

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **WEDNESDAY 20<sup>TH</sup> FEBRUARY 2013**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **RESERVED MATTERS - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 312 RESIDENTIAL DWELLINGS AND ASSOCIATED WORKS AT LAND AT (WHOLE SITE) CROES ATTI, CHESTER ROAD, OAKENHOLT, FLINT, FLINTSHIRE.**

**APPLICATION NUMBER:** **050300**

**APPLICANT:** **ANWYL HOMES LTD**

**SITE:** **CROES ATTI, CHESTER ROAD, OAKENHOLT, FLINT**

**APPLICATION VALID DATE:** **20<sup>TH</sup> NOVEMBER 2012**

**LOCAL MEMBER:** **COUNCILLOR R JOHNSON**

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

**REASON FOR COMMITTEE:** **SCALE OF THE DEVELOPMENT PROPOSED AND LOCAL MEMBER HAS REQUESTED COMMITTEE DETERMINATION**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

- 1.01 This reserved matters (RM) application follows the grant of outline planning permission on land at Croes Atti,, originally in July, 2006, and includes all the land which has not previously been subject to an RM application.
- 1.02 The original submission was for the approval of reserved matters for the erection of 312 dwellings. As the result of discussions the numbers have reduced to 306 dwellings. The site of the present application measures approximately 13.01 hectares in area and is the third reserved matters submission following the granting of the outline

planning permission reference 035575 on 11<sup>th</sup> July 2006, for a mixed use development including residential use, open space, infrastructure, landscaping, education and community facilities on the land.

1.03 As noted the current application proposes development comprising the erection of 306 dwellings which vary in design, from one bedroom apartments, terraced two storey dwellings; semi detached dwellings and detached dwellings. The application forms part of the much larger site which has an overall area of 27 hectares having been granted outline planning permission in 2006. The previous outline application and reserved matters applications and the current reserved matters application have all been subject of extensive pre application discussions between the applicants and the Council. The design and layout of the present proposal has been designed to have regard to the parameters as identified in the original outline permission and the 'Design Principles' and 'Development Brief' drawn up as part of the permission and the 'Croes Atti Master plan' and reflects the layout and house types approved under the previous reserved matters applications.

**2.00 RECOMMENDATION: TO GRANT APPROVAL, SUBJECT TO THE FOLLOWING:-**

2.01 Conditional Permission

Conditions

1. In accordance with approved plans.
2. Remains subject to conditions on outline planning permission
3. Notwithstanding the submitted details, the proposed development shall be carried out in accordance with a schedule of materials to be submitted, and agreed.
4. No works shall commence unless a detailed scheme for the construction of a roundabout junction on the A548 and a scheme for the improvement of Coed Onn Road has been submitted to and approved.
5. No works shall commence unless works specified in the aforementioned Agreement have been completed.
6. Visibility splays shall be made available and kept free from all obstructions for the duration of site construction works.
7. Access to each plot shall be in accordance with the attached standard detail relating to a single and paired residential access.
8. The front of the garages shall be set back a minimum distance of 5.5 m behind the back of the footway line or 7.3m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
9. The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction

of the internal estate roads shall be submitted to and approved by the County Council prior to the commencement of any site works.

10. Positive means to prevent the run-off of surface water onto the highway shall be provided.
11. Legally defined public rights of way which affect the site must be marked out on site.
12. Prior to the development commencing a comprehensive planting plan to be submitted and approved.
13. Landscaping scheme to be submitted demonstrating how landscaping /specification will be implemented.
14. Avoidance measures and mitigation details to be submitted.
15. Work not to take place during bird breeding season.
16. Archaeological watching brief

### **3.00 CONSULTATIONS**

#### **3.01 Local Member (s)**

##### **Councillor R. Johnson**

Asks that the application is taken to Committee. Wish as local member to comment to the Committee on the application, received representations from local residents about impact and disamenity of the proposal and concerned that their views are relayed to the Committee.

##### **Councillor D. Cox**

Agrees to the determination of this application under delegated powers.

##### **Councillor I.B. Roberts**

Agrees to the determination of this application under delegated powers.

##### **Councillor E.F. Evans**

No response at time of writing

##### **Councillor H.T. Howorth**

No response at time of writing

##### **Councillor A. Aldridge**

Agrees to the determination of this application under delegated powers.

##### **Flint Town Council**

The Council has no objections.

