

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**
DATE: **20TH FEBRUARY 2013**
REPORT BY: **HEAD OF PLANNING**
SUBJECT: **FULL APPLICATION – ERECTION OF 18 NO. DWELLINGS WITH ASSOCIATED ROADS, SEWERS AND OPEN SPACES 048850**
APPLICANT: **WAINHOMES LTD**
SITE: **LAND ADJACENT TO ‘SIGLEN UCHAF’, RUTHIN ROAD, GWERNYMYNYDD**
APPLICATION VALID DATE: **19/07/2011**
LOCAL MEMBERS: **COUNCILLOR NANCY MATTHEWS**
TOWN/COMMUNITY COUNCIL: **GWERNYMYNYDD COMMUNITY COUNCIL**
REASON FOR COMMITTEE: **REQUESTED BY LOCAL MEMBER DUE TO CONCERNS OVER HIGHWAY ACCESS, LAND LEVELS, RETAINING WALL, FOUL WATER DISPOSAL AND SURFACE WATER MANAGEMENT**
SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application seeking planning permission for the erection of 18 no. dwellings on land adjacent to ‘Siglen Uchaf’, Ruthin Road, Gwernymynydd. The main issues are the principle of development/policy context, impacts on visual/residential amenities, impact on the protected trees, highways and drainage.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

2.01 That subject to the satisfactory completion of a Legal Agreement or Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990, requiring a financial contribution of £1,100 per dwelling to be paid upon 50% sale or occupation of the development

in order to enhance existing recreation provision within the community, or earlier payment of this amount, planning permission be granted.

- 2.02
1. Time limit on commencement.
 2. In accordance with plans and particulars.
 3. Sample materials to be submitted for approval.
 4. Surface water drainage scheme to serve the site to be approved prior to commencement of any development on site and to include reference to potential surface water/run-off impacts on the proposed retaining walls.
 5. No buildings to be occupied prior to 1st April 2014 when waste water treatment works completed.
 6. Foul and surface water to be drained separately from the site.
 7. No surface water connecting to the public sewerage system.
 8. Land drainage run-off not discharging into the public sewerage system.
 9. The site is crossed by a public sewer with no building permitted within 3 metres either side.
 10. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and internal estate roads to be agreed prior to commencement.
 11. Siting, layout and design of the means of site access along with the external improvement works shall be in accordance with submitted drawings and further details to be agreed.
 12. The works associated with the primary site access shall be kerbed and completed to carriageway base course layer prior to the commencement of any other site works.
 13. Provision of visibility splays.
 14. Visibility splays to be kept free from obstructions during site construction works.
 15. Garages to be set back minimum distances from footway line and carriageway.
 16. Facilities for the parking, turning, loading and unloading of vehicles to be provided and retained thereafter.
 17. Details to be submitted for approval regarding prevention of surface water run-off onto the highway.
 18. Submission and approval of a Construction Traffic Management Plan prior to commencement.
 19. Suitable scheme of enhanced double/secondary glazing to be approved prior to commencement of development.
 20. Submission of a contaminated land survey prior to commencement of development.
 21. Visibility splays to be free of any growth or obstruction that would interfere with the minimum visibility requirements.
 22. Dwellings to be constructed in accordance with Code for Sustainable Homes pre-assessment.
 23. The Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority prior to occupation.
 24. No demolition or tree/hedge management to take place during

the breeding bird season.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Nancy Matthews

Requests that the planning application be determined by the Planning and Development Control Committee with a site visit due to concerns over the highway access, land levels, retaining wall, foul water disposal and surface water management.

Gwernymynydd Community Council

Objects to the proposal for the following reasons:

