary, this affordable housing policy has been applied in similar schemes elsewhere and continues to be used.

7.33 During pre-application discussions, the Housing Strategy Manager has advised that there is a need for 2 and 3 bedroom properties. The proposed scheme includes 29 affordable homes (11no. 2 bed housetypes and 18no. 3 bed housetypes) on-site, which represents 30% of the total number of dwellings proposed. The scheme meets the requirements of the policy and the comments received at pre-application stage. Further discussions are ongoing with the Council.

Policy SR5 - Outdoor Play Space and New Residential Development

7.34 Policy SR5 outlines the requirements for the provision of open space in new residential schemes. New residential development will normally be expected to include outdoor playing space at a minimum rate of 2.4 hectares per 1,000 population. This provision will include outdoor sport and recreation space together with equipped play space. In exceptional circumstances, where it is not possible to provide open space on the development site, then suitable off-site provision or contributions to new or improved facilities, including equipment, will be sought.

7.35 The proposals provide 0.21 hectares of public open space onsite in the form of a children's play area to the west and a landscaped area along the southern boundary.

POLICY EWP17 – FLOOD RISK

7.36 This policy states that development within areas at risk of flooding will only be permitted where the Council considers that the development is justified and is satisfied that:

- The consequences of a flooding event can be effectively managed;
- It would not increase the risk of flooding elsewhere;
- Appropriate alleviation or mitigation measures have been incorporated into the proposal and will be available for the lifetime of the development; and
- It would not have any adverse effects on the integrity of tidal and fluvial flood defences.

7.37 The FCA which accompanies this application demonstrates compliance with all of these requirements.

THE DEVELOPMENT PLAN - SUMMARY

7.38 This chapter has set out that the application proposals accord with the majority of the relevant provisions of the Development Plan, however it is acknowledged that there is some conflict with the existing Development Plan policies, but the degree of conflict must be tempered against the fact that the Development Plan is nearly four years time expired and does not reflect the needs of the County post 2015.

7.39 In the following chapter we will set out that there are material considerations that weigh in favour of the proposals and outweigh any conflict with the time expired UDP.

8. OTHER MATERIAL CONSIDERATIONS

INTRODUCTION

8.1 Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned.

8.2 In this case the following material considerations are relevant.

DEPOSIT DRAFT UDP (SEPTEMBER 2003)

8.3 It should be noted that part of the site was allocated for residential development by the Council in the Deposit Draft UDP (HSG1 (48)) (September 2003):

Figure 7.1 – Extract From Deposit Draft Flintshire UDP Proposals Map (September 2003).

8.4 Whilst the allocation was not taken forward in the adopted UDP (due to the levels of housing that had already been completed and committed in the settlement) the Council has previously considered that development of at least part of the site for housing is acceptable. Moreover, Paragraph 11.80.5 of the Inspector's report states *inter alia* that:

> *"…. Similarly the area of land adjacent to HSG1(48) outside the settlement boundary but excluded from the Green Barrier may in the Council's view be suitable for development at some time in the future".*

8.5 It should also be noted that allocation HSG1(47) identified above has now been completed following the grant of planning permission on appeal in which Hourigan Connolly were the agents. There are now no allocations left to build in New Brighton.

NATIONAL PLANNING POLICY

PLANNING POLICY WALES (EDITION 10 – DECEMBER 2018)

8.6 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Assembly Government. PPW aligns national planning policy strategy with the objectives of the Wellbeing of Future Generations (Wales) Act 2015, which is centred around achieving sustainable development. The proposed development is in line with PPW as it provides housing in a highly sustainable location. The below does not rehearse all the paragraphs in PPW but picks out the key relevant planning requirements.

8.7 Paragraph 1.17 states the following:

> *"A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review. Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated."*

8.8 Paragraph 2.21 advises that the social, economic and cultural benefits of proposals need to be given weight in the decision making process:

> *"Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle."*

8.9 Paragraph 3.39 sets out the search sequence for development site :

> *"In developing their spatial strategy planning authorities must prioritise the use of suitable and sustainable previously developed land and/or underutilised sites for all types of development. When identifying sites in their development plans planning authorities should consider previously developed land and/or underutilised sites located within existing settlements in the first instance with sites on the edge of settlements considered at the next stage…"*

