



Adroddiad

Ymchwiliad a agorwyd ar 18/05/06
Ymweliad â safle a wnaed ar 22/05/06

Report

Inquiry opened on 18/05/06
Site visit made on 22/05/06

gan/by Clive Nield BSc, CEng, MICE, MCIWEM

**Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru**

**an Inspector appointed by the National
Assembly for Wales**

Dyddiad/Date 03/07/06

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 77

FLINTSHIRE COUNTY COUNCIL

APPLICATION BY MORRIS CONSTRUCTION

Land adjoining Leeswood Village, Flintshire

Cyf ffeil/File ref: APP/A6835/X/05/514746

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File Ref: APP/A6835/X/05/514746

Site address: Land adjoining Leeswood Village, Flintshire

- The application was called in for decision by the National Assembly for Wales by a direction, made under section 77 of the Town and Country Planning Act 1990, on 5 October 2005.
- The application is made by Morris Construction to Flintshire County Council.
- The application, Ref 05/22/039833, is dated 22 June 2005.
- The development proposed is mixed residential development.
- The reason given for making the direction was that the proposed development raises planning issues of more than local importance and, in particular, that it raises issues which may be in conflict with national planning policy.
- On the information available at the time of making the direction, the following were the matters on which the National Assembly for Wales particularly wished to be informed for the purpose of its consideration of the application:
 - the visual and environmental implications of the proposed development on the site and surrounding areas;
 - the relevant national policies as set out in Planning Policy Wales (March 2002), particularly those relating to development outside settlement limits and sustainability;
 - policies in the approved Clwyd Structure Plan, Delyn Local Plan and the emerging Flintshire Unitary Development Plan; and
 - in the case of the UDP, whether the proposal has a bearing on the scale, location and phasing of new development envisaged in the emerging plan.
- The inquiry sat for 2 days on 18 & 19 May 2006.

Summary of Recommendation: The application be refused.

Preamble

1. This report includes descriptions of the site and surrounding area, the proposed development, the relevant planning policies, the gist of representations made, my appraisal and conclusions and my recommendation. Document references are shown in brackets, and in my conclusions the numbers in square brackets indicate the relevant paragraphs of my report. Details of the people who took part in the inquiry and comprehensive lists of documents and plans are attached at the end of the report. Possible conditions are attached as an Annex.

Procedural and Background Matters

2. The application was made for outline planning permission, and all matters were reserved for future consideration. The Council's Chief Planning Services Officer recommended that permission be refused but at the planning committee meeting on 7 September 2005 members resolved to grant permission subject to conditions to be determined by the Chief Planning Services Officer. A copy of the officer's report to committee and of the relevant section of the minutes is included in Part 1 of Document 14.2 (minutes also in Appendix 3 of Document 12.2).
3. I carried out an unaccompanied site visit on 17 May 2006 before opening the public inquiry and an accompanied visit (with 18 representatives and local residents in attendance) on 22 May 2006. I also made unaccompanied visits to the centre of the village, where traffic calming measures would be proposed, and to the Waun y Llyn Country Park on high ground to the south east of the site, which offers an elevated view of the site and its surroundings. In addition, during the course of the public inquiry and site visits, I drove several times along all of the roads at issue amongst the parties.

Site and Surroundings (Document 6)

4. The application site comprises some 6.47 hectares (16 acres) of Grade 3 agricultural land currently in use for grazing. It is situated on the edge of the village along the north side of Dingle Road, which links the northern end of the village to the A541 main road at Pontblyddyn. Apart from houses on the opposite side of the road at its western and south-western corner, the site is surrounded by open countryside. (See Plans A and B)
5. The land slopes steadily across the site in an easterly direction and falls away more steeply to the north and east of it (see Figure 4 in Document 9). A footpath crosses the site and provides a link between footpaths through the village and the A541 to the north-east in Pontblyddyn (see Figure 2 in Document 9). Near the eastern end of the site Dingle Road is characterised by a series of bends, a steeper gradient down into Pontblyddyn and enclosure within trees, particularly with Dingle Wood along its southern and eastern side.
6. The predominant trend is for the surrounding land to rise towards the west and south and fall towards the north and east, i.e. to the coastal plain. The hills of the Clwydian Range Area of Outstanding Natural Beauty lie about 6 km to the west, and the Waun y Llyn Country Park is on high land about 2 km to the south. (see Figures 3 & 4 of Document 9)
7. Leeswood has a population of about 2150 and is situated near to the junction of the A541 and A5104, offering convenient access to Mold, Wrexham, Deeside and Chester. There is a shop/post office in the middle of the village, and the primary school, Ysgol Derwenfa, is situated on the eastern side of Queen Street. Apart from some industrial development in the south-west corner, the village is substantially residential in character.
8. The site has no previous planning history.

Proposed Development (Document 8.1)

9. The application is for mixed residential development of approximately 160 two-storey detached and semi-detached houses with provision for open space and amenity areas. A Section 106 Unilateral Undertaking has been submitted (Document 19), which makes provision for the field at the eastern end of the site (Parcel 4242 – see Plan A) to be retained as a public open space to enhance biodiversity, for funding for a games area and other off-site facilities, for 30% of the houses to be affordable housing, and for funding for traffic calming measures in the centre of the village and improved waiting facilities for nearby bus stops.
10. Although access is a reserved matter, Figure 7 in Document 9 provides an indication of several access points on to Dingle Road, and it is proposed that the scheme would include improvements along much of the length of Dingle Road, particularly to the area of bends near and just beyond the eastern end of the site. The Council has had such improvements in mind for many years, and bought land for improvement of the bends many years ago (see Plans D1 and D2). These road improvements would be secured by means of a suitable planning condition.

Planning Policy (Documents 8.1, 12.2 and 14.1)

National Policy

11. National policy is contained in Planning Policy Wales (PPW) supported by a series of Technical Advice Notes (TANs). Chapter 2 of PPW, Planning and Sustainability, is relevant. The key objectives for sustainable development are listed in section 2.3, the priorities for urban and rural areas are summarised in section 2.4, and section 2.5 deals with locating new

development. Paragraph 2.5.2 sets out how local planning authorities should approach land allocation to promote sustainable patterns of development, maintain and improve the vitality, attractiveness and viability of town and village centres, and recognise the dependence between town and country. Paragraph 2.5.6 says that *“In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes”*, and paragraph 2.5.7 states *“Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation”*.

12. Chapter 3, Development Plans, is also relevant. Paragraph 3.1.2 states that *“Section 54A of the 1990 Act requires that where, in making any determination under the Planning Acts, regard has to be had to the development plan, the determination shall be made in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify the grant of planning permission.”* Section 38(6) of the Planning and Compensation Act 2004 now presents a similar requirement.
13. In addition, section 3.5 provides guidance on what happens when a development plan has not yet been adopted, and paragraph 3.5.2 deals with the matter of prematurity. It says *“Questions of prematurity may arise where a UDP is in preparation or under review, and proposals have been issued for consultation (i.e. placed on deposit) but the plan has not yet been adopted. In these circumstances, it may be justifiable to refuse planning permission on grounds of prematurity in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly be taken in the UDP context. Refusal would therefore not usually be justified except in cases where a development proposal went to the heart of a plan. This requires careful judgement. A refusal might be justified where a proposal would have a significant impact on an important settlement, or on a substantial area, with an identifiable character, but would rarely be justifiable if a development proposal impacted on only a small area.”*
14. Chapter 4 provides further guidance on making planning decisions, and Chapter 9 provides national policy on housing. In particular, paragraph 9.2.5 states that *“Local planning authorities should ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing”*, and paragraph 9.2.7 says that *“local planning authorities should follow a search sequence, starting with the re-use of previously developed land and buildings within settlements, then settlement extensions, and then new development around settlements with good public transport links.”* In addition, paragraph 9.2.18 says *“In planning for housing in rural areas it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment”*, and paragraph 9.3.1 says *“New housing developments should be well integrated with and connected to the existing pattern of settlements”* and *“The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern”*.
15. TAN1, Joint Housing Land Availability Studies, also provides useful advice. Paragraph 11 says *“Where the Joint Housing Land Availability Study shows that there is an insufficient supply of genuinely available land to meet the 5-year requirement, local planning authorities should consider how to increase the supply. This may include reviewing the development plan, expediting planning applications or securing the provision of infrastructure for*

particular sites, which prospective developers may be prepared to finance in whole or in part."

Development Plan Policy (Document Bundle 13.1)

16. The development plan comprises the Clwyd Structure Plan First Alteration, approved in 1991, and the Delyn Local Plan, adopted in 1993. Structure Plan B8 only permits new dwellings in the open countryside in special circumstances (e.g. an essential agricultural worker's dwelling), Policy H3 aims to protect and enhance the landscape and natural environment of the countryside, and Policy H5 gives priority to the conservation and enhancement of the landscape within the Special Landscape Area.
17. Similarly, Local Plan Housing Policy 6 presumes against new residential development in the countryside that is outside the recognised settlements, except where it is essential for a full time worker in that location, and Policy N2 identifies conservation as a major consideration in the Special Landscape Area and says that development which detracts from the character and appearance of the landscape will be restricted.

Unadopted Local Policy (Document 13.1)

18. More recently, the draft Clwyd Structure Plan Second Alteration: Flintshire Edition and the draft North Flintshire Local Plan have been prepared but neither has been taken through to formal adoption. Nevertheless, the Council informally adopted them for development control purposes in 1997 and 1998 respectively, and they are material considerations.
19. Draft Structure Plan Policies HSG 7 and CONS 5 reinforce the similar adopted Structure Plan policies to strictly control new dwellings in the open countryside and to protect and enhance the natural ecology and landscape. Draft Local Plan Policies H4 and L2 also reinforce these policies. In addition, draft Policy A14 requires approach roads to the site to be of an adequate standard and to provide safe access to the main highway network.