##### **Head of Assets and Transportation (Highways)**

Recommend that any permission shall include the following conditions:

- No works shall commence unless a detached scheme for the construction of a roundabout junction on the A548 and a scheme for the improvement of Coed Onn Road has been submitted to and approved.
- No works shall commence unless works specified in the aforementioned Agreement have been completed.
- Visibility plays shall be made available and kept free from all obstructions for the duration of site construction works.
- Access to each plot shall be in accordance with the attached standard detail relating to a single and paired residential access.
- The front of the garages shall be set back a minimum distance of 5.5 m behind the back of the footway line or 7.3 m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
- The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads shall be submitted to and approved by the County Council prior to the commencement of any site works.
- Positive means to prevent the run-off of surface water onto the highway shall be provided.
- Legally defined public rights of way which affect the site must be marked out on site. The surface of the rights of way must not be disturbed without lawful permission and development over the line of the public right of way until any necessary diversion or extinguishment has been lawfully authorised under the appropriate legislation.

#### Drainage Section

No response at time of writing.

#### Rights of Way

Footpath crosses site applicant must contact Rights of way Section before proceeding with any works. Rights of way must be marked out and surface right of way must not be disturbed without lawful permission. Applicant may be required to apply for a temporary Closure Order.

#### Street Lighting

No response at time of writing.

#### Head of Public Protection (Pollution)

Confirms that he has no adverse comments to make regarding the proposal.

Lifelong Learning

No response at time of writing.

Housing Strategy Officer

Confirms that the affordable units will be spread around the site and will be sold on a shared equity basis, the Council retaining 30% as a 'second charge'.

Public Open Spaces

The level of open space provision for the development has been agreed within the previous Section 106 Agreement.

Welsh Water/Dwr Cymru

No response at time of writing.

Environment Agency

Seek confirmation of how surface water is intended to meet standard requirements, i.e., confirmation of run off rates, attenuation and discharge locations. Further information has been submitted and the Environment Agency confirm that they are satisfied with the proposal to freely discharge to the Welsh Water drainage scheme as outlined.

Airbus

Have no aerodrome safeguarding objection to the proposal.

Clwyd Powys Archaeological Trust

Presently dealing with agreed watching brief on the land 20 metres south of the main road, Earthworks archaeology will be completing the work next week. Recommend with regard to this site that an archaeologist be contacted to be present during the topsoiling operations, by way of a watching brief.

Clwyd Bat Group

No response at time of writing.

Clwyd Badger Group

No response at time of writing.

Countryside Council for Wales

Proposal is not likely to adversely affect any of the interests as specified below:

Mynydd Fflint Flint Mountain Site of Special Scientific Interest.

Dee Estuary Special Area of Conservation, Special Protection Area and Ramsar Site.

CCW does not object to the proposal, however, advise that

consideration be given to ensuring compliance with the provisions of the Habitats Regulations. Also advise that any consent consider the safeguard of Flint Mountain SSI; the provision of an overarching recreational strategy; bio security and requirements for appropriate SUDS based surface water management system.

National Grid Plant Protection

No response at time of writing.

Coal Authority

Object to this planning application as a Coal Mining Risk Assessment report has not been submitted as part of the application. The applicant has now submitted further information in respect of the coal mining risk assessment and a response is awaited from the Coal Authority.

Welsh Government (Transport)

Welsh Government as highway authority for the A55 trunk road does not issue a direction in respect of this application.

SP Energy Networks

SP Manweb PLC have plant and apparatus within the area of the proposed development, the developer should therefore be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the Electrical apparatus.

British Pipelines Agency

Have no comments to make in relation to the application.

Ramblers Association

Footpath is now safeguarded and do not wish to put forward an objection. Suggest street lighting be put on those sections that will be well used by public also vary surface to identify right of way.

CADW

The proposed development is located in the vicinity of the scheduled ancient monument known as Pentre Bridge Roman Site (FL131). Taking into account that the Roman remains are no longer visible above ground and the degree to which the scheduled area itself has been landscaped there will in Cadw's opinion be no significant impact on the setting of the monument. Cadw would also add that the location of the development immediately adjacent to a scheduled Roman site with extensive known deposits dictates that there is high potential for related undesignated archaeological remains in this area. The Development Control Archaeologist at the Clwyd Powys Archaeological Trust should be consulted on this possibility.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notices x 8 posted in area, Neighbour Notifications:-

The proposed development has been the subject of a wide level of consultation. The application has been publicised by means of site notices, press notices and neighbour notification letters.