8.10 Paragraph 3.40 states that:

> *"Where there is a need for sites, but it has been clearly demonstrated that there is no previously developed land or underutilised sites (within the authority or neighbouring authorities), consideration should then be given to suitable and sustainable greenfield sites within or on the edge of settlements."*

8.11 Paragraph 4.2.15 relates to the delivery of a 5-year housing land supply and states that:

> *"Planning authorities must ensure that sufficient land is genuinely available or will become available to provide a five-year supply of land for housing judged against the general objectives, scale and location of development required in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints and be economically viable, in order to support the creation of sustainable communities. For land to be regarded as genuinely available it must be a site included in either a Joint Housing Land Availability Study (JHLAS)31 or, until a JHLAS is required to inform the first Annual Monitoring Report (AMR), in the housing trajectory agreed as part of an adopted development plan. The housing trajectory demonstrates how the planning authority will maintain a five-year supply of housing land over the plan period."*

8.12 This advice is also repeated in paragraph 4.2.16:

> *"Planning authorities, land owners and house builders must work together constructively to identify deliverable housing land in sustainable locations for development. When identifying sites to be allocated for housing in development plans, planning authorities must follow the search sequence set out in paragraphs 3.37-3.38, starting with the re-use of previously developed and/ or underutilised land within settlements, then land on the edge of settlements and then greenfield land within or on the edge of settlements."*

8.13 It is evident from the Candidate Sites selected for allocation in the Deposit LDP that the County Borough's housing requirements in the period up to 2028 can only be met through greenfield site release. In light of the fact that there is no previously developed land to meet the identified housing requirements, the application site accords with the search sequence set out in with Paragraphs 3.39, 3.40 and 4.2.16 of PPW as set out above.

8.14 Paragraph 4.2.15 states that:

> *"Planning authorities must ensure that sufficient land is genuinely available or will become available to provide a five-year supply of land for housing judged against the general objectives, scale and location of development required in the development plan."*

8.15 The UDP plan period expired in 2015 meaning Flintshire is now unable to demonstrate a 5 year housing land supply. The housing land supply in Flintshire is therefore judged to be zero (see TAN1 below).

TECHNICAL ADVISORY NOTES (TANS)

8.16 A series of TANs produced by the Welsh Assembly Government provide detailed guidance on a range of technical matters which can material to the determination of Planning Applications. The following are relevant to this proposal.

- TAN 1: Joint Housing Land Availability Studies (2015). This TAN provides guidance on the preparation of Joint Housing Land Availability Studies.
- TAN 2: Planning and Affordable Housing (2006). This TAN provides guidance on the role of the planning system in delivering affordable housing.
- TAN 5: Nature Conservation and Planning (2009). This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.
- TAN 12: Design (2016). This TAN provides guidance on how good design should be achieved through the planning process.
- TAN 15: Development and Flood Risk (2004). This TAN provides guidance which supplements the policy set out in Planning Policy Wales in relation to development and flooding.
- TAN 16: Sport, Recreation and Open Space (2009). This TAN provides guidance regarding planning for sports, recreation and open space provision as part of new development proposals.
- TAN 18: Transport (2007). This TAN describes how to integrate land use and transport planning. It explains how transport impacts should be assessed and mitigated.

TAN1 JOINT HOUSING LAND AVAILABILITY STUDIES (2015)

8.17 TAN 1 sets out the implications for planning decisions where there is a lack of a 5 year supply of housing land. The latest guidance on housing land availability is given in the 2015 revision of TAN 1. Paragraph 2.1 advises that:

> *"The requirement to maintain a 5 year supply of readily developable housing land in each LPA across Wales remains a key planning policy requirement of the Welsh Government. The planning system, through the LDP process, must provide the land that is needed to allow for new home building and LPA's are*

> *required to ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing".*

8.18 Paragraph 6.2 advises that the housing land supply figure should be treated as a material consideration in determining planning applications for housing and where it is below 5 years:

> *"the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with Development Plan and national policies".*

8.19 Paragraph 8.2 states:

> *"Therefore local planning authorities that do not have either an adopted LDP or UDP will be unable to demonstrate whether or not they have a 5-year housing land supply and effectively will be considered not to have a 5-year supply."*

THE WEIGHT TO BE ATTRIBUTED TO THE DEFICIENT HOUSING LAND SUPPLY POSITION IN FLINTSHIRE

8.20 Paragraph 6.2 of TAN 1 has recently been temporarily disapplied by Cabinet Secretary Lesley Griffiths AC/AM. The reasons for the temporary disapplication of Paragraph 6.2 of TAN1 are set out in her letter of 18 July 2018 to all Chief Planning Officers in Wales. In that respect it is material to note that the letter states inter alia that:

> *"As a result of the dis-application of Paragraph 6.2 of TAN1, it will be a matter for decision makers to determine the weight to be attributed to the need to increase housing land supply where an LPA has a shortfall in its housing land"*

8.21 The implications stemming from the above statement are that a decision maker could quite legitimately use planning judgement to determine that considerable or significant weight ought to be attributed to a deficient housing land supply and that weight could quite reasonably be used to outweigh the harm arising as a result of any conflict with the Development Plan. That of course reflects the existing statutory provisions of the Planning Act.

8.22 In the Flintshire context the deficient housing land supply position is discussed at length in a recovered appeal decision dated 25 May 2018 relating to land at Chester Road, Penyffordd.[1] That decision is highly relevant as it is very recent and many of the arguments discussed in that case in relation to housing land supply are relevant here notwithstanding the recent and temporary disapplication of Paragraph 6.2 of TAN1.

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[1] PINSW Reference: APP/A6835/17/3174699

8.23 A more recent appeal at land adjacent to Bank Lane, Drury[2] also gives the need to increase the supply of houses considerable weight. This appeal decision can be found in **Appendix 1**. It is important to note that this appeal decision comes after the temporary disapplication of Paragraph 6.2 of TAN1 mentioned above and Paragraph 20 of the Decision Letter states:

> *"The Council points out that paragraph 6.2 of Technical Advice Note 1 (TAN 1) Joint Housing Land Availability Studies, which required considerable weight to be given to the need to increase supply where councils had no five year supply of housing land, has recently been dis-applied. Nonetheless, the provision of over twenty dwellings in an area without a five year supply would be a considerable benefit, given that there are no compelling policy or other considerations weighing against the scheme."*

8.24 In summary terms and in considering matters of principle, the deficient housing land supply position in the County ought to be afforded significant weight and would outweigh any conflict with the now time-expired UDP.

DEVELOPER ADVICE NOTE SPECULATIVE HOUSING DEVELOPMENT (FEBRUARY 2018)

8.25 Given the deficient housing land supply position in the County the Council has adopted the above-mentioned Developer Advice Note. This was prepared in order to inform developers submitting applications which are justified by the need to help meet the housing shortfall within the County. The advice note sets out criteria against which proposals will be assessed as follows:

1. THE CONTEXT FOR THE DEVELOPMENT PROPOSED

8.26 Turning firstly to the nature and function of the settlement within which the proposal is made, its role as part of the UDP/LDP spatial strategy and how identification of the site fits in with the requirement for a search sequence as referenced in PPW.

8.27 New Brighton is a designated Category B settlement in the adopted UDP where 8 – 15% growth was expected over the Plan period. However, the Plan period expired in 2015. As discussed above, no weight should be attributed to the growth aspirations set out in the time expired UDP.

8.28 In terms of the emerging LDP the last document to be published was the Preferred Strategy Consultation (November 2017). In that document New Brighton was designated as a Sustainable Village, these being defined as:

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[2] PINSW Reference: APP/A6835/A/18/3209704

> *"Settlements which benefit from some services and facilities and are sustainably located".*

8.29 A further 21 settlements were also identified as Sustainable Villages including Penymynydd/Penyffordd. Collectively these villages are expected to accommodate 15% - 20% of the LDP's proposed housing requirement of 6,950 new homes. Whilst the distribution of development has yet to be determined the provision of 97 dwellings at the subject site would not undermine the emerging LDP figure for this tier of settlements, which on the basis of the housing requirement figure will be looking to accommodate 1,042 – 1,390 dwellings. Indeed, the same sentiments were shared by the Inspector who conducted the Inquiry in Penymynydd as mentioned above (see Paragraphs 208 and 209 of the Inspector's report the conclusions of which were accepted by Cabinet Secretary Lesley Griffiths AC/AM in her Decision Letter).

8.30 Turning then to PPW, Paragraph 3.39 states that:

> *"When identifying sites in their development plans planning authorities should consider previously developed land and/or underutilised sites located within existing settlements in the first instance with sites on the edge of settlements considered at the next stage."*

8.31 The future housing needs of the County cannot be met from previously developed land and buildings. The subject site comprises a settlement extension which ought to be seen as preferable to any other undeveloped site surrounding New Brighton as all of the other undeveloped land around the village is designed as Green Barrier and performs that function. Furthermore, New Brighton has the benefit of public transport links providing access to higher order centres. In summary terms there is no conflict here between the proposals and Paragraph 3.39 of PPW.