Emerging Unitary Development Plan Policy (Document 13.2)

20. The deposit UDP was subject to public consultation in 2003 and generated over 17,000 objections, which have delayed progress towards adoption. However, the plan is proceeding, and the latest planned timetable is for a public inquiry to be held early in 2007 and for the Plan to be adopted early in 2008 (Document 13.3). The Plan covers the period up to 2015.
21. Mention has been made of draft Policies HSG4 (New dwellings in the open countryside), GEN3 (Development outside settlement boundaries), GEN4 (Open countryside) and AC13 (Access and traffic impact). These are consistent with current development plan policies.
22. In addition, Chapter 11 presents the up to date position on housing in the County. Paragraph 11.9 says that *"Flintshire's population is likely to generate a significant need for new dwellings over the Plan period, a projected demand of 7,400 dwellings over the life of the Plan"*. However, in paragraph 11.15 it is concluded that, as brownfield sites will provide only a relatively small proportion of this need, there is insufficient capacity in settlements to meet the maximum forecast demand of 7,400 dwellings. Paragraphs 11.16 and 11.17 describe the UDP's settlement strategy for a sustainable level of growth and the need to avoid overdevelopment in villages and, as a result of these factors, paragraph 11.18 reports that a housing need of 6,500 dwellings is, in fact, proposed for the Plan period.
23. To meet this demand, draft Policy HSG1 allocates land for new housing, including a one hectare site in Leeswood, "the former Laura Ashley site" for some 25 housing units.

Leeswood is listed as a Category B settlement, and paragraph 11.12 provides an explanation of the 3 category bands. Category B includes *“the larger villages with a good nucleus of facilities, easily accessible by public transport and which have some potential for growth (8% - 15%)”*.

24. Supporting paragraph 11.28 also provides useful guidance. It says *“The majority of new sites allocated (64%) are sustainable extensions to existing settlements and urban areas, where the sites are within Category A or B settlements, are within or abut settlement boundaries and adjoin existing development which can facilitate access and provide connections to essential infrastructure.”*

Joint Housing Land Availability Study (Appendix 2 of Document 12.2)

25. The latest Joint Housing Land Availability Study for Flintshire was carried out and published in April 2005 by the Welsh Development Agency in co-operation with Flintshire County Council, The Home Builders Federation and Environment Agency Wales. Most of the report represents the agreed views of the Group. However, it also incorporates specific comments by some individual group members.
26. The report includes a comparison exercise with future housing requirement figures to assess the adequacy of the land supply, in accordance with the methodology defined in TAN1. Two sets of requirement figures were used: those in the draft Structure Plan Second Alteration: Flintshire Edition, which are consistent with the adopted Delyn Local Plan and the draft North Flintshire Local Plan; and those in the draft UDP, which it is acknowledged could be subject to change prior to formal adoption.
27. For land identified in adopted development plans the five-year land supply is calculated to be 2.36 years and 3.25 years respectively. If all land identified in the past draft Plans that have not been adopted and Section 106 land is also included, the five-year land supply figures are increased to 2.78 years and 3.83 years respectively. The report also included an assessment based on the rate of actual housing completions in the County over the past 5 years, and on this basis the land supply amounts to 4.67 years for adopted plan sites and 5.5 years if sites in unadopted plans are included.

Case for Morris Construction

The material points are:

Effect on Character and Appearance of Area (Documents 8.1 & 9)

28. The application site is entirely bounded by hedgerows, some of which include mature trees, and there is a row of 5 mature oak trees across the middle of the site. The trees would be safeguarded both during construction and in the longer term. Most of the hedges would also be retained. However, hedgerows would be lost for the new site access points, and the proposed improvements to Dingle Road would also involve the removal of some sections of hedgerow, though with reinstatement further back to allow improved sight lines. The realigned hedges would be established within a short period of time using advanced nursery stock. Dingle Road would remain a pleasant highway but would have a more open character than at present, particularly in the area of the bends at its eastern end, where the road is presently quite enclosed.
29. Retention or reinstatement of the hedgerows around the site would help to preserve the features that are the defining characteristic of the site and its surroundings. However, the development would extend the built form of the village significantly to the east, blurring the

boundary of the edge of the village. It is notable that the Countryside Council for Wales has raised no objection, which reflects the fact that the land is unremarkable and of no special character. Photographs of the site and its immediate surroundings are shown in Viewpoints 1–7 and 11 in Document 9, and the position of those Viewpoints is indicated on the map at Figure 6. A structured assessment of the impact on landscape character has been carried out and is considered to be moderately adverse.

30. Due to the local topography, the belts of woodland and the hedges the site is well contained and is only visible from its immediate surroundings and from limited long distance views. The Zone of Visual Influence (i.e. the area from which the site is visible, ignoring screening by trees and other features) is illustrated in Figure 4 of Document 9. It shows that the development would only be visible from an area of land to the north and north-east (around and beyond the Padeswood Cement Works) and from high ground to the south-east (the Waun y Llyn Country Park). Viewpoints 8-10 in Document 9 show long distance views towards the site from the positions indicated on Figure 6.
31. The principal local views occur from Dingle Road and the public footpath that crosses the site. The visual impact on the former has been assessed as moderately adverse but, like all local views, would be mitigated by the replanting and management of the hedgerows. Views from the footpath across the site would, obviously, be substantially affected. However, the footpath itself would be retained subject to some realignment. The main elevated view of the development would be from the Waun y Llyn Country Park (see Viewpoint 10 in Document 9). Overall, the visual impact is considered to be of no more than minor significance.

Effect on Natural Environment (Documents 8.1 & 10.1)

32. A Phase I Habitat walkover assessment was carried out in January 2006 (see Appendix B1 of Document 7.1 and the accompanying photographs at Document 10.2), and further surveys were undertaken in April 2006. The overall conclusion is that the development would have a negligible effect on the natural environment. The nearest statutorily protected land is the Coed Talon SSSI, some 1.5 km to the south, and there are no non-statutorily designated sites within 2 km.
33. The majority of the site is intensively managed agricultural land of little or no ecological value. The main items of ecological value are the species-rich hedgerows and the mature oak trees, which would be retained as far as possible and managed to improve their condition. This would involve designating hedge and tree protection zones during construction and the retention of a long-term buffer zone along the hedgerows to maintain their biodiversity.
34. The mature hedgerows and trees provide good foraging, refuge and breeding habitat for a number of common birds, and some of the mature trees may be suitable for bat roosts. The Wildlife and Countryside Act 1981, as amended, provides protection for these, and further surveys would be carried out and mitigation measures would be included to safeguard habitats.
35. The Protection of Badgers Act 1992 provides protection for badgers and their setts. There are no badger setts within the site and little evidence of much use of the land for foraging. The Clwyd Badger Group has been consulted and its records show that there are no badger setts

within 50 m of the site. However, again a further survey would be carried out prior to development and, if necessary, mitigation measures would be included in the scheme.

36. It is noteworthy that the Countryside Council for Wales (CCW) has raised no objection to the proposed development (see letter of 5 January 2006 in Appendix 1 of Document 12.2), and the CCW recommendations would be adopted by the developer. The field at the eastern end of the site would be retained as an area of public open space and as a water retention and soakaway area for a sustainable drainage system for the site (SUDS). Suitable landscape planting would allow it to become a rich wetland habitat for a range of birds and other flora and fauna.
37. Some local residents have also expressed particular concerns about the close proximity of the site to Dingle Wood and the proposed highway improvements immediately alongside it. However, the development would be well separated from the wood by Dingle Road, and it is considered that, once the bank and hedgerow on the opposite side of the road from the wood have been reinstated following the road improvements, the ecological impact would be of minor significance.
38. Finally, noise and air quality statements were also prepared in January 2006 (see Appendices B2 & B3 of Document 7.1). They indicate that, whilst noise and air quality would need to be carefully managed during the construction of the development, in the long-term the effects of the likely increased traffic generated by the development would be negligible.

National and Local Policies (Document 8.1)

39. It is acknowledged that Structure Plan Policy B8 and Local Plan Housing Policy 6 presume against housing development in the countryside and that the proposal would be in conflict with these policies. They are old policies but there is little doubt that the principle will be carried forward into the emerging Unitary Development Plan, as draft Policy HSG4 is entirely consistent with them. Nevertheless, it is clear from the Council's resolution to grant permission that it considers the proposed development acceptable in this edge-of-village location, where it would have little effect on the landscape or natural habitats.
40. Planning Policy Wales clearly expects that circumstances will arise when development will occur outside settlement boundaries. PPW paragraph 2.5.7 advises that development in the countryside should be located within and adjoining the most suitable settlements, and Chapter 9 provides similar advice specifically in respect of housing. This should be read in the context of the wider national policy of PPW paragraph 9.2.5, which requires the provision of a 5-year supply of land for housing. It follows that, if other land is not available to meet that 5-year supply, then a site on the edge of a settlement may be considered acceptable. That is the situation in this case, and it is considered there is no tension between Planning Policy Wales and the proposed development.
41. Planning Policy Wales advocates sustainability, and paragraph 9.2.18 sets out the key principles for sustainability in planning housing in rural areas. The proposal would be in line with these principles as it would benefit the local economy by supporting employment development in the County without causing harm to the environment. Leeswood is only 6 miles from both Wrexham and Broughton where future employment opportunities are expected to be strong.