At the time of writing seven letters of objection has been received (including one from an Assembly Member) :-

Main objections refer to :

- The principle of development (which is not material to this application for approval of reserved matters)
- Weight of through traffic onto Coed Onn Road - no physical deterrent to traffic using internal link road as rat run.
- General traffic movements through the sit and their impact on existing residents
- Safety of schoolchildren and pedsetrians
- the position of a footpath link adjacent to the property known as Cwm Eithin.
- Plans show 50% more housing than that originally envisaged in 1999 design brief, when barriers were shown.
- Submitted documentation shows access from Prince of Wales Avenue, not as per Committee decision, presumptuous until result of inquiry is known. ( **NOTE : This aspect of the proposal does not form part of this application and has been the subject of an inquiry held on 30<sup>th</sup> and 31<sup>st</sup> January this year and the outcome of this appeal is awaited**).
- Should be a traffic assessment that reflects impact upon Coed Onn Road without barriers.
- Flooding risk - Files show surface water will discharge via existing watercourse land at higher level causing significant chance of flooding of existing and proposed houses.
- Access from south of site too close to realigned Starkey lane junction - confusion as to motorists intentions. Re-aligned Starkey Lane will cause problems in icy/snowy conditions.
- Footpath 48 crossed by roads, speed retarders not provided
- Missing length of footway - some 300 metres, children will have to cross Coed Onn Road and three other roads and cross back over to access school. Result in a route that is not safe.
- Impact on Archaeological heritage (and the amount of time given to investigate the finds on the other part of the site

## **5.00 SITE HISTORY**

### **5.01 98/17/1308**

Outline residential development and associated recreational, community and retail was originally reported to committee on 14.12.99 which resolved to approve subject to a Section 106 Agreement - No decision was ever issued due to changed circumstances of the applicants.

**035575**

Outline application for a mixed use development including residential, open space, infrastructure, landscaping, education and community facilities was reported to committee on 19.7.2004 which resolved to approve subject to a Section 106 Agreement -the agreement was signed and the permission issued on 11<sup>th</sup> July 2006.

**044033**

Reserved matters application -residential development consisting of 189 no. dwellings, public open space, new roundabout and all associated works at Croes Atti, Oakenholt -Granted on 11th July 2008.

**044035**

Highway improvements, street lighting and all associated works, on land at Croes Atti, Chester Road, Oakenholt, in connection with the outline planning permission ( ref. 035575) -Granted permission on 23rd April 2008.

**046562**

Substitution of house types on plots 119, 124, 128-129, 131-132, 136, 138, 139, 142-144, 146-150, 160-163, 165-166, 170-177 and 183 on land at Croes Atti, Oakenholt, granted on 11th July 2008.

**046595**

Reserved matters application for residential development consisting 132 no. dwellings, new roads, open space and all associated works on land at Croes Atti, Chester Road, Oakenholt, granted on 19th January 2012.

**049154**

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted - appeal submitted for non determination, this was considered by way of a public inquiry on 21<sup>st</sup>/22<sup>nd</sup> August 2012 –the appeal was allowed and the planning permission was varied to allow 7 years for the submission of reserved matters.

**049312**

Application for a Lawful Development Certificate for construction of vehicular access from Prince of Wales Avenue, Flint to serve



residential development at Croes Atti, Oakenholt, permitted by outline planning permission code number 035575 dated 11th July 2006 – granted on 5th April 2012.

#### **049426**

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted – resolved to grant planning permission at Committee on 25<sup>th</sup> July, 2012 subject to completion of S.106 Obligation.

#### **050258**

Proposed house type substitutions and amendments to plots 62, 62a, 63, 65-70, 72-74, 74a, 75-93, 95-103, 106-108, 110-112, 112a, 113, 116-118 and one additional plot to that approved at Croes Atti, Chester Road, Oakenholt. – still under consideration.

### **6.00 PLANNING POLICIES**

#### **6.01 Flintshire Unitary Development Plan**

Policy STR1 – New Development.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development inside Settlement Boundaries.

Policy HSG3 – Housing upon Unallocated Sites within Settlement Boundaries.

Policy HSG2 – Housing at Croes Atti, Flint.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Type and Mix.

Policy D1 – Design Quality, Location and Layout.

Policy D2 – Design.

Policy AC13 – Access and Traffic Impacts.

Policy AC18 – Parking Provision and New Development.

Policy SR5 – Outdoor Playing Space and New Residential Development.

### **7.00 PLANNING APPRAISAL**

#### **7.01 Principle of Development**

This reserved matters application proposes the erection of 306 dwellings, on land at Croes Atti, Chester Road, Oakenholt. The current site measures 13.01 hectares in area and is the third reserved matters application to be submitted following the granting of the outline planning permission for the site in 1996, as amended by an appeal into non determination of planning permission for the development of the land without complying with conditions previously imposed.