2. Full Application

8.32 The proposals have been presented in a full planning application and would be implemented promptly on receipt of planning permission.

3. Sustainability Appraisal

8.33 In terms of sustainability assessment, the village has already been accepted as a sustainable location by the Council. This Statement along with the suite of supporting documents has demonstrated the sustainability credentials of the site and the settlement.

4. Viability Assessment

8.34 A viability assessment has not been submitted with the planning application however we welcome any further feedback on any necessary planning contributions.

5. HOUSING DELIVERY STATEMENT

8.35 There are no land ownership constraints or known technical impediments to delivery of the scheme following the grant of planning permission. Subject to approval of the full planning application work would commence during 2019 and the first houses could be expected to be delivered later that year and at a rate of circa 30 per annum. Hence the development would be completed well before the expiry of 5 years from the date of any planning permission.

EMERGING LOCAL PLAN

8.36 The Council is currently preparing a new LDP that will set out how much growth there should be in the County going forward, and which will in due course supersede the current UDP. The LDP plan period is set at 2015-2030 and at the time of writing the Deposit Version of the Plan is expected to be consulted on around Summer 2019.

8.37 The last document to be published was the Preferred Strategy Consultation (November 2017). As discussed above New Brighton was designated as a Sustainable Village (tier 3 out of a 5 tier hierarchy). The site is referenced as site NEW013 in the Candidate Sites Register. In that respect the LDP Preferred Strategy Consultation Document Background Paper: Consideration of Candidate Sites Against The Preferred Strategy/Invitation for Alternative Sites (November 2017) designates the site in the green category and states that:

> *"The site complies with the Council's Preferred Strategy and may have the potential to contribute to meeting future growth within the County subject to a satisfactory technical assessment."*

8.38 Moreover, Page 5 of the document explains further about green category sites:

> *"This is where a site is not considered to be affected by any fundamental constraint and has the potential to meet the Plan's growth strategy. The site is still subject to a satisfactory technical assessment, and this might include a Transport Assessment or further viability work."*

8.39 In summary terms, the proposals comply with the strategy of the emerging Local Plan.

SUPPLEMENTARY PLANNING GUIDANCE DOCUMENTS

8.40 The Council has prepared and adopted several Supplementary Planning Guidance (SPG) Notes which support the continued use of the adopted Flintshire UDP. All development proposals will take account of adopted SPG where relevant, which includes detailed guidance concerning individual sites, development issues, and types of development and will be a material consideration in determining planning applications. In terms of material considerations, greater weight can be attached to a guidance note if it has been formally adopted as SPG.

8.41 Several SPG notes are relevant to the current application proposals at New Brighton. These include the following:

- SPGN2 - Space Around Dwellings.
- SPGN3 – Landscaping.
- SPGN4 - Trees and Development.
- SPGN8 - Nature Conservation and Development.
- SPGN9 - Affordable Housing.
- SPGN11 - Parking Standards.
- SPGN12 - Access for All.
- SPGN13 - Open Space Requirements.
- SPGN23 - Developer Contributions to Education.

8.42 The suite of documents provided in support of the application and the contents of this statement ably demonstrate compliance with the above SPG's.

SUMMARY OF OTHER MATERIAL CONSIDERATIONS

8.43 In the context of the Council being unable to demonstrate a five-year supply of deliverable housing land, in accordance with Paragraph 6.2 of TAN 1 the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with Development Plan and national planning policies. The recent appeal decisions at Bank Lane, Drury and Chester Road, Penyffordd reaffirms the weight afforded to new housing on sustainable sites in Flintshire should be considerable.

8.44 The proposals comply with the national planning policy and the various guidance documents identified. The Council recognises the development potential of the site in the supporting evidence documents to the emerging LDP. The Council scores the site well and highlights the sustainability credentials of New Brighton.

8.45 These material considerations clearly have significant weight in the decision making process and would outweigh any Development Plan conflict.