Benefits to Land Supply (Document 8.1)

42. There is a significant and persistent shortfall in the supply of land for housing in Flintshire. The shortfall has existed for some years, and it is the view of the Home Builders Federation that this shortfall is the main reason why housing completion rates in the County have been low over the past 5 years (see Section 5.5 of the 2005 Joint Housing Land Availability Study (JHLAS) at Appendix 2 of Document 12.2). The conclusions of the JHLAS were that the 5-year land supply figures were equivalent to 2.36 years supply based on the (unadopted) 1997 draft Structure Plan Second Alteration or 3.25 years based on the housing requirements in the draft UDP. These fall well short of the 5 years supply required by national policy.
43. The JHLAS also includes projections based on land allocations in other past unadopted plans, including a large site at Croes Atti, which was identified as long ago as 1996 but involves a Section 106 Undertaking that has still not come forward 10 years later. Little confidence can be placed in that land being available for housing development, and the severe shortage of designated housing land is a strong factor in support of the current proposal.
44. The Council's Chief Planning Services Officer has recently recommended the grant of planning permission for housing development on land situated on the edge of settlements at Buckley and Flint on account of the need to boost land availability, and he has indicated that the Council has some discretion in granting such permissions and in then designating that land for housing development in the emerging UDP.
45. The general need for the allocation of land for housing development is further reinforced by the need for affordable housing in the County. The Council's Housing Study carried out in June 2005 used the Government's Basic Needs Assessment Model to identify a shortfall of 808 affordable housing units per year over the next 5 years, almost twice the total number of all types of housing planned over that period. The proposed scheme would include 30% affordable housing units, in line with policy in the emerging UDP, and would make a valuable contribution towards this need.

Benefits to Highway Safety and Other Improvements (Documents 8.1, 11.1 & 11.2)

46. The main benefit provided by the scheme would be the improvement of Dingle Road. Representatives of both the County Council and the Community Council have accepted that the road is substandard at present, and the County Council has confirmed that, as improvement of the road would provide a general benefit to the community, it would be prepared to seek compulsory purchase powers if necessary to secure on-line improvements (letter of 9 January 2006 included in Document 7.1).
47. At present Dingle Road is narrow, particularly at its eastern end where it has a steep slope and 2 bends of poor forward visibility. It is subject to a 7.5 ton weight restriction as its width and bends are not suitable for large vehicles. Police records show that 2 "personal injury accidents" have occurred on these bends in the past 5 years, and it is known that other accidents have also taken place. This incidence is higher than would normally be expected for such a lightly trafficked road.
48. A Transport Assessment has been carried out for the proposed development and indicates that most people travelling to and from the proposed housing development would be likely to travel down Dingle Road to the A541 main road. To compensate for this it would be proposed to carry out improvements to the road over a length of some 700 metres, comprising widening, improvements to the bends, street lighting, footway provision and reduction of the speed limit to 30 mph. This would substantially improve the sight distances and the level of safety for all road users.

49. The Transport Assessment has modelled the traffic flow at the staggered junction of the A541 and the A5104, the key junction of the local highway network. Most traffic to and from the village travels through that junction, which becomes congested at peak times and subject to some queuing and delay. As traffic levels grow that congestion is likely to get worse. However, the modelling indicates that the proposed development would have only a minimal impact on that. In fact, as the improved Dingle Road would provide a more viable alternative route than at present, it may even provide some relief for the congestion at the A541/A5104 junction during peak times.
50. The highways engineer representing the main objector to the proposed development, Mr Allen, has argued against the conclusions of the Transport Assessment and particularly the technique and results of the modelling of traffic flow at the key A541/A5104 junction. However, prior to the public inquiry he had never even observed the way traffic moves through the junction. In response to those criticisms the traffic model has been rerun using a range of assumptions and improved calibration and has proved to be robust.
51. Criticism has also been directed towards the design standards provisionally put forward for the improvements to Dingle Road. However, these are entirely appropriate for a road of that type and have been agreed with the Council's Highways Department. It should also be noted that the improvements to Dingle Road are a unique feature of the current application. They have not been put forward in association with proposals for the development of any other land in Leeswood, which would generate increased traffic levels without the compensatory benefits of these road improvements. Furthermore, the grant of planning permission for the proposal would not set a precedent for other housing development outside settlement boundaries, as some people have alleged, as the provision of a similar highway safety benefit would be unlikely to occur elsewhere.
52. In addition to the improvements to Dingle Road, it would be proposed to fund a scheme for traffic calming in the middle of the village along the lines indicated on the plan attached to the Section 106 Undertaking (Document 19). The aim of that scheme would be to make safer provision for pedestrians in the vicinity of the shop/post office, and the detailed scheme would be a matter for the Council to decide. In addition, funding would be provided to upgrade the waiting facilities for the 2 bus stops closest to the application site. These 2 initiatives are related to the proposed development as they would be subject to increased use due to the additional population provided by the proposed new houses.

Prematurity

53. The main objector, Mr Allen, is putting forward one of his own fields for consideration for housing development within the emerging UDP (see his UDP objection at Document 13.6) and has argued that the current application should be refused on grounds of prematurity so that the merits of the 2 greenfield sites can be compared through the UDP process. He has put forward 2 appeal decisions to support his argument.
54. The first (ref. APP/A6835/A/97/511063) was dated December 1998 and referred to a site at Pontybodkin. Reference to prematurity in that decision is misplaced as the draft UDP had not even been placed on deposit at that time. The second appeal decision was dated December 2004 and was for a site at Northop (ref. APP/A6835/A/04/1160448). It was for a prominent site that offered no specific benefits wider than the site itself and would appear to support Mr Allen's argument. However, it represents that Inspector's own assessment and does not inhibit the National Assembly for Wales in making its decision on the current proposal.

55. Prematurity has a very specific meaning, as explained in paragraph 3.5.2 of PPW, and the current proposal does not meet the key criteria described there. It does not go “*to the heart of the plan*” or “*have a significant impact on an important settlement, or on a substantial area, with an identifiable character*”. Leeswood is not an important settlement within the meaning of that paragraph, and the impact of the scheme on the character of the area would be slight. The objector has failed to compare the situation with that described in PPW. Prematurity does not just place a moratorium on new development while the UDP process is taking place, and it is not appropriate in this case.
56. Some people have expressed doubts about whether the Council will pursue the UDP through to full adoption, particularly in view of the large number of objections made to it and the length of time it has taken to bring it to its present stage. No case is made on that basis. However, bearing in mind the rate of progress so far, the planned timetable may well slip, and it may be 2 years or more before the UDP is finally adopted. If permission were refused for the current application on grounds of prematurity, it would probably be a further 2 years, or more, before the matter was resolved.

Other Matters and Overall Conclusion (Document 8.1)

57. Although the application site lies outside the settlement boundary, it adjoins the boundary, and the proposed development would not harm the character of the area or the natural environment. In view of the significant shortfall in the supply of land for housing, there is a strong argument for planning permission to be granted for land that has not yet been designated but which is considered suitable. The application site is just such an area. It is not appropriate to defer a decision on grounds of prematurity as the proposal does not go to the heart of the plan or affect a significant settlement or substantial area of land. The urgent need for housing land demands that a decision is not delayed for 2 years or more until the UDP is adopted.
58. The balance in favour of granting planning permission flows from the other community benefits provided by the scheme, essentially the valuable highway safety improvements to Dingle Road, the improvements to pedestrian safety provided by traffic calming measures in the middle of the village and the improvements to 2 bus stop facilities. The development would also help to sustain the life of the village, especially the primary school (Ysgol Derwenfa), shop, surgery and community centre. As a result of falling rolls there is likely to be a re-clustering of schools in the rural areas of Flintshire, and the new housing would help to ensure the future of the local school.
59. It is acknowledged that the proposal is contrary to development plan policies to control housing development in the countryside. However, it is considered that this is outweighed by other material considerations that, in this case, provide strong justification for granting planning permission.

Support Case for Flintshire County Council

The material points are:

National and Development Plan Policy (Documents 12.2 & 22)

60. It is accepted by the Council that both the national and local policy context tells against the proposed development, which would lie outside the settlement boundaries of all plans and draft plans. National policy seeks to strictly control development outside recognised settlement limits, and one of the overriding objectives of Planning Policy Wales (PPW) is to promote sustainable patterns of development. However, PPW advises that development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access and habitat landscape conservation. In this context it should be noted that Leeswood has been designated as a Category B settlement in the emerging Unitary Development Plan and, as such, it is considered that it could sustainably absorb growth of the order of 8-15% in housing provision over the UDP period.
61. Although both parts of the current development plan are of some age, there is a presumption against the proposal on account of its location outside the settlement boundary. However, Section 54A of the Town and Country Planning Act 1990, as amended, and Section 38(6) of the Planning and Compensation Act 2004 both recognise that other material considerations should be taken into account even though there may be conflict with policy. That balance of factors is the key to this case.

Benefits to Housing Land Supply (Documents 12.2 & 22)

62. There is clear acceptance by all parties that there is a longstanding shortfall of housing land supply in Flintshire when compared with the national policy imperative to ensure a 5 year supply. That is a matter that the Council has to consider both in respect of reviewing the development plan and in making planning control decisions. Having considered housing land supply carefully, it is clear there is a need to bring forward sustainable greenfield sites on the edge of settlements, such as the one proposed in this application. If one were to wait until the UDP is adopted to remedy this shortfall, one would have to wait at least a further 2 years. Consequently, the Council gave weight to the shortfall in housing land supply in reaching its decision to grant permission to the proposed development.

