

CONSULTATION RESPONSES	Supports	Objects	No objection or no comments	Comments	No reply
Community Council		✓			
Local member(s)					✓
Highways				✓	
Public Protection				✓	
Natural Resources Wales		✓		✓	
Welsh Water				✓	
Education					✓
Contaminated land			✓		
Neighbours		✓			

RELEVANT HISTORY	P/2021/0611 same development refused
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PLANNING POLICY/CONSTRAINTS	YES	ACCEPTABLE	NOT ACCEPTABLE
Outside settlement	✓		✓
Inside settlement			
Conservation Area			
Listed Building/ setting			
Green Barrier	✓		✓
Special Landscape Area	✓		✓
Flood Risk	✓		✓
Within Buffer Zone or affecting SAC*	✓		✓
World Heritage Site			
AONB			
Other			

LOCAL PLANNING GUIDANCE	ACCEPTABLE	NOT ACCEPTABLE
13 housing in countryside		✓
16 parking	✓	
24 Schools contributions	✓	
32 biodiversity		✓
7 landscape		✓

KEY ISSUES	Acceptable	Not Acceptable	Observations below	N/A
Residential Amenity	✓			
Design				✓
Highway safety		✓	✓	
Parking	✓			
Conservation/LB				✓
Ecology		✓	✓	
Trees	✓			
drainage		✓	✓	

Revised plans were received on 6/5/2022, including an amended location plan. However the revised layout showed 9 dwellings so it has not been accepted as an amended plan.

A further revised plan showing 6 dwellings was received on 27/5/2022.



Principle of development: Located within Green Barrier in current UDP and proposed LDP.

The proposal for residential development lies within Green Barrier and does not meet the criteria set out within UDP Policies EC1 and H5 where housing outside settlement limits and within Green Barrier will be allowed. The proposal would encroach into the Green Barrier, eroding its openness, as well as harming the character and appearance of the area, conflicting with UDP Policies EC1, H5 and PS2.

The deposit LDP identifies a requirement for 7,750 homes to be built over the 2013-2028 period. The need to deliver 7750 homes by 2028 equates to an annual average requirement (AAR) for 517 dwellings over the whole plan period. The actual rate of completions over the 2013-2021 period is less than half of this. This amounts to a persistent and considerable undersupply of housing. The housing supply considerations do therefore weigh in favour of the proposed development of the site.

Highway Safety: Amended plans were received 6/5/2022 and have been referred to highways. However they cannot be accepted as they show 9 dwellings.

As access is a reserved matter highways issues could be covered by conditions if permission were to be recommended, but as submitted there is insufficient visibility from the proposed access point.

The further revised plan received 27/5/2022 has been referred to highways for further comment.

Contaminated Land: No comments.

Flooding: The site lies within Flood Zone C2. NRW recommend refusal of the application in accordance with paragraph 6.2 of TAN 15.

The application proposes highly vulnerable development within Flood Zone C2. The proposal conflicts with paragraph 6.2 of TAN 15 and UDP Policy EC12.

The agent has referred to guidance issued following the withdrawal of below TAN15 guidance but this is not considered to remove the objection by NRW on flooding grounds.

Ecology:

The proposal for dwellings will produce additional phosphates within the catchment area of the River Dee SAC.

Welsh Government Planning Policy Wales and subsequent letter to LPAs requires development to provide a net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped. Failing to provide such a benefit is a valid reason for refusal.

The submitted ecology report has not been carried out to a sufficient standard. It fails to include all available biological data such as that available from Local Record Centres, does not provide sufficiently detailed information on the risk to protected species and does not demonstrate that the proposal has a NBB.

If permission were to be recommended additional information on biodiversity would be required.

Trees: No response received.

Drainage: Planning Statement states that foul drainage would be disposed of via the existing public sewer system. Lavister has a WwTW which has capacity to accommodate additional connections via the main sewer, as confirmed by Welsh Water. However an appropriate assessment is required which cannot be carried out at the present time.

Education: A contribution would be required if permission were recommended.

SAB: Approval will be required.

Site boundary issues

The agent has supplied revised plans amending the site boundary.

Conclusion

Despite the shortfall in housing supply, the proposal remains contrary to green barrier, flooding and ecology policies. The proposal would represent inappropriate development causing harm to the open character of the Green barrier between Lavister and the County Boundary and, taken with other harm arising from flooding and ecology issues, leads to the conclusion that the proposal is contrary to adopted planning policies.

Reasons for Refusal:

The proposal for residential development lies within Green Barrier and Special Landscape Area and does not meet the criteria set out within UDP Policies EC1, EC5 and H5 where housing outside settlement limits and within Green Barrier will be allowed. The proposal would encroach into the Green Barrier, eroding its openness, as well as harming the character and appearance of

the area, conflicting with UDP Policies EC1, EC5, H5 and PS2. There are no material considerations associated with the application to warrant its approval.

The application proposes highly vulnerable development within Flood Zone C2. The proposal conflicts with paragraph 6.2 of TAN 15 and UDP Policy EC12.

Insufficient information is available on phosphates to enable a positive decision to be made.

Insufficient information has been supplied to show that a safe access could be created.

RECOMMENDATION	
GRANT	
REFUSE	✓
S106	