9. SUMMARY OF BENEFITS AND CONCLUSIONS

9.1 Hourigan Connolly has been instructed by the Applicant to prepare this Planning Statement in support of the proposed development at land south of New Brighton Road, New Brighton, Mold Flintshire, CH7 6RB

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

> *"where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".*

9.3 The application site is located partially within, but otherwise adjoining, the Settlement Boundary of New Brighton. The site is located in a sustainable location which is accessible by both public and private transport methods. New Brighton benefits from a number of services and facilities and there are public transport links to adjacent settlements which have further amenities.

9.4 It has been demonstrated in this Planning Statement that the proposals accord with majority of the provisions of the Development Plan. It has been acknowledged that there is conflict with the locational policies of the Flintshire UDP due to the majority of the site being located in the open countryside. However, we have demonstrated that there are other material considerations which support the granting of detailed planning permission including *inter alia* the UDP being time expired.

9.5 The Council has a zero housing land supply. In light of the guidance in PPW and TAN1 it is accepted that there is a need to increase land supply through considering applications for appropriate sustainable development. The proposed development of 97 dwellings will contribute significantly to improving the Council's housing land supply position.

9.6 The LDP is not envisaged to be adopted until 2020 at the earliest. Accordingly a number of non-allocated greenfield sites will need to come forward for housing development in advance of the LDP adoption, this is one site that is demonstrably suitable. The benefits to the application can be summarised as follows:

THE BENEFITS OF THE PROPOSALS

- The proposals would make a very significant contribution towards the Council's housing land supply on an edge of settlement and sustainable location.

- There are no known constraints to development and the Council could expect the scheme to be complete within 5 years.

- A high-quality development will be delivered which would be of benefit to social well-being.

- Much needed affordable housing will be delivered in compliance with policy resulting in social cohesion.

- The provision of formal public open space and a children's play area onsite to the benefit of new and existing residents.

- Construction impact (investment in jobs, services and supplies).

- Increased household spending in the area would help to support the local economy and jobs.

- The proposals would support and sustain local services and facilities.

- Labour supply impact (i.e. those economically active residents of the new development (those in work or seeking work).

- Highway improvements including a signalised pedestrian crossing to the A5119 / New Brighton Road / Bryn Lane signalised junction, with dropped kerbs and tactile paving to be provided along the New Brighton Road.

- New section of footway along the western side of New Brighton Road to the south east of the development which will link up with the existing footway improving pedestrian access to the site.

SUMMARY

9.7 In summary, and in light of the matters set out in this statement, the planning balance clearly lies in favour of granting planning permission. The application complies with the majority of the policies in the Development Plan. Any limited harm identified from conflict with the locational policies in the time expired UDP is outweighed by the material considerations and significant benefits of the scheme. Accordingly, we respectfully request that planning permission is granted.

Appendix 1

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/11/18

gan Siân Worden BA MCD DipLH MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21/12/2018

Appeal Decision

Site visit made on 29/11/18

by Siân Worden BA MCD DipLH MRTPI

an Inspector appointed by the Welsh Ministers

Date: 21/12/2018

Appeal Ref: APP/A6835/A/18/3209704

Site address: Land adj Woodside Cottages, Bank Lane, Drury CH7 3EQ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Lingfield Homes and Property Development Ltd against Flintshire County Council.
- The application Ref 058212, is dated 9 March 2018.
- The development proposed is residential development, including access, open space and all associated works.

Decision

1. The appeal is allowed and planning permission is granted for residential development, including access, open space and all associated works at land adj Woodside Cottages, Bank Lane, Drury CH7 3EQ in accordance with the terms of the application, Ref 058212, dated 9 March 2018, and the plans submitted with it, subject to the conditions listed in the schedule at the end of this document.

Application for costs

2. An application for costs was made by Lingfield Homes and Property Development Ltd against Flintshire County Council. This application is the subject of a separate Decision.

Procedural matters

3. The application was in outline with access only to be determined in this decision. The matters of appearance, landscaping, layout and scale are reserved for later determination.

4. Edition 10 of Planning Policy Wales was published after the appeal had been made; the parties were asked whether they had any additional comments in that light.

Background and Main Issues

5. The Council provided a statement of case outlining its reasons for not supporting the proposal. I consider, therefore, that the main issues in this case are:

- the effect of the proposed development on highway safety; and
- whether the most efficient use of the appeal site would be made with regard to the proposed density of development.

Reasons

Highway safety

6. The appeal site, which is close to the edge of Burntwood and in a mainly residential area, consists of two parcels of land. The south western part is an almost rectangular field adjoined on its north western boundary by two cottages and their extensive grounds. The proposal is for a residential development of no more than twenty three dwellings. The cottages would be demolished.