Effects on Character of Area and Natural Environment (Documents 12.2 & 22)

63. Whilst it is acknowledged that the development of currently undeveloped rural land would have an adverse environmental effect, that impact would be of little significance. It is also acknowledged that the countryside should be protected for its own sake. However, the land concerned is an unremarkable part of the countryside and does not fulfil any wider strategic function. The Council has taken particular note of the fact that the Countryside Council for Wales did not object to the planning application and, in respect of the call-in, has further confirmed its position. CCW advises that *"the application site is not located within or adjacent to the boundary of any statutory sites of ecological, geological and/or geomorphological interest"* and *"is not located within or will be visible from the boundary of any statutory protected landscape areas"* (letter in Appendix 1 of Document 12.2).
64. An objector, Eng. Armstrong-Braun, has made a legal submission in respect of EC Directive 2001/42/EC. That Directive requires strategic environmental assessment (SEA) to be carried out for plans and programmes that form a framework for development control. Transitional arrangements have been put in hand so that development plans started by 2004 and adopted before 22 July 2006 are not subject to SEA. However, the emerging Flintshire UDP will not be adopted by that date, and an SEA has been commissioned. Regardless of that, the objector is quite wrong in alleging that the Directive requires SEA to be carried out for development control decisions. In particular, there is no requirement for SEA to be carried out in this case

as the decision is to be taken in the context of development plans adopted many years ago, long before SEA was required.

Benefits to Highway Safety and Other Matters (Documents 12.2 & 22)

65. The primary concern of Council members when they made their decision was to secure improvements to Dingle Road. The need for improvements to the 2 dangerous bends was acknowledged by the Community Council's representative at the public inquiry but he did not consider those improvements to warrant allowing 160 houses to be built. Thus, it is the weight to be attributed to the improvements and not the principle that is at issue between the County Council and the Community Council. The County Council's view is that the highway improvements would provide a community benefit of such importance as to outweigh all other matters, including the policy presumptions.
66. This benefit is further reinforced by the fact that the proposed development would help to safeguard pupil numbers at the village primary school and remove some of the burden of housing allocations from other communities in the County.

Prematurity (Document 22)

67. It is not considered that the proposal would be premature in respect of the emerging UDP. Paragraph 3.5.2 of Planning Policy Wales provides specific guidance on whether a development might or might not be premature, and it is against that advice that the question of prematurity should be considered. That policy requires a judgement to be made on the particular circumstances of each case, and the fact that the Council opposed other development proposals elsewhere on grounds of prematurity does not reflect any inconsistency on the Council's part.
68. PPW paragraph 3.5.2 advises that refusal on grounds of prematurity will not usually be justified unless a proposal goes to the "*heart of the plan*". Whilst the current application may be of significant scale and importance in a local context, it is certainly not so in a county-wide context. The final sentence of PPW paragraph 3.5.2 further explains the circumstances when refusal might be justifiable and when it would not. The current application falls between the 2 extreme circumstances and calls for a judgement to be formed. The Council's judgement is that the question of prematurity does not justify refusal of the application in this case and that the balance of all material considerations is such that planning permission should be granted.

Case for other Supporter

The material points are:

69. Cllr Richardson is the local member referred to in the planning committee minutes (see Appendix 3 of Document 12.2) as having proposed that the application should be approved. He advised that the committee had deliberated over the application at some length and confirmed that the key matters that caused the committee to resolve to grant permission were the highway safety benefits from the improvements to Dingle Road, the need for development in the village to sustain its future, particularly the security of its primary school, and the benefit of relieving pressures for development elsewhere in the County.
70. A number of accidents have occurred along Dingle Road in recent years, and not all have been included in the police records of personal injury accidents. Improvements are needed to the road to reduce the risks of further accidents. A recent survey of education facilities has predicted that 200 schools will have to be closed in Flintshire over the next 5 years, and long-

term projections for the primary school in Leeswood do not provide complete assurance. Finally, the relief of development pressures elsewhere in the County should be seen in the context that many of the settlements where most development has traditionally occurred (notably Deeside) lie in areas at risk of flooding.

Case for Mr Allen (Objector)

71. Mr Allen is a local landowner and owns the land immediately to the north and north-west of the site. His house lies immediately to the north of the site, and he has put forward an objection to the draft Unitary Development Plan (UDP) proposing that the field immediately to the north-west of the application site be designated in the UDP for housing (Document 13.6).

The material points are:

General (Document 21)

72. The Council's Chief Planning Services Officer's report to the planning committee advised that the proposal was contrary to policy and recommended that it be refused. It listed 4 reasons:

- (1) the site is outside the settlement boundary in an area of open countryside and there is no reason why an exception should be made to the policy presumption against new dwellings in the countryside;
- (2) the proposal is development in the open countryside not justified by any provision of the development plan;
- (3) the scale of the proposal would generate significant additional traffic movements, the impact of which had not been assessed by any transport assessment; and
- (4) the proposal is premature in the context of the emerging UDP in that to grant permission on a site of this size, nature and location would pre-determine decisions about the scale and location of new development that ought properly to be taken through the UDP process.

73. The planning committee resolved to grant permission as it thought the benefits, in particular the provision of improvements to Dingle Road, outweighed the policy conflict. It took that decision even though no details of the possible improvement works or any kind of planning agreement or undertaking had been put forward. It is only since the application was called in for determination by the National Assembly for Wales that the applicant has prepared a landscape and visual appraisal, a transport assessment, an ecological survey statement, an air quality statement and a noise statement. In the light of this absence of information, it is difficult to see how the planning committee could make the decision it did.

74. Mr Allen's objection is primarily on grounds of prematurity but also covers policy matters in relation to the location in the open countryside and highway impacts and benefits.

Prematurity (Documents 14.1 & 21)

75. To grant permission on a site of this size, nature and location would pre-determine decisions about the scale and location of new developments which ought properly to be taken through the UDP process. Consequently, the proposal should be refused on grounds that it would be

premature to grant permission. Planning Policy Wales makes it clear that UDPs should provide a firm basis for rational and consistent decision making and provides policy guidance on the approach to be taken to prematurity. The emerging Flintshire UDP is at an advanced stage of preparation and falls within the PPW guidelines for when prematurity may be an issue. The further tests to be considered are detailed in PPW paragraph 3.5.2, essentially addressing the question: "Would the determination of a planning application prior to adoption of the UDP pre-determine UDP decisions about the scale, location and phasing of new development?"

76. The application site of some 6.5 hectares would accommodate approximately 160 houses, which represents an increase of some 20% in the size of the settlement. Taken together with existing permissions and proposed allocations in the draft UDP the total increase in settlement size would be some 35%. In the emerging UDP Leeswood is identified as a Category B settlement for which an increase of 8-15% is planned over the UDP period. If this development proposal was allowed, the total for Leeswood would be far in excess of this. Whilst it is accepted that the "8-15%" increase may be subject to some flexibility for individual settlements, 35% would be substantially in excess of the intentions of the UDP and, if excessive growth were to be avoided, further housing in Leeswood would have to be controlled, even if more suitable sites were to come forward. Consequently, granting permission for the current proposal would inhibit, and perhaps even foreclose, UDP decisions about the appropriate scale and location of housing in Leeswood. A radical extension of the village into open countryside towards the neighbouring settlement, Pontblyddyn, would be determined outside the UDP process.
77. Two recent appeal decisions illustrate the weight that Inspectors have given to prematurity in Flintshire even though there has been a longstanding shortfall in the supply of designated housing land. The first was an application for 60 houses at Pontybodkin in 1998 when the UDP was at an early stage of preparation (see Appendix 2 in Document 14.2). 60 houses represented an increase of 50% to Pontybodkin, which was also designated as a Category B settlement earmarked for expansion by 8-15%, and the Inspector considered it to be so substantial as to need to be properly examined within the UDP process. Although the current proposal would not represent as large a percentage increase, it would still be substantial, and it is relevant that the emerging UDP is far more advanced now than it was in 1998.
78. The second case was for 48 dwellings in Northop and was determined in December 2004 (see Appendix 3 of Document 14.2). Again, Northop is listed as a Category B settlement earmarked for 8-15% growth, and the shortage of housing land supply was identified as an argument in favour of granting permission. In that case, the development would have amounted to a 14% increase in the size of the settlement but, together with other recent completions and permissions, the total increase would have been some 23%, and the Inspector considered it would have a significant impact.
79. Even though the site had been provisionally allocated in the emerging deposit draft of the UDP, the Inspector concluded that *"to allow this appeal would effectively preclude any meaningful consideration at the UDP inquiry of objections relating to either the appropriate level of growth for Northop during the plan period or the comparative suitability for housing development of other sites on the edge of the village"*. Also, although Northop is less than half the size of Leeswood, the Inspector concluded that it was one of the larger villages in Flintshire with an historic core and was, therefore, an important settlement with an identifiable character. In comparison with that case, Leeswood is a much larger village, the proposed development is larger and represents a greater percentage growth, and the emerging UDP is even more advanced.

Conflict with Policy (Documents 14.1 & 21)

80. There is no dispute that the proposed development would be in conflict with national and local policies to restrict housing development outside settlement boundaries in the open countryside. The extent of that conflict would be considerable as the proposal would amount to a substantial extension of the settlement out of character with its surroundings. As detailed above, the proposed development would represent an increase of some 20% in the size of the settlement and, taken together with existing permissions and proposed allocations in the draft UDP, the total increase in settlement size would be some 35%. This is in comparison with the emerging UDP intention to achieve approximately 8-15% growth in Category B settlements over the UDP period. The substantial scale emphasises the degree of conflict with policy.
81. The proposal would also amount to a substantial extension of the settlement in geographical terms. Only a small part of the south-west corner of the site actually abuts the settlement boundary (see Plan B); the rest of the site extends a considerable distance away from the village into the open countryside that currently separates Leeswood from the neighbouring settlement of Pontblyddyn. The extension is at right angles to the general form of Leeswood and almost bridges the gap to Pontblyddyn.