- 7.02 The proposal itself forms part of an overall site of 27 hectares which was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping and education and community facilities. The previously granted outline approval and the past and current reserved matters applications have been the subject to extensive negotiations between the applicant's and the Council.
- 7.03 The current reserved matters application has been submitted as required following the granting of outline planning permission under reference 035575 this being the original outline permission which is noted above. The principle of residential development on this part of the site has therefore been established under the outline permission as amended by the appeal decision made under application reference 049154 and the current application being the third reserved matters application following the granting of the outline consent.
- 7.04 Design & Appearance  
The proposed development is designed to link in with the other approved parcels of land all of which are accessed off a new distributor road via a new roundabout access onto Chester Road Oakenholt. Overall the density and character of the site will vary in design from two storey apartments, terraced two storey dwellings, detached dwellings, and semi detached dwellings. This application also has an assortment of house designs consisting 312 dwellings which proposes a mix of sizes and types with the proposed density being 30 dwellings per hectare which is in line with the original development brief.
- 7.05 The development of this site as with the previous parcels already approved has been designed following the principles as set out in the Outline Approval reference 035575 and the 'Design Principles Statement, 'Development Brief', and 'Master plan'.
- 7.06 The design philosophy for the development has been to create an attractive residential neighbourhood, with an attractive gateway into the development, while creating a sense of space which reflects the character of the surrounding area with particular reference to the local vernacular. The layout provides routes within which the sense of place reinforces the character of the area. The layout proposed also reinforces the amenity value of the existing watercourse which crosses the site, creating a green link through the site while adding to its recreational value. The use of existing planting on the site plus the provision of additional screen planting will also soften the layout while providing a mix of dwelling types and designs.
- 7.07 The proposed dwellings are considered sympathetic to the existing development in the area and that already approved where the vernacular is predominately Victorian, where a consistency of scale/materials have been incorporated into the scheme. The

proposed designs include the use of materials that are sympathetic to the site and area.

7.08 Policy Context

While a large number of policies apply, the application site was allocated for development in the Draft North Flintshire Local Plan (LP) which was approved by the Council for development control decisions in November 1998. Policy H1 allocated the site for houses, Policy H2 indicated that the development should only come forward in accordance with the Development Brief which was produced by the Council in December 1999. A revised Development Brief was prepared and approved in May 2005 and was adopted as Supplementary Planning Guidance to the LP.

7.09 The Flintshire Unitary Development Plan (UDP) was placed on deposit in September 2003. Policy HSG2 of that Plan said that new housing will be permitted on the site as part of the mixed use development subject to certain criteria including that it provides a mix of house types, including an appropriate proportion of affordable housing, it is developed in phases during the Plan period and it represents an exemplar development in terms of its quality, design, layout, form and function. The UDP was adopted in September 2011 and the wording of Policy HSG2 has not changed since its adoption. Furthermore, the text to UDP Policy HSG2 refers to the Development Brief being agreed between the Council and the developers as a basis on which to develop the site.

7.10 Impact on Residential Amenity

The proposed development is bordered by the St. Richard Gwyn High School playing field to the north west boundary of the site and the previously approved area off residential development approved, with open countryside forming part of the overall site to the southern boundary and residential properties to the east and along part of the south western boundary. The layout shown and the house types proposed allow for space about dwellings which are considered not to be detrimental to amenities of the existing dwellings by way of overlooking or physical proximity.

7.11 The proposed development is considered to provide adequate private amenity space in addition to space about dwellings, whilst at the same time benefiting from formal and informal public open spaces which forms part of this phase of the development and that previously approved.

7.12 Landscape & Nature Conservation

The overall aims and objectives set for the site in the original site brief are as follows:-

- Retain and enhance any natural features where ever possible including trees, hedges, woodland and streams.

- Encourage wildlife/nature conservation by the use of native planting where ever possible.
- Create areas of Public Open Space throughout the development of both equipped and native play to supplement the existing proposal for a large central Public Open Space within Phase 1 of the development.
- Provide a landscape framework within the housing area with a hierarchy of planting to respond to the housing layout and create a sense of place.

7.13 In terms of this application native trees and hedges have been retained. The existing planting has also been enhanced with the use of native planting within the Public Open Spaces including wild flower seeding to the banks of water courses along with enhancement of hedges and wooded areas.

7.14 The majority of the trees on site are within are, mainly within hedges the majority of trees being Oak, Ash and Alder with some Willow and Sycamore, all of these trees in are to be retained. Additional planting of native tree species is proposed which will improve numbers and diversity of species throughout the site. Such species proposed are Oak Ash, Rowan Birch Cherry and Field maple and Crab Apple.