7. Vehicular access to the site would be taken from an existing spur of Pen-y-Coed Road. All traffic in and out of the proposed development would therefore have to travel along part of Pen-y-Coed Road, a residential street with two access points onto Burntwood Road. Several of the dwellings in Pen-y-Coed Road do not have off-street parking provision. Whilst there were not many cars parked on the street at the time of my visit, I understand that there are times when the street is lined with parked vehicles.

8. The appellant's submitted highway, traffic and transport technical note estimates[1] that 23 dwellings would generate twelve traffic movements in total during the morning peak hour and eleven at evening peak time. Vehicles driving from the site would choose a route along Pen-y-Coed Road depending on their eventual destination; the note thus advises that trips would be split more or less evenly between the two arms of the road. The likely maximum level of additional traffic on any part of Pen-y-Coed Road would therefore be six vehicles; two inbound and four outbound during the morning peak hour, and vice-versa at the evening peak. During the rest of the day traffic flows would be lighter still.

9. The appellant's response on highway matters[2] notes that the carriageway is about 4.8m wide and thus sufficient to allow a service vehicle and a car, either parked or moving, to pass one another freely. There are wide footways on both sides of the street. Pen-y-Coed Road can, therefore, accommodate residential traffic and pedestrian flows such that there is no justification for restricting the use of the road.

10. The proposed development would also be in an accessible location with a few shops, pub and primary school within approximately 750m of the site. In addition, half hourly bus services are available close at hand traveling to a variety of destinations including nearby town centres, an out-of-town shopping centre and a major employer's complex. These facilities would enable future occupiers to rely less on the private car than in a more remote location and to make more trips on foot, cycle and public transport.

11. The appellant concludes that the forecast level of traffic arising from the proposed development would have a negligible impact on highway capacity and highway safety. No highway mitigation measures would be required and there would be no need for new infrastructure. I have no reason to disagree with that conclusion which was supported by my observations on site.

[1] From figures in the TRICS database
[2] 11 October 2018

12. I have noted that concerns originally expressed by the Council's highways department were answered satisfactorily by the appellant's submissions on traffic[3]. The provision of a one-way system along Pen-y-Coed Road, which could be implemented through a Traffic Regulation Order (TRO), was also mooted. Despite the on-street parking in the road, the overall negligible effect of the proposed development on highway safety means that such a provision is not necessary. To my mind the ability to allow children to play outside in their neighbourhood, including at the kerb, is an advantage. As road safety in Pen-y-Coed Road and the wider area would not be considerably worsened, neither would this facility be greatly reduced.

13. I saw for myself that visibility when leaving Pen-y-Coed Road is not ideal. Traffic successfully negotiates these junctions at the moment, however, and, as the increased number of movements arising from the proposal would be modest, I do not consider that there would be a significant increase in hazard at these locations.

14. There is no evidence that the proposed development would fail to create a safe, healthy and secure environment or that it would not make the best use of existing roads. It has been found that no mitigation measures are required and thus traffic management and calming are not necessary. In so far as it is necessary at this outline stage, the scheme has taken account of personal and community safety. It would not have a significant adverse impact on the safety and amenity of nearby residents, other land users or the community in general, and it would not have an unacceptable effect on the highway network as a result of traffic generation.

15. The approach roads to the site are of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and amenity, and safe vehicular access can be provided by the developer both to and from the main highway network. In all these respects the proposed development would comply with Policies STR1, STR2, GEN1 and AC13 of the Flintshire Unitary Development Plan which was adopted in 2011.

Density

16. The appeal site has several constraints including drainage easements; protection zones around the trees[4] and hedgerows to be retained; a buffer around the existing dwelling, Burntwood House; public open space (POS) and nature reserve; and a suspected mine shaft. To my mind these are all necessary and of an appropriate extent. The indicative layout also shows that the proposed dwellings would not be widely spaced or have particularly large gardens, and there would be a reasonable mix of house sizes. In locating the access road in the drainage easement and the POS in the area sterilised by the existing house buffer, the hedgerows and trees, and the mine shaft, the suggested layout makes good use of the available space.

17. The proposed development would not have a significant and uncertain environmental, social, economic or cultural impact and it is not necessary to adopt Policy STR1's precautionary approach. In making the most efficient use of available land the proposed development would comply with UDP Policy HSG8.