- The site lies outside of the designated 'Gwernymynydd Village Envelope';
- Development should not take place in the upper part of the site, which would be better utilised as private amenity space;
- Highway safety issue with the proposed access/egress point onto the busy A494;
- 18 no. dwellings on this small site would result in overcrowding and therefore be detrimental to the rural character of Gwernymynydd village;
- The proposed dwellings are so close together that there is insufficient space to accommodate the parking of 2 or more cars per household and vehicles would be parked on the A494 as a result;
- The proposal does not comply with Local Planning Guidance Note No. 2 'Space around dwellings';
- There would be surface water run-off onto neighbouring properties, particularly the Haulage Yard which already suffers from flooding – the building of 18 no. dwellings would exacerbate the problem;
- There would be a problem with the foul water system as a result of adding 18 no. houses to an already overstretched main;
- Concern expressed with regard to underlying mine shafts and the stability of the ground;
- The site is near to the AONB and would be visually obtrusive on the landscape;
- The difference in land levels between the application site and the haulage yard and its neighbouring properties results in overlooking and a loss of privacy;
- The retaining wall proposed at the eastern end of the site will overshadow the neighbouring properties and alter the topography of the village;
- The application suggests that the proposed development site is a brownfield site, whereas the Community Council considers Siglen Uchaf to be a small holding;

- The neighbouring Haulage Yard is a flourishing well-respected business, which this development would seriously jeopardise;
- The development does not accommodate an open space/play area facility, which is contrary to Flintshire County Council's planning policy;
- The proposal does not comply with Policy GEN1 of the Flintshire Unitary Development Plan as it has a detrimental impact upon neighbouring properties and the development does not harmonise with its surroundings;
- There is no provision for affordable housing with Wainhomes proposing executive type houses only; and
- Consideration to be given to Tree Preservation Order T2 – the close proximity of the proposed development may have a detrimental effect on the tree.

Head of Assets and Transportation

Recommend standard conditions regarding full details of layout; means of site access and the works associated; visibility splays; garage positions; facilities for parking, turning, loading and unloading of vehicles; prevention of surface water run-off onto the highway; and submission of a Construction Traffic Management Plan prior to commencement.

Head of Public Protection

No objections. However, records indicate that the site is in an area of extensive lead mining. Therefore, recommend that a condition for a contaminated land site investigation is attached to any approval. In addition to this it is requested that conditions are considered for a scheme of enhanced glazing as the site is adjacent to a busy main road.

Lifelong Learning – Public Open Spaces Manager

In accordance with Local Planning Guidance Note No. 13 'Public Open Spaces', the Authority is seeking an off-site capital contribution of not less than £1,100 per dwelling in order to enhance existing recreation provision within the community.

Engineering – Structures

Where proposed retaining walls support ground that then supports private land outside this development, for example on the north-west boundary, there is a sufficient distance between these walls and the adjacent landowner not to cause a problem should later developments take place on the adjacent land. On the north-west boundary it is structurally practical for the retaining walls to be situated closer to the boundary.

Engineering – Drainage

Grampian style condition required that development should not commence until full surface drainage details have been submitted and approved.

Welsh Water/Dwr Cymru

The proposed development would overload the existing Waste Water Treatment Works; however, improvements are planned for completion by 1st April 2014. Therefore, recommend that a condition is imposed to ensure that no buildings on the site are brought into beneficial use earlier than 1st April 2014. Also recommend standard conditions re foul and surface water discharges and proximity to a public sewer.

Environment Agency

Advise that a condition should be imposed for a scheme for the provision of surface water drainage works to be agreed prior to the commencement of development.

Airbus

No aerodrome safeguarding objection to the proposal.

Countryside Council for Wales

No objection in principle. The development is not likely to have an adverse effect on natural heritage interests provided that any consent is subject to condition in respect of the submission of proposals concerning the external design of dwellings for the purposes of maintaining the character of the Clwydian Range and Dee Valley AONB. Based on knowledge/distribution of protected species and the nature of the proposal, the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of European and 'fully' protected GB species.

Coal Authority

The Coal Authority is satisfied with the broad conclusions of the Ground Investigation Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority raises no objection to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Welsh Government - Transport

Considers the use of the existing central hatched area for a right turning facility does not constitute a departure from the standards, therefore, satisfied with the proposals. Also request that a condition is imposed to ensure that the visibility splays are free of any growth or obstructions which would interfere with the minimum visibility requirements.

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.

Wales & West Utilities

No objections to the proposal, however, apparatus may be at risk during construction works and the promoter of the works should be advised to contact Wales & West Utilities directly.

CPAT

Although the development lies close to areas of archaeological significance, it appears that no known features will be affected by the intended work, therefore no comments to make.