7.15 There will be a hierarchy of planting within the site with the larger native tree, hedge and shrub planting to the majority of open spaces as described above. Within the housing areas more formal/ornamental planting using smaller tree species and evergreen shrub and hedge planting. Discussions have taken place regarding the planting on site and the issue outstanding is the need for information indicating the location of shrubs/herbaceous plants to the house frontages. This aspect can be conditioned as part of any approval and a condition has been included. From the nature conservation point of view two conditions have be requested by the ecologist relating to avoidance measures and mitigation and that works do not take place during the breeding season.

7.16 Open Space Provision

The site benefits from the previously approved formal “village green” which includes a mini soccer pitch, a junior play area, a toddlers/picnic area, a Multi Use Games Area (MUGA) which forms part of the wider open space allocation for the overall site. The current application site proposes smaller informal public open space/areas within the site and in particular provide an informal area running through the site which takes advantage of the stream running through the site. The less formal public open space takes advantage of retaining as much existing boundary landscaping as possible while being supplemented

with new planting. The proposed public open space within the site has been designed to be overlooked to provide surveillance from nearby dwellings, and also benefits from active frontages which assist in providing safer environments.

7.17 Drainage Issues

The original outline was conditioned to allow for the development to incorporate a sustainable urban drainage system however following the appeal decision under planning reference 040154 the Inspector imposed alternative conditions regarding the treatment of foul and surface water disposal. The Environment Agency/Welsh Water have not objected to the proposal. At the time of writing works have been undertaken to off site sewer works which include improvements to a pumping station which caters for the Croes Atti development in addition to improving drainage in the area.

7.18 Affordable Housing

As required by the Development Brief this application incorporates a 10% allocation for affordable housing. While it was initially envisaged that this allocation would be provided in an early phase off construction by grouping them together this did not comply with the provisions of the brief. The developer has now confirmed that the affordable housing distribution on this phase of the development will be in accordance with the development brief and be distributed over the development proposed as a whole and will be in accordance with the terms of the Section 106 Agreement. The affordable units will be pepper potted throughout the developments. The units will be affordable homeownership being sold on a shared equity basis on a 70/30 basis.

7.19 Highways Issues

The site access is in accordance with the Outline Application permission granted under planning reference 035575 on 11<sup>th</sup> July 2006. As part of the proposed development and with the previous reserved matters application the principle access into the development site is from the A548 Chester Road by the means of a three arm roundabout served through 'Phase 1' of the development. This aspect of the development has now commenced.

7.20 This new roundabout links into the main spine road for the overall site which links in with the second phase of the development known as the Thomas land and this phase of the development which links through to Coed Onn Road.

7.21 As noted the route has been proposed in the form of a Spine Road and in accordance with the 'Development Brief' a hierarchy of streets are proposed for the development, which will assist in leading drivers and pedestrians around the site in a logical manner. The streetscape hierarchy underpins the sense of place and different street characters

which will be created through the landscape strategy, the spatial arrangement of buildings and building heights. A Spine Road is proposed through the residential area, narrowing down to less heavily trafficked, shared surface mews streets and spaces.

- 7.22 The proposed network of connected spaces has routes for pedestrians, cyclists and vehicles. New routes will connect to existing routes and movement patterns through the development site. Links to existing movement patterns will include links to Leadbrook Drive, Prince of Wales Avenue and Coed Onn Road. These links will minimise walking distances to public transport stops and local services reduces reliance on the car.
- 7.23 The Highways Engineer has been consulted on the application and raises no objection, but has requested the imposition of conditions which are noted above. Regarding the objections received on highway issues one relates to a footpath link shown onto Cwm Eithin. The applicant has now amended the proposal to show the link no longer encroaching on the objector's land, while further consultations have been undertaken no further comments to those previously made have been received. The Ramblers Association objected to the original submission which showed footpath 48 being diverted. The layout has now been amended to protect the line of the footpath, and at the time of writing re consultations have been undertaken although no further observations from the Ramblers have been received. The public rights of way section have been consulted again and raise no objections to the amended layout subject to appropriate conditions to protect the footpath in question.
- 7.24 In terms of highway access to the site the original outline planning permission reference 035575 required that the development should conform to the 2005 Development Brief. In this brief it identified that access to the whole site would be taken from three access points one being the new roundabout from the main coast road, which links into the main spine road and other two from prince of Wales Avenue and Coed Onn Road. Clearly the outline consent required access to be taken from the three access points noted.

## **8.00 CONCLUSION**

- 8.01 The application provides for a scheme which takes account of the outline planning permission and the development brief while reflecting the layout and house types approved under the two previous applications for approval of reserved matters.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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