Highway Impacts and Benefits (Documents 15 & 21)

82. The Council has acknowledged that community benefits from improvements to Dingle Road offered by the applicant company was the main factor leading to its resolution to grant planning permission for the proposed development. However, those benefits would be limited and would be tempered by other impacts.
83. Although some accidents have occurred along Dingle Road in recent years, it is lightly trafficked and is not an accident blackspot. It is accepted that Dingle Road could benefit from improvement. However, the improvements indicated by the applicant company (albeit poorly defined and not subject to any evidence on costs) would seem to be of limited standard, and the benefits would be reduced by the substantial increase in traffic likely to use it.
84. At present, most traffic to and from Leeswood uses the A541/A5104 junction, which is heavily congested at peak times. The applicant's Transport Assessment looks only a few years ahead and, even then, shows increased congestion at that junction, yet no offer is made to fund improvements to the junction. The applicant suggests that more village traffic might choose to use an improved Dingle Road access and hence reduce the impact on the A541/A5104 junction. However, that suggestion seems at odds with the additional proposal to provide for traffic calming measures (essentially narrowing the carriageway to a single lane) in the middle of the village. Overall, the extra traffic likely to use Dingle Road (both from the development itself and from other parts of the village) and the consequent knock-on effects elsewhere, would erode the benefits achieved by the proposed road improvements. Such benefits would not justify setting aside the strong development plan and national policies that presume against housing development in the countryside.
85. There is also some question about the relationship between the proposed development and the various benefits offered by the applicant, particularly the traffic calming measures in the middle of the village, which are not really related to the development. It is a fundamental principle that planning permission cannot be bought, and Circular 13/97 (Welsh Office) provides advice on the use of planning obligations. Case law has also established the principle that little weight should be given to an offered obligation that has nothing to do with the proposed development, though it has also confirmed that, if the connection is more than

minimal, regard must be had to the benefit, albeit that it is a matter for the decision maker to decide how much weight to attribute to it (Document 23).

Case for Mr & Mrs Hancock and Others (Objectors) (Document 16)

86. The proposed development would be contrary to the aims of sustainability underpinning both national and local planning policy. It would be located outside the settlement boundary in the open countryside contrary to development plan and national policy. Leeswood is not well served by public transport, and the nearest centres for employment are some distance away. The motor car would inevitably be the preferred means of transport for occupants of the proposed development.
87. In addition, the development would be neither infilling nor a minor extension to the village. It would represent significant growth for the village and would not be of an appropriate scale to respect the character of the village. It would clearly be contrary to the sustainable development and settlement principles of Planning Policy Wales, as particularly described in PPW paragraph 2.5.7.
88. The proposal would be substantial in size and would go to the heart of the emerging UDP strategy in regard to settlement, housing and open countryside policies. It would individually be so substantial as to predetermine UDP decisions about the scale and location of new development if permission were granted, and it would disregard settlement boundaries and the sequential approach to developing brownfield sites in preference to greenfield.
89. The applicant argues that the shortage of allocated housing land supports the need to grant permission. Indeed, Technical Advice Note (TAN)1, Joint Housing Land Availability Studies, states that local planning authorities should maintain a 5 year supply and should consider how to increase the supply if insufficient is identified. However, the search for other sites should be in line with the principles for sustainable settlements and transport. Permitting sites that are contrary to the principles of sustainability, as is this site, is not the answer. If permission were granted it would set a dangerous precedent for the advancement of similar unsuitable sites in the future should housing land allocations not be maintained.
90. The unilateral views of the Council, as recorded in section 5.6 of the 2005 Joint Housing Land Availability Study (see Appendix 2 of Document 12.2), are pertinent. In that report the Council acknowledged its responsibility to maintain a 5 year supply of land for housing but drew attention to the advice in paragraph 6 of TAN1 that compliance with policies in the development plan is an important factor in deciding how much weight to attribute to the shortfall in land supply when considering planning applications. The Council also referred to the fact that, if a single large site was included in the Study calculations, the land supply was equivalent to almost 4 years, and it did not consider the shortfall to be substantial. It reported that in some planning appeals Inspectors had accepted the supply was sufficient to see the UDP through to adoption.
91. Somewhat late in the day the applicant company has produced landscape, ecological and transport assessments. Notwithstanding these, the development would lead to the convergence of the villages of Leeswood and Pontblyddyn, which would be only 500 metres apart, and to a substantial increase in traffic along Dingle Road to the detriment of the amenity of existing residents. Whilst local residents acknowledge there would be some benefit in improving the standard of Dingle Road, they consider it would be far outweighed by the many other factors stacked against the proposal.

Cases of Other Objectors

92. A further 10 people spoke against the proposal: 2 County Councillors, 7 local residents (one representing the Leeswood Community Council), and one representing an environmental group.

The material points are:

Mrs Flitcroft

93. Although it has been described as “unremarkable countryside”, the application site is a group of attractive fields that separate Leeswood from Pontblyddyn, and Dingle Road is an attractive country road. Development of that land outside the village boundary would be contrary to policy and would set a precedent for similar development elsewhere. Local residents are of the view that the land should remain unchanged.

Mrs Roberts

94. The proposed development would harm the village and is unnecessary; there are plenty of vacant properties in the area. Villagers are satisfied with Dingle Road as it is, and the improvement offered would benefit residents of the development rather than other villagers. An improved level of safety could be achieved along Dingle Road merely by applying a 30 mph speed limit. Extensive lengths of hedgerow would be removed, and the replanted hedges would take many years to become established as comparable replacements and would detract from the appearance of Dingle Road. As for the sustainability of the village primary school, it already has a high level of intake and its future is not at risk. The large number of additional houses proposed might even overload the school. There are a number of smaller pockets of land around the village that should be developed first, e.g. the Laura Ashley site.

Mr Cook

95. Leeswood has not changed much in the last few years and, should development be needed, preference should be given to brownfield sites, of which there are several in Leeswood and Pontblyddyn. The visual impact of housing on this site would be significant, and it is noteworthy that planning permission was refused in 1990 for a single house in the nearby field owned by Mr Allen. There are also concerns about drainage, as the land often gets waterlogged, and there are doubts about whether the planned wetland facility at the eastern end of the site would be able to cope with the volume of surface water run-off involved.
96. There is no need for development of this scale in Leeswood, as evidenced by 6 houses currently for sale in Maxwell Road (close to the site) and by planning permissions that have lapsed in the village over recent years. Over the next 15 years the projected population increase for Flintshire is only 2000 people, and the North Wales Regional Planning Group reports on its website that the scale of housing planned in North-East Wales is unsustainable due to transport and environmental constraints. Against this background, a development of this size is not appropriate in Leeswood.

Mr Carlton Jones (on behalf of the Leeswood Community Council)

97. The development would harm the character of the village and be contrary the development plan policy. Whilst the Community Council supports the principle of improving the standard of Dingle Road, the proposal to build 160 houses on the site is too high a price to pay. It also supports the need for improvements to the road through the middle of the village by the shop/post office. It has put forward many suggestions for such improvements in the past but

the County Council has turned them all down. Some would have caused less inconvenience to the nearby residents than the traffic calming scheme now put forward.

98. The Community Council takes issue with the letters of support submitted by people who do not live in Leeswood. Brynle Williams AM lives about 10 miles away and is not the local Assembly Member, and the Airbus business is a considerable distance away. As for the sustainability of the village school, the roll is currently 161 compared with a maximum capacity of 203 (including nursery places), and the future of the school is secure for the foreseeable future.

Cllr Butler

99. The advice presented in the Council officer's report recommending refusal was based on sound planning grounds and described conflict with local and national policies. The settlement boundary in that part of Leeswood has remained unchanged through the reviews of several plans over the last 15 years, and there is no justification for permitting the proposed development outside that boundary. The Council's position on the need for additional housing land is illustrated in paragraph 5.6.5 of the 2005 Joint Housing Land Availability Study (see Appendix 2 of Document 12.2); it is not a "substantial shortfall".
100. The decision taken by the planning committee was hasty, and the alleged benefits had not been properly defined at that stage. The matter of affordable housing was not raised at all. In view of the scale of the proposal and its impact on the community, it would be premature to grant permission at present. The Unitary Development Plan is the correct vehicle to determine housing allocations of this scale.

Cllr Shotton

101. The decision taken by the Council's planning committee was inappropriate and cast doubt on the UDP process, which is the correct vehicle for consideration of a proposal such as this. Policies such as affordable housing need to be dealt with through the UDP process, and the Council is addressing the allocation of housing land through the UDP. It has been alleged in the inquiry that the Council might not see the UDP through to adoption. However, there is no basis for those allegations, and the Council has set a clear programme for completion of the UDP (see Document 13.3).
102. Technical Advice Note (TAN)1 advises that Councils can accept planning applications for housing on non-designated land provided other development plan policies would be met. That is manifestly not the case here. If permission was granted in this case it would set a dangerous precedent for similar development that the Council would find difficult to resist. It would open the floodgates for landowners with similar land on the edge of all settlements in the County.

Ms Fraser

103. The hedgerows around the application site are species-rich and provide a priority habitat under the biodiversity action plan. They are probably as much as 300 years old and, however much effort was made, it would be impossible to reproduce them by any replacement hedge. Hedgerows are important corridors for wildlife and provide links between areas of woodland. The closed tree canopy over Dingle Road serves a similar purpose for species such as bats, which are known to be present in the area. When consulted, the Council's own ecologist was not aware of the planning application and has since confirmed the importance of the hedgerow features (see memorandum of 5 May 2006 at Document 13.5). In addition to

habitat provision, Dingle Road is also a beautiful feature with bluebells and other flora and should be maintained as it is.

Miss Bennett

104. Dingle Road is a beautiful lane and should not be altered; accidents on it are not frequent. However, the A541 is a busy road, and the junction on to it is problematic. A field owned by Miss Bennett about 100 metres from the site is a wildlife reserve, and regard should be had to the fact that ancient habitats cannot be replaced. Concern is also expressed about the increased risk of crime resulting from such a substantial increase in the population of the village.

Mrs Longley

105. The proposal would ruin the character of the village and the rural character of Dingle Road. The additional population would put stress on a range of facilities in the village, increase the risk of crime and cause an increased level of traffic on the roads.