AONB Joint Advisory Committee

No objection to the principle of residential development but considers the design to be suburban in character, lacks local distinctiveness and fails to reflect its rural village character and setting. Recommends the use of natural blue/grey slate and considers red brick to be an inappropriate wall facing material. A traditionally finished new local stone boundary wall should be constructed along the A494. The intention to retain the mature tree adjoining Siglen Uchaf together with existing boundary hedgerows and trees is also welcome. Disappointed that a significant proportion of the new dwellings will not be retained as affordable houses for local people.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notifications

There were 24 objections received from local residents on the following grounds:

- Possible structural damage to surrounding properties as a result of the development;
- This would be the third large housing estate to be built in the village;
- Potential for parking on the roadside;
- Too many dwellings proposed on a site of this size;
- Planned increase in land levels and the impact of the retaining wall upon 'Fernleigh';
- Impact upon the adjacent haulage business, particularly the Operator's Licence;
- Highway safety due to additional traffic and the access being located on the brow of a hill;
- Affect of additional drainage on lower properties;
- Negative impact on the appearance of the village and the disregard for the AONB;
- Contaminated land;
- The lack of affordable housing;
- Lacking detail re surface water and a sustainable urban drainage system should be implemented;
- In terms of environmental sustainability, only half of the properties benefit from a south facing aspect;

- The proposed development is more suited to a larger town than a village;
- The access/egress point onto the A494 is very near to the Twm Path access, adding more danger to an already busy road;
- Mine shafts in the area;
- The development destroys one of the only remaining open spaces in the centre of the village;
- The houses and their layout are out of character with the village; and
- In bad weather conditions there is an existing problem with vehicles not being able to access their properties and having to park in the lay-by. This problem will be exacerbated by the development when the new dwellings are inaccessible due to bad weather, resulting in the A494 being blocked.

4.02 Re-consultation was carried out in April 2012 due to amended plans and 16 objections were received, which raised no new issues from those listed above.

4.03 Further re-consultation was carried out in November 2012 due to additional information and amended plans. 23 objections have been received at the time of writing, however, no new issues have been raised.

5.00 SITE HISTORY

5.01 043076

Residential development of 24 no. dwellings and associated works – Withdrawn 19/3/2008

042344

Demolition of existing buildings and erection of 24 no. two-storey detached dwellings and associated works including ground remodelling – Withdrawn 30/3/2007

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR4 – Housing

Policy STR7 – Natural Environment

Policy STR9 – Welsh Language and Culture

Policy STR10 – Resources

Policy GEN1 – General Requirements for Development

Policy GEN2 - Development Inside Settlement Boundaries

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy TWH1 – Development Affecting Trees and Woodlands
Policy L2 – Area of Outstanding Natural Beauty
Policy AC13 – Access and Traffic Impact
Policy AC18 – Parking Provision and New Development
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries
Policy HSG8 – Density of Development
Policy HSG9 – Housing Mix and Type
Policy SR5 – Outdoor Playing Space and New Residential Development
Policy EWP2 – Energy Efficiency in New Development
Policy EWP3 – Renewable Energy in New Development

The proposal generally complies with the above planning policies.

7.00 PLANNING APPRAISAL

7.01 Description of Site and Proposed Development

The site is currently occupied by a large detached residential property known as Siglen Uchaf. It is proposed that this existing property is retained with 17 no. dwellings being sited on the right-hand side of the dwelling and 1 no. dwelling on the left-hand side. The site at its southern edge is below the level of the A494 (T) and then rises up to the hedgerow denoting the settlement boundary at the rear of the site. The site is bounded to the west by Ty Newydd and to the east by a haulage yard (which has recently been granted outline consent for the erection of 3 no. dwellings) adjacent to Fernleigh, above which is a freestanding bungalow 'Rockland'. There are mature trees located to the north western end of the site, which have Tree Preservation Orders on them.

7.02 Principle of Development and Policy Context

The site falls within the settlement boundary for Gwernymynydd as defined by the Flintshire Unitary Development Plan but is not allocated specifically for housing. However, the inclusion of the site within the settlement boundary has been tested through the plan making process, with the Flintshire Unitary Development Plan Public Inquiry Inspector commenting that:

'Although undeveloped, given its location adjoining development, the land has more in character with the built up area of the village than the open countryside. Development on it would relate well to the existing built up area and would not be a prominent encroachment into the open countryside. As a consequence it is appropriately located within the settlement.'