Other matters

18. The site is within 150m of an area designated as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) for, amongst other things, its great

[3] Response from Highway Development Control Manager, 25 April 2018
[4] Some of these are now covered by a Tree Preservation Order (TPO)

crested newts and habitat. The proposed development would not have a direct effect on the newts but, as there might be indirect impacts, mitigation measures would be required. The ecologist's response to consultation on the planning application states that mitigation could be either through the provision of land for conservation and recreation or through financing enhancement projects within the Buckley area. That response also notes that the proposed layout of the scheme was accepted by Natural Resources Wales (NRW) subject to the management and long-term safeguarding of the area.

19. An ecological survey has been carried out. The site itself is not of sufficient ecological interest itself to prevent it from being developed. The on-site nature reserve would provide a sanctuary for protected species such as great crested newts. Several trees and hedgerows would also be retained and would provide habitat particularly for birds.

20. As the UDP is well past its end date its housing strategy and numbers, which are implemented though policies in the housing chapter including Policy HSG3, have very limited currency. This is a significant change in circumstances from when an earlier outline application[5] for residential development was refused and then dismissed on appeal in 2011. The Council points out that paragraph 6.2 of Technical Advice Note 1 (TAN 1) *Joint Housing Land Availability Studies,* which required considerable weight to be given to the need to increase supply where councils had no five year supply of housing land, has recently been dis-applied[6]. Nonetheless, the provision of over twenty dwellings in an area without a five year supply would be a considerable benefit, given that there are no compelling policy or other considerations weighing against the scheme.

21. The site is below the minimum size threshold of 1.0 hectare or 25 dwellings for which UDP Policy HSG10 requires the provision of some affordable housing.

22. A number of representations have been submitted in respect of a footpath shown on the drawings as linking the proposed development to Bank Lane. This decision is in respect of an outline application which determines the principle of residential development on the site, access being the only detailed matter included. The layout of the proposed development including footpaths would be considered by the Council at a later stage. It would be at that reserved matters stage that the benefits of greater accessibility provided by footpaths would be weighed against the potential of harm to the amenity of existing residents.

23. There would be no other vehicular access to the site other than as permitted through this decision.

24. The provision of an adequate foul and surface water drainage system, as required by condition, will ensure that any pre-existing problems with localised flooding are not exacerbated by the proposed development. The structural condition of the existing properties in the area, the retaining wall or the drains is not a persuasive reason to dismiss the proposal.

Conditions

25. In the light of Circular 16/2014 *The Use of Planning Conditions for Development Management* I have imposed conditions as suggested by the Council. The condition regarding plans is necessary for clarity, as is the reference to levels. The scheme that

[5] Reference 045405
[6] From 18 July 2018

is the subject of this appeal is in outline but including the detailed matter of access. Much of the masterplan drawing is indicative only. The approximate positions of the first stage of the access road, the retained trees, and the nature reserve, however, have been material to my decision on the matter of density and must therefore be largely adhered to in the final layout. With the exception of those three features only, this decision does not permit, or imply permission, of any of the other elements within the layout drawing. These will be the subject of detailed reserved matters applications prior to the commencement of construction. As concern has been expressed about the footpath links it is necessary for clarity to specify that details of these must be provided. They would then be the subject of consultation with neighbouring occupiers.

26. Those conditions concerning the disposal of foul and surface water are necessary to protect the amenity of existing and future occupiers, the wider environment and, in respect of avoiding run-off on the highway, road safety. The access, layout, parking and turning facilities, set-back of garages, and construction method statement are also in the interests of highway safety. The later also contains measures to protect the amenity of existing occupiers, such as the control of dust; to that end and to address objections I have added working times and the control of vibration and noise to the list.

27. The condition relating to great crested newt avoidance and mitigation is necessary to preserve a protected species which is present in the surrounding area. An ecological compliance audit is needed to monitor the effectiveness of the ecological works. The analysis of the nineteenth century cottages prior to their demolition will preserve a historical record of the area. As the site is in an area of former coal working the conditions in respect of an investigation for contamination and the treatment of coal mine workings are necessary in the interests of public and environmental safety.

28. As explained earlier a TRO is not needed. In addition I am not convinced that the proposed development necessitates the provision of a footway on Pen y Coed Road. No such condition has therefore been imposed. It is always desirable to encourage the use of more sustainable forms of travel. Nevertheless, as the proposed development would generate a comparatively small number of traffic movements which would have a negligible impact on highway safety I do not consider a full Travel Plan and Transport Implementation Strategy necessary in this case.