Eng. Armstrong-Braun

106. First, a legal submission was made, although Eng. Armstrong Braun acknowledged that he has no qualifications in law. Under the Strategic Environmental Assessment Directive after July 2004 all plans and programmes, and modifications to them, have to be subject to Strategic Environmental Assessment (SEA), as do any plans not adopted by July 2006. Any planning application outside a UDP or Local Plan is a modification of that plan and thus is subject to SEA. If that were not the case an individual application would bypass the SEA procedure rendering it useless. The current application has not been subject to an SEA and, in the absence of such an assessment, any decision made to grant permission would contravene the SEA Directive. (Document 18.1)

107. The proposed development would provide an over-supply of housing in the emerging UDP, detract from the character of Dingle Road and the field landscape, lead towards coalescence of the 2 settlements, be contrary to the sequential approach for the allocation of development land, harm the amenity of users of the public footpath across the site, and set up an obvious substantial infill site for future development. It would also be harmful to biodiversity by reason of the loss of ancient hedgerows, which are important for a range of flora and fauna including bats, birds and butterflies. More extensive surveys should have been carried out into the possible ecological impact, including newt and bat surveys. As for transport, Leeswood is poorly served by public transport, and there are other methods available to improve highway safety without carrying out major engineering works along Dingle Road.

108. A series of reports on court and appeal cases and extracts from magazine articles and letters were put forward to illustrate the importance that should be attributed to matters such as housing land supply, greenfield development and sustainability (see Document 18.2). Eng. Armstrong-Braun also expressed views on many other matters adequately reported in the evidence of other speakers.

109. Finally, the Council's planning committee resolved to grant permission contrary to the advice of its professional officers. Most of the committee members do not have detailed knowledge of the area, and 5 members who supported the proposal were relatively new to the planning committee with little experience of planning. Overall, the proposal would not be a sustainable

development, i.e. (by an alternative definition of sustainability) “it would not meet the requirements of humans without causing detriment to the quality of life of other species”.

Written Representations (Documents 3.1, 3.2, 4.1 & 4.2)

The material points are:

110. Three letters of support were submitted to the Planning Inspectorate (Brynle Williams AM, Cllr Richardson and a representative of Airbus UK at Broughton). Brynle Williams expressed concern about the delays in the UDP process due to the large number of objections made to it (17,000) and the need to progress some development in order to support the wellbeing of the County’s industrial sector. A similar line was taken on behalf of Airbus. Mr Williams also expressed the view that more development should be directed towards the hinterland of Flintshire rather than the coastal area, particularly on account of the strengthened policies on flood risk contained in Technical Advice Note (TAN)15, Development and Flood Risk. He also supported the initiative to improve Dingle Road and considered the development as a whole would reinvigorate the area.
111. Seventeen letters of objection were submitted to the Planning Inspectorate by local residents and their representatives, and another was submitted at the inquiry itself. A petition was submitted to the Council at the time it considered the application, and a copy was presented at the inquiry (Document 4.1). In addition, many letters were submitted to the Council at the time of the application, and I have also taken those into account. All of the matters raised in third party correspondence have been adequately covered in the evidence presented at the inquiry and already included in this report.

Conditions and Unilateral Undertaking

112. At the inquiry the applicant company submitted a completed Section 106 Undertaking, which would take effect in the event of planning permission being granted and operations being started towards implementation (Document 19). Five provisions are listed to cover the following: maintaining the field at the eastern end of the site as public open space to enhance biodiversity; funding a play area and Multi-use Games Area and making a contribution towards off-site facilities; allocating 30% of the houses as affordable housing managed through a registered social landlord; funding a scheme of traffic calming measures in the middle of the village (see draft plan attached to Undertaking); and funding improved waiting facilities for 2 bus stops near the site. Apart from a minor query on reference to an action being required of the Council in paragraph 7, no matters were raised in respect of the Section 106 Undertaking.
113. Turning to conditions, a draft list of 16 was put forward by the Council (Document 20) and discussed at the inquiry. Conditions 1-3 are standard conditions for an outline permission. Conditions 4 and 5 would enhance the provision made in the Section 106 Undertaking in respect of the open space area at the eastern end of the site, and it was agreed that Condition 4 should include reference to the enhancement of biodiversity. Similarly, Condition 6 would provide suitable enhancement of the provisions in the Section 106 Undertaking for affordable housing.
114. Conditions 7 and 8 cover foul and surface water drainage respectively, the latter making provision for the principles of SUDS (sustainable urban drainage scheme) to be incorporated. The developer would have in mind to use the open space area as a wetland habitat into which

surface water from hard surfaces would be drained. It was agreed that the final sentence of Condition 8 was inappropriate and unnecessary. Condition 9 would require a more detailed habitat survey to be carried out prior to the commencement of development and appropriate follow-up action to be taken. A third party suggested that the number of houses might have to be reduced if any protected species were found.

115. Condition 10 covers the proposed improvements to Dingle Road, and agreement was reached on the plans to be referred to in sub-section (i). The Council suggested provision be added for approval of an alternative scheme should that situation arise, but an objector argued that more certainty was needed as to the benefits of the scheme. Conditions 13, 14 and 15 deal with protection of the hedgerows and trees on the site and along the side of Dingle Road, and these were all agreed, though it was suggested that Condition 14 should include reference to the provision of funding for the hedgerow management scheme. The Council advised that funding was taken to be included in the scheme as currently worded and that, if specific reference to funding was included here, it should also be mentioned in Conditions 4, 8 and 9.
116. Condition 11 would enhance the provisions in the Section 106 Undertaking for the provision of a traffic calming scheme in the middle of the village. Although that land would be outside the application site, any works would be in the public highway under the control of the Council. Finally, Condition 12 would set a limit of 155 metres AOD on the height of all buildings and had been requested by British Aerospace in connection with the airfield at Broughton. However, ground level at the western end of the site is already at that level (see contoured plan at Figure 4 of Document 9), and existing 2-storey houses on the opposite side of the road already exceed that height. It was agreed that the condition should be omitted and that adequate control over housing size and design would be provided at the reserved matters stage; the applicant has indicated that 2-storey houses would be planned. Similarly, it was agreed that Condition 16 would be unnecessary and would be adequately covered under reserved matters.
117. No other conditions were suggested at the inquiry.

Conclusions

[The numbers in square brackets indicate the relevant paragraphs of the report.]

118. In my view the main considerations in this application are: the effect on the character and appearance of the area, particularly in the context of its siting in the open countryside outside the settlement boundary; the effect on the natural environment, and in particular on ecological matters; whether or not the proposal would be in accord with local and national policies; the possible benefits to be gained in the context of the shortage of land supply for housing; the possible benefits to be gained in highway improvements, traffic calming measures and other matters; and whether or not granting planning permission would be premature in regard to matters more properly determined through the UDP process.

Character and Appearance

119. The proposed development would be located outside the settlement boundary and would extend a considerable distance out into the surrounding countryside at right angles to the predominant north-south form of the existing village. It would almost bridge the gap between Leeswood and the neighbouring village of Pontblyddyn, contributing towards substantial coalescence of the 2 villages. This is best illustrated in views from the Waun y Llyn Country Park on elevated land to the south. The proposal would amount to a 20% increase in the size of the village, and the substantial nature of the development would emphasise its lack of empathy with the present village form. [6, 29-31, 81, 87]

120. Locally, the proposal would convert a group of grassed fields into a housing estate and substantially change the character of a quiet and attractive country lane into one of a more urban character. Although described as adjoining the settlement boundary, the application site barely touches it in one corner over about 10% of the site boundary. The remainder of the site is surrounded by open countryside, and the proposal would harm the rural character of an extensive area well away from the present edge of the village. Even though the land may be described as an "unremarkable" area of countryside, it is typical of many rural areas, and the fact that it is "unremarkable" does little to alleviate the harm to the character of the village and surrounding countryside that the proposal would cause. I conclude that the proposal would cause substantial harm to this character. [4, 5, 28, 57, 63, 81, 93, 95, 97, 104, 105]

Natural Environment

121. The land has no particular environmental designation and is not close to any statutorily protected ecological sites. Initial surveys have not identified any rare or protected species or habitats on the site, although the ancient hedgerows and mature trees no doubt provide a rich foraging, refuge and breeding habitat for a wide range of species. Some of this hedgerow would be lost, particularly to provide the road improvements, and would be replaced by new hedging on a different line. Suitable replacement and long-term management could be the subject of appropriate planning conditions but it would be many years before comparable habitats would be achieved. Nevertheless, in view of the lack of rare or unusual flora and fauna, I consider the ecological harm would not be significant. [28, 32-37, 63, 94, 103]

122. Suggestions have been made that more thorough surveys, or surveys at times of the year when species would be more active, should be carried out. Such surveys could be secured by means of a suitable planning condition and, if anything of significance was found, protective measures could be applied. This would be common practice in such circumstances and would not affect my conclusion. Development should not be refused in principle merely on the off-

chance that something might be found, when no evidence has been brought forward by any party to indicate the likely presence on the site of any protected or rare species. [107]

123. A third party made reference to the EC Directive on Strategic Environmental Assessment (2001/42/EC) and argued that it should apply to this application. Clearly, that is not the case. An individual planning application does not fall within the scope of that Directive, and the current application has been subject to screening under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, with the conclusion that EIA is not required. [64, 106]