7.03 Gwernymynydd is classified as a category B settlement in the Flintshire Unitary Development Plan, allowing for an 8-15% growth over the Plan period. Flintshire Unitary Development Plan Policy HSG3 provides guidance on housing proposals on unallocated sites within category B settlement boundaries, provided the development

would not result in more than 15% growth since 2000. Completions and commitments as at April 2012 have resulted in 5.4% growth, therefore, the principle of this proposal is acceptable in principle, i.e., within the settlement limit and compliant with Policy HSG3.

7.04 Impact upon Residential and Visual Amenity

Many of the objections received make reference to the dwellings proposed and how they are out of character with the rest of the dwellings in the village. Gwernymynydd is a village made up of varying house types, with no predominant building material, eg, brick/tile, stone/slate, render. The immediate area is urbanised with a mix of suburban semi-detached houses to the south side of Ruthin Road and more traditional farm houses and steadings to the north. The proposal consists of a pair of semi-detached dwellings and 16 no. detached dwellings of varying sizes, which shall be constructed of materials that are to be agreed prior to commencement. These dwellings are reflective of existing development in the village and would not be deemed out of character with the locality. The proposed dwellings are in accordance with the Council's Local Planning Guidance Note with regards to private amenity space and space about dwellings. The proposed dwellings are set back from the A494 and at a lower level before rising in line with existing land gradient to the rear of the site, which is reflective of the built form in the rest of the village.

7.05 Impact upon Trees/Landscaping

There are 4 Tree Preservation Orders on the application site, two on the rear boundary, one centrally located within the site and one on the left-hand side of 'Siglen Uchaf'. The centrally located Sycamore tree had the potential to be damaged as a result of this development with the originally submitted scheme. Hence, there have been amendments to the site layout, including the access road in order to ensure that the tree is protected and in addition, those amendments have resulted in the tree being a main visual feature when entering the site from the A494. During the course of the planning application additional information has been provided in the form of a Tree Survey, a Tree Root Protection Method Statement and an Arboricultural Impact Assessment, which the Forestry Officer considers to adequately address/mitigate the impacts on the trees. Existing boundary hedges are generally retained and the proposed development will be further augmented with new planting across the site.

7.06 Highway Safety Issues

There have been objections received in relation to highway safety with reference to the busy A494 and potential dangers as a result of the additional point of access/egress for this development. Through consultation with both the Council Highways Officers and Welsh Government's Transport Officers it has been confirmed that the access/egress, right-turning facility proposed and off-road parking

provision for each dwelling are considered acceptable and would not be detrimental to highway safety. Subject to a number of conditions, as listed above, there are no objections raised on the grounds of highway safety.

7.07 Drainage

There have been previously withdrawn applications for residential development on this site that have encountered drainage issues. Due to planned improvements to the Waste Water Treatment Works that are to be completed by April 2014 Dwr Cymru/Welsh Water are now in a position to raise no objection to the proposal subject to it being conditioned that the buildings are not brought into use until after this date – this can be achieved by an appropriately worded ‘Grampian’ style condition.

7.08 Surface water has also been a concern on this site previously and is an issue that has been raised by local residents. The applicant has indicated potential points of connection for surface water drainage for the site which include a watercourse adjacent to the A494 and beyond. The applicant has also indicated that details would be submitted via a planning condition to address any potential build-up of water to the rear of the proposed retaining walls and surface run-off from land to the north west of the site. A condition addresses these concerns by ensuring that a scheme for the provision of surface water drainage works is agreed prior to the commencement of development. As such, this addresses the potential risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

7.09 Any Other Matters

No public open space is provided as part of the development. It is considered that due to the location and size of the proposed development the Authority should not be seeking on-site recreation provision as the existing recreation facilities should meet the needs of the community. Therefore a capital sum payment per dwellings towards maintenance and/or enhancement of existing open space is required through a Section 106 Agreement.

7.10 There is no provision of affordable housing within the scheme. The site area and the number of houses proposed fall outside of the applicable threshold for affordable housing as defined by Policy HSG10 of the Flintshire Unitary Development Plan.

8.00 CONCLUSION

8.01 It is considered that the principle of residential development is acceptable and that the proposed scheme would be acceptable in detailed design and is accordingly recommended for approval subject to the completion of a Section 106 agreement and the conditions as stated at paragraph 2.02 of this report.

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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