Unilateral undertaking

29. I have been provided with a finalised copy of a unilateral undertaking through which the owner and developer covenant to pay contributions towards education and open space provision and to provide an on-site nature reserve. The education contribution, which would be spent entirely on primary school provision, is necessary because there is currently no capacity at the local primary school. The open space contribution would be used to upgrade an existing facility whilst the on-site area is necessary in the interests of great crested newts. The unilateral undertaking would be consistent with the tests set out in Regulation 122, and the limitation imposed by Regulation 123, of The Community Infrastructure Levy Regulations 2010 (CIL). It therefore carries substantial weight as a reason to grant planning permission.

30. The Council has requested that a payment of £2,500 per dwelling be made towards mitigating the indirect impacts on the SAC. As explained above, mitigation could be provided either by an on-site area of open space or by a financial contribution towards off-site enhancement. The proposed development would provide the first and thus this payment is not necessary and does not meet the CIL tests.

Conclusion

31. I have found that the proposed development would not have a detrimental effect on highway safety and would make efficient use of the land within the appeal site. The provision of market housing would also support the site's residential development. I am aware that there has been considerable objection to the scheme. I have taken all the matters raised into consideration but not found any to justify refusing a proposal which would generally be in compliance with national and local planning policy.

32. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

33. I have also had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I do not consider that in exercising a public function and making my decision I have compromised any of the requirements set out in Section 149(3).

34. For the reasons given above I conclude that the appeal should be allowed.

Siân Worden

Inspector

Schedule of Conditions

1) The development shall begin 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 to be approved, whichever is the later.

2) Any application for approval of the details of appearance, landscaping, layout, and scale (the reserved matters) shall be made to the local planning authority not later than three years from the date of this permission.

3) The submission of reserved matters shall include details of existing and proposed site levels and, where appropriate, proposed finished floor levels of the buildings. They shall also include details of proposed pedestrian links and footpaths.

4) The development shall be carried out in accordance with the following approved plans: Location Plan [defined by a red line on an aerial photograph]; the site sketch masterplan in respect of the first stage of the access road, the retained trees, and the location of the nature reserve only.

5) No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall include positive means to prevent the run off of surface water from any part of the site onto the highway. The scheme shall be implemented in accordance with the approved details prior to the residential use of the development and retained in perpetuity.

6) Surface water flows from the development shall only discharge at a rate not exceeding 5 litres per second.

7) Before the commencement of the development the access shall be completed in accordance with a detailed design submitted to and approved in writing by the local planning authority. The access shall be retained as such for as long as the development remains in existence.

8) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
   i) the hours of working on the site including times at which deliveries may take place;
   ii) the parking of vehicles of site operatives and visitors;
   iii) loading and unloading of plant and materials;
   iv) storage of plant and materials used in constructing the development;
   v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
   vi) wheel washing facilities;
   vii) measures to control vibration, noise and the emission of dust and dirt during demolition and construction; and
   viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

9) The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads shall be submitted to and approved by the local planning authority prior to the

commencement of any site works. The development shall be completed in accordance with the approved details and retained thereafter.

10) 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 in writing by the local planning authority. The parking and turning facilities shall be completed prior to the first occupation of any of the dwellings hereby permitted and retained as such thereafter.

11) The front of any garage shall be set back a minimum distance of 5.5m behind the back of the footway line or 7.3m from the edge of the carriageway where a grass service margin verge is crossed.

12) No development shall commence until a site investigation of the nature and extent of contamination affecting the application site area has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. 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. The site shall be remediated in accordance with the approved measures prior to the 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.

13) No works to which this consent relates shall commence until an appropriate scheme setting out great crested newt avoidance and mitigation measures has been submitted to and approved in writing by the local planning authority. The scheme shall include for the cessation of work if great crested newt are found. The scheme shall also set out details of an ecological compliance audit to monitor the approved measures. The development shall be carried out in full accordance with the approved scheme.

14) No development shall take place until a programme of building recording and analysis, equivalent to a Historic England Level 3 building survey, for those existing buildings on the site which would be demolished has been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved programme.

15) No works to which this consent relates shall commence until an appropriate scheme for remedial works to treat the identified areas of shallow coal mine workings has been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved scheme.