National and Local Policies

124. There is no dispute that the site lies in open countryside outside the settlement boundary and, therefore, that the proposal would be contrary to national, development plan and emerging UDP policies to strictly control the development of new housing in the countryside. In the light of my conclusions above concerning harm to the character of the area, it would also be contrary to a similar raft of policies aimed at protecting and enhancing the landscape and character of the countryside. Whilst there was little debate about these at the public inquiry, one should not underestimate the importance attached to such policies. It is national policy that the countryside should be protected for its own sake, and I attribute considerable weight to this important policy conflict. [16-19, 21, 39, 60, 80, 86]
125. It has been argued that Planning Policy Wales acknowledges development will sometimes occur in the countryside and that, in such circumstances, it should be located "within and adjoining the most suitable settlements". However, most of the appeal site extends well away from the village boundary, and it is important to balance such a principle against the wider policy requirements. [40, 60]
126. The concept of sustainability encompasses a wide range of factors. The fact that the proposed development would be situated on the edge of a Category B settlement (as defined in the emerging UDP), which is considered suitable for some development over the plan period on account of its range of services (albeit quite limited ones, some argue), its convenient position with regard to the wider highway network and access to several towns and employment opportunities, the availability of public transport (again, albeit a limited service), and its limited impact on the natural environment are all factors in support of the sustainable nature of the proposal. However, the fact that the development would be so large in comparison with the existing village, together with other likely development substantially exceeding the indicative growth rate of 8-15% planned in the emerging UDP, the use of greenfield land extending a considerable distance out into the open countryside, and the harm that would be caused to the character of the village and the surrounding countryside are arguments against the sustainability of the proposal. On balance, I conclude that the factors against are stronger than those in support and that sustainability is a consideration against the proposal. [7, 11, 23, 41, 60, 86]

Benefits to Land Supply

127. Land supply also involves matters of policy but I deal with it as a separate consideration. There is no dispute that national policy places a responsibility on the local planning authority to maintain at least 5 years supply of housing land available for development. The Council has failed to do that for some years, and that shortfall in supply is a material consideration in favour of the current proposal. Technical Advice Note (TAN)1, Joint Housing Land Availability Studies, advises that, when the supply of land is less than 5 years, the local planning authority should consider how to increase the supply and that this may include

reviewing the development plan, expediting planning permissions or securing infrastructure provision for particular sites. Thus, although the Council is addressing the matter through the UDP process, the shortage of land supply is a legitimate consideration in this application. [14, 15, 62]

128. The most recent review of land supply is that carried out in the April 2005 Joint Housing Land Availability Study. The figures produced by that Study are not in dispute, though their interpretation is. For land identified in the adopted development plans the supply is calculated as 2.36 years or 3.25 years depending on whether one uses the housing requirement figures in the current adopted plans or those in the emerging draft UDP, which may yet be subject to change. As the adopted development plans are quite dated, the Study also carried out a similar assessment including land identified in the plans prepared in the late 1990s but not taken through to adoption. The comparable figures are 2.78 years and 3.83 years respectively. The Study also included an assessment based on the actual rate of housing completions over the past 5 years, which gave supply figures of 4.67 years based on adopted plan sites and 5.5 years if sites in unadopted plans are also included. [25-27, 42, 43]
129. The applicant argues that the latter should be disregarded as the rate of housebuilding in Flintshire has been depressed in recent years because of the shortage of available land. I cannot judge whether that is so or not. However, even if that is disregarded, one is still left with a range of projections. The most practical and up to date position is that based on the housing needs projections included in the emerging UDP, i.e. 3.25 years supply for sites allocated in adopted plans rising to 3.83 years if sites identified in unadopted plans are also included. The latter includes a single large site which is apparently subject to a problematic Section 106 Undertaking. However, no details have been put forward on that. On the basis of this array of figures it seems to me the supply of available housing land may best be considered to be between 3 and 4 years, possibly rising towards 5 years if the slow rate of building in recent years reflects market trends rather than land constraints. [43]
130. The question now is how much weight should be attributed to this shortfall so far as the current application is concerned. In its unilateral comments in the report on the Joint Housing Land Availability Study the Council expressed the view that the shortfall is not substantial. I reach a similar conclusion. Whilst there is undoubtedly a shortfall in the 5-year supply of available housing land, that shortfall is limited and, whilst it is a material consideration in support of the current application, I do not attribute much weight to it. [44, 45, 62, 89, 90, 99]

Benefits of Highway and Other Improvements

131. There is no dispute that Dingle Road is substandard so far as modern design standards for highway safety are concerned. However, it is a relatively lightly trafficked country lane and, although the Council has had in mind the need to improve the bends towards its eastern end for some years, it has obviously not commanded a high priority in the Council's programme of road improvement schemes. The applicant company would propose to carry out extensive improvements to Dingle Road, which could be the subject of a planning condition, and this would be a community benefit in favour of the grant of permission. [10, 46, 48, 82, 110]
132. Although Dingle Road is not an accident blackspot, several accidents have occurred along it in recent years, mainly at the bends, where forward visibility is poor and the carriageway width is limited. Some objectors have criticised the provisional design of the proposed road improvements but I do not consider that to be of any concern. The standard of the road would be much improved if the proposed development were to be permitted. However, the value of the road safety benefits would be reduced by the increased traffic likely to use the road. Most

of the traffic to and from the proposed development would be likely to gain access along Dingle Road and it has been suggested that, as a result of the road improvements, other trips to and from the village would also be more likely to use Dingle Road, as that would provide some relief to the congestion experienced at the junction of the A541/A5104. [47-49, 51, 70, 83, 84]

133. Comparison has been made with other possible housing development sites in Leeswood, and it has been observed that the current proposal is the only one that would bring with it these improvements to Dingle Road. That may or may not be the case though, in view of the smaller scale of such sites, it would appear likely. On balance, I consider the proposal would provide useful benefits to the safety of Dingle Road, which are unlikely to be carried out in the foreseeable future if the current proposal does not go ahead. [51, 65, 69, 73]

134. The proposal would also provide other highway safety and amenity benefits to the wider community. Funding would be provided to enable traffic calming measures to be introduced in the middle of the village, where there is a busy stretch of the main street with no footways and where pedestrians currently have to share the carriageway with all other traffic. In addition, funding would be provided towards improvements to 2 bus stops near the site. Although remote from the application site and subject to some doubt as to whether they are sufficiently strongly related to the proposed development as to warrant being a requirement for the permission, I consider their association to be more than minimal, and the community benefits need to be taken into account. [9, 52, 58, 85]

135. It has also been argued that the new housing development would help to secure the long-term future of the village primary school. However, on the evidence available, the school's future would appear to be secure in any case, and I consider this argument to have little merit. [58, 66, 69, 70]

Prematurity

136. Finally, I turn to the matter of prematurity. Paragraph 3.5.2 of Planning Policy Wales describes the circumstances when it may be justifiable to refuse planning permission on grounds of prematurity. The emerging UDP is at an advanced stage of preparation, and adoption is probably no more than about 2 years away. Even though it is possible that slippage may occur in the adoption programme, it is important to avoid making development decisions outside the UDP process which ought more properly to be made in the full light of the wider considerations of that plan. [13, 20, 55, 56, 67, 75, 110]

137. I am mindful that I have not heard evidence about other possible development sites or about the various development plan policies that are relevant to the current application, e.g. substantial variation of the level of development appropriate for a Category B settlement like Leeswood. In this respect, granting permission for the current proposal would predetermine decisions on the scale and location for new development, which ought to be taken in the UDP context. However, PPW also advises that refusal would not usually be justified on grounds of prematurity unless the proposal went to the heart of the plan. Although the proposed development is large in comparison with the size of Leeswood, it does not represent a significant proportion of county-wide housing development, and I do not consider it goes to the heart of the plan. [55, 57, 68, 76, 80, 88, 100, 101]

138. One objector has put forward examples of 2 planning appeal decisions where the Inspectors have found prematurity to be applicable. I have taken those into account but assessed the

current proposal on its own particular merits. If my main conclusions were not already clear-cut, I would find it difficult to make a decision based solely on the grounds of prematurity. I do not consider the circumstances would warrant refusal solely on account of such grounds. However, it is an additional material consideration to be taken into account in the overall balancing exercise. [54, 77-79]

Overall Conclusion

139. I have concluded above that the proposal would cause substantial harm to the character of the village and the surrounding countryside and lead towards coalescence with the neighbouring village but that there would be no significant effect on the natural environment. It would be contrary to national, development plan and emerging UDP policies that aim to safeguard the countryside against unsuitable and unnecessary housing development and against development that fails to protect the landscape and character of the countryside. For similar reasons, the balance on sustainability would also be contrary to policy.
140. Whilst the proposed development would provide some benefits towards highway safety and the supply of housing land, and possibly some benefit to the region's economy, I consider these are far outweighed by the harm that would occur to the character of the area and the conflict with policy. This is further reinforced by the circumstances of possible prematurity in the context of the emerging Unitary Development Plan. For the above reasons and having regard to all other matters raised, I conclude that the application should be refused.

Possible Conditions

141. In reaching this conclusion I have taken into account the possible use of conditions to secure a more acceptable form of development and to secure the possible benefits. However, I have concluded that these would not overcome the fundamental objections to the proposed development. Nevertheless, I have considered what possible conditions would be necessary and appropriate should it be decided to grant permission, and these are listed in an Annex to this report.
142. They are based on the draft set put forward and discussed at the inquiry. Subject to relatively minor amendments as agreed at the inquiry and to improve their clarity and enforceability, I consider most of those put forward to be satisfactory. However, I consider that Condition 8 would need to be considerably improved in respect of responsibilities for the long-term management of the sustainable urban drainage (SUDS) facilities, and I do not consider this amendment would go outside the intentions of the applicant. As also agreed at the inquiry, I consider 2 of the draft conditions should be omitted (draft Condition 12 on the maximum height of development above ordnance datum, and draft Condition 16 on landscaping), both of which are unnecessary and adequately covered by the standard condition on reserved matters.
143. I consider the conditions listed in the Annex would meet the tests of Circular 35/95 (Welsh Office), The Use of Conditions in Planning Permissions.

Recommendation

144. I recommend that planning permission be refused.

145. Should the above recommendation not be accepted and the National Assembly be minded to grant permission, then I recommend that it be granted subject to the conditions listed in the Annex.

Clive Nield

Inspector

APPEARANCES

FOR THE APPLICANT:

Mr David Manley QC	Instructed by Philip Eyton-Jones
He called:	
Mr Philip Eyton-Jones, TD, DL, RIBA, MRTPI, FRSA	Architect and Town Planner. Agent.
Mr Andrew Vaughan, BSc, MPhil LD, Dip EIA, MLI	Landscape Architect. Associate, Planit Environmental Development Consultants Ltd, 10 Cecil Road, Hale, Cheshire, WA15 9PA.
Dr Sheila Ross, MICF, MIEEM	Ecologist. Associate Director, AMEC Earth and Environmental UK, Pystil Farm, Village Road, Mold, Flintshire, CH7 4EW.
Mr Gareth Davies, MSc, MIHT	Highways and Transportation Consultant. Associate Director, Faber Maunsell, Lynnfield House, Church Street, Altrincham, WA14 4DZ.

FOR THE LOCAL PLANNING AUTHORITY:

Mr Paul Tucker of Counsel	Instructed by the County Secretary, Flintshire CC.
He called:	
Mr Rhys Davies, BA(Hon), MRTPI	Director of CDN Planning, Ashdown House, Riverside Business Park, Conwy, LL32 8UB.

FOR MR M ALLEN (OBJECTOR):

Mr John Hunter of Counsel	Instructed by Emery Planning Partnership, 4 South Park Court, Hobson Street, Macclesfield, Cheshire, SK11 8BS.
He called:	
Mr Rawdon Gascoigne, BA(Hon), MRTPI	Associate Director, Emery Planning Partnership.
Mr James Budd, BA(Hon), MSc, MCILT, MIHT	Highways and Transportation Consultant. 2 Mount Street, Albert Square, Manchester, M2 5WQ.

FOR MR & MRS A J HANCOCK (AND NEIGHBOURING RESIDENTS MR & MRS MAINWARING AND MR & MRS JONES)

Miss Emma Hancock, BA(Hon), c/o Mrs & Mrs AJ Hancock, 7 Dingle Road, Leeswood, MCD, MRTPI
Mold, Flintshire, CH7 4SN.

OTHER INTERESTED PERSONS:

Supporter

Cllr Ken Richardson
Teresa Vista, Pontybodkin Hill, Leeswood, Flintshire, CH7 4RA.

Objectors

Mrs Cynthia Flitcroft
4 Bryn Tirion, Leeswood, Mold, Flintshire, CH7 4SP.

Mrs Valerie Roberts
38 Maxwell Drive, Leeswood, Mold, Flintshire, CH7 4SR.

Mr Kenneth Cook
17 Dingle Road, Leeswood, Mold, Flintshire, CH7 4RA.

Mr Carlton Jones
On behalf of Leeswood Community Council.

Clerk – Mr GNI Jones, 4 Howards Close, Wood Lane Farm, Pen-y-ffordd, Chester, CH4 0GG.

Cllr Derek Butler
19 Hawker Close, Broughton, Flintshire, CH4 0SQ.

Cllr Aryn Shotton
57 Englefield Avenue, Connahs Quay, Flintshire, CH5 4SI.

Ms Kirstie Fraser
Arfryn, Dingle Road, Leeswood, Mold, Flintshire, CH7 4SW.

Miss Jane Bennett
Alyn Bank Riding School, Pontblyddyn, Mold, Flintshire.

Mrs P Longley
9 Holly Court, Leeswood, Mold, Flintshire, CH7 4UQ.

Eng Klaus Armstrong-Braun, BSc, DipHE, PGrad EnvBiol, IEng, MIIE
Amazonia, 8 Eaton Close, Broughton, Chester, CH4 0RF. (Member of Environment Watch, Wales and Borders)

DOCUMENTS

Documents	1.1-1.2	List of persons present each day at the Inquiry.
Document	2	Letter of Notification and list of persons notified.
Documents	3.1-3.2	Bundle of letters submitted to the Planning Inspectorate by third parties and by Brynle Williams AM.
Documents	4.1-4.2	Copy of petition (as submitted to Council at time of application) and third party letter submitted at Inquiry.
Documents	5.1-5.2	Appearance lists for Morris Construction and Flintshire CC.
Document	6	Statement of Common Ground
Documents	7.1-7.3	Applicant's Statement of Case, including Appendix A (Landscape and Visual Appraisal), Appendix B (Ecology Survey, Air Quality Statement and Noise Statement), and Appendix C (Transport Assessment).
Documents	8.1-8.3	Mr Eyton-Jones' Statement of Evidence, Summary and Appendix B.
Document	9	Mr Vaughan's Statement of Evidence.
Documents	10.1-10.2	Dr Ross' Statement of Evidence and Photographic Appendix omitted from Ecological Survey report.
Documents	11.1-11.2	Mr Gareth Davis' Statement of Evidence and Supplementary Statement.
Documents	12.1-12.2	Council's opening submissions and Mr Rhys Davies' Statement of Evidence.
Documents	13.1-13.6	Additional documents submitted by Council at Inquiry: extracts from various Structure and Local Plans; extract from draft Unitary Development Plan; UDP timetable and summary of relevant objections; details of places at Ysgol Derwenfa, the primary school in Leeswood; internal correspondence from Council's ecologist; and copy of Mr Allen's UDP objection concerning designation of his land for housing.
Documents	14.1-14.2	Mr Gascoigne's Statement of Evidence and Appendices.
Document	15	Mr Budd's Statement of Evidence.
Document	16	Miss Hancock's Statement of Evidence.
Document	17	Newspaper cutting submitted by Mrs Roberts.
Documents	18.1-18.2	Legal submission on Strategic Environmental Assessment & extracts from Planning magazine, submitted by Eng Armstrong-Braun.

Document	19	Completed Section 106 Undertaking submitted by Morris Construction.
Document	20	Draft conditions put forward by Council.
Document	21	Closing submission on behalf of Mr Allen.
Document	22	Closing submission on behalf of Council.
Document	23	Extract from Encyclopedia of Planning Law in support of closing submission on behalf of Applicant.

PLANS

Plan	A	Application plan.
Plan	B	Plan showing location of site in surroundings of Leeswood, Pontblyddyn and Pontybodkin.
Plan	C	Plan from Mr Gareth Davies' evidence showing bus routes.
Plans	D1-D2	Plans showing land purchased by Council in the past for improvements to bends on Dingle Road.

ANNEX

Recommended Conditions

1. Approval of the details of the access, siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before the development is commenced.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Notwithstanding the requirement of Condition 1, the development shall include for the provision of at least 1 hectare of open space to enhance the biodiversity of the site in accordance with details submitted to and approved in writing by the local planning authority prior to the commencement of development. The details to be submitted shall include a timetable for the provision of open space, its usage and for its future management. The open space shall be provided in accordance with the approved details and thereafter retained as such.
5. Notwithstanding the requirement of Condition 1, no building shall be constructed on O.S. field number 4242.
6. The development shall not commence until details of the arrangements for the provision of at least 30% of the dwellings on the site as affordable housing have been submitted to and approved in writing by the local planning authority. Such details shall include:
 - i) the type, tenure and location on the site of affordable housing provision to be made;
 - ii) the timing of the construction of such affordable housing;
 - iii) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
 - iv) the occupation criteria to be used in determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The development shall not be carried out other than in accordance with the approved details.

7. The development shall not commence until a detailed scheme for the disposal of foul sewage has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of any dwelling.

8. The development shall not commence until a scheme for the implementation, maintenance and management of a surface water regulation system, incorporating the principles of a Sustainable Urban Drainage System (SUDS), has been submitted to and approved in writing by the local planning authority. Those details shall include:
- i) details of the responsibilities of each party for the implementation of the SUDS scheme, together with the timetable for implementation; and
 - ii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

9. Prior to commencement of development:
- i) a comprehensive habitat survey of the site shall be carried out by a licensed ecologist to identify the presence of any protected species of flora and fauna;
 - ii) a copy of the survey shall be submitted to the local planning authority; and
 - iii) a scheme for the protection of any species identified shall be submitted to and approved in writing by the local planning authority before any development commences on the site, and development shall be carried out in accordance with the approved scheme.
10. Development shall not commence until a scheme for the improvement of Dingle Road has been submitted to and approved in writing by the local planning authority. In particular, such a scheme shall involve:
- i) improvement of forward visibility distances at those bends shown on plans 45700/LPRE/01 & 45700/LPRE/02;
 - ii) widening of the metalled carriageway to not less than 6.1 metres from a distance 700 metres east of the junction of Dingle Road with Bryn Tirion; and
 - iii) realignment of the embankment in those locations.

No dwelling shall be occupied until the improvements have been carried out in accordance with the approved scheme.

11. Development shall not commence until a scheme for traffic calming in Leeswood village has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the traffic calming measures have been carried out in accordance with the approved scheme.
12. Development shall not commence until details of the replacement of hedgerows affected by the road improvement scheme have been submitted to and approved in writing by the local planning authority. The replacement hedgerows shall be planted in accordance with the approved details.
13. Development shall not commence until a hedgerow management plan has been submitted to and approved in writing by the local planning authority. The plan shall make provision for the long-term maintenance of all retained and replacement hedgerows and shall be carried out as approved.

14. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by a 1 metre high fence erected 1 metre outside the outermost limits of the branch spread, or in accordance with such scheme as may be submitted to and approved in writing by the local planning authority. No construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within those areas shall the existing ground levels be raised or lowered or any trench or pipe runs be excavated, without the prior written approval of the local planning authority.