

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 24TH JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RE-PLAN TO 16NO. DWELLINGS AND ASSOCIATED GARAGES AND PARKING SPACES ON A PREVIOUSLY APPROVED SCHEME OF 44NO. DWELLINGS AT LAND AT OVERLEA DRIVE, HAWARDEN**

APPLICATION NUMBER: **050805**

APPLICANT: **REDROW HOMES NW AND MR AND MRS DUTTON**

SITE: **LAND AT OVERLEA DRIVE, HAWARDEN**

APPLICATION VALID DATE: **16/ 5/2013**

LOCAL MEMBER: **COUNCILLOR C. S. CARVER**

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE APPLICATION REQUIRES LINKING TO THE S.106 AGREEMENT PREVIOUSLY AGREED IN RELATION TO THE DEVELOPMENT OF THIS SITE**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This application seeks permission to amend the approved house types upon 16 of the previously approved plots. The amendments do no result in any difference in the numbers of dwellings to be erected at this site.

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

2.01 That conditional planning permission be granted, subject to the applicant entering into a supplemental S.106 agreement which links the permission granted under this planning application to the provisions of the S.106 agreement, offered unilaterally at the appeal allowing development under Permission Ref: 048032, providing for the

following;

a) The provision of 4 No. affordable homes by means of gifting the units to Flintshire County Council to be made available to people registered upon its Affordable Home Ownership Register.

b) Ensure the payment of a total educational contribution of £66,500 towards educational provisions in the locality. £38,500 towards primary educational provision/improvements, and £28,000 towards similar secondary education level provision.

The contributions shall be paid in 2 instalments of £33,250. The first instalment shall be paid upon the occupation of the 23rd dwelling and the second upon the occupation of the 35th dwelling.

c) Ensure payment of a commuted sum payment, part in lieu of on site recreation/open space provision of £25,000, such sum to be used to upgrade existing facilities within 3 miles of the site. This sum shall be paid upon the occupation of the 10th dwelling.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed, a unilateral undertaking not received, or advance payment not made within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

Conditions (as imposed by the Inspector upon the appeal approval):

1. Time limit on commencement.
2. All dwellings to CFSH Level 3 and 1 credit under Ene1.
3. CFSH "Interim Certificate" before work commences.
4. CFSH "Final Certificate" before houses occupied.
5. Drainage details submitted and agreed prior to commencement.
6. No development until off site drainage works agreed. No dwellings occupied until complete.
7. Landscaping scheme prior to commencement.
8. Implementation of landscaping proposals.
9. Hedgerow and tree protection fences to be erected.
10. Construction method Statement prior to commencement.
11. Land contamination investigation prior to commencement.
12. Remediation measures prior to occupation.
13. Materials to be agreed.
14. Finished floor levels as approved unless otherwise agreed.
15. Removal of Permitted Development Rights in relation to roof windows etc upon plots 5 – 12 and 16 – 21 inclusive.
16. Removal of Permitted Development Rights in relation to extensions, enlargement or roof alterations upon plots 5 – 12 and 16 – 21 inclusive.
17. Enhanced glazing for plots 37 – 41 prior to commencement.
18. Highway details to be agreed prior to commencement.

- 19. Offsite highway visibility improvements before work commences.
- 20. Details of children's play area to be agreed.

3.00 CONSULTATIONS

3.01 Local Member
Councillor. C. S. Carver

Hawarden Community Council
Expresses concerns in relation to the position of the play area.

Head of Assets and Transportation
No objections. Has no recommendation on highways grounds.
Footpath No.s 33 and 34 cross the site. The applicant will be required to acquire a Temporary Closure Order during the construction period in the interests of public safety.

Head of Public Protection
No adverse comments.

Welsh Water/Dwr Cymru
No adverse comments. Advises of sewer crossing site and requests conditions.

Natural Resources Wales

Airbus

Coal Authority
No adverse comments.

4.00 PUBLICITY

4.01 The proposal has been advertised by way of a press notice, display of a site notice and neighbour notification letters.

4.02 At time of writing, 4No. letters have been received in response to this publicity exercise. These raise objections in relation to the following;

1. Location of children's play area to the rear of property will give rise to antisocial behaviour and disturbance to the detriment of existing residential amenity.
2. Overlooking from proposed dwellings.
3. Increased risk of flooding.

5.00 SITE HISTORY

5.01 **4/1/20795**
Outline - Residential Development.
Refused 3.12.1991

02/1/00549

Outline - Residential Development.

Refused 19.2.2003. Dismissed on Appeal 22.4.2004.

048032

Full application – Erection of 45 dwellings.

Refused 28.11.2011. Allowed on Appeal 17.08.2012.

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 HSG1 - New Housing Development Proposals

Policy HSG8 - Density of Development

Policy HSG9 - Housing Type and Mix

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy AC2 - Pedestrian Provision and Public Rights of Way

Policy AC13 - Access and Traffic Impacts

Policy AC18 - Parking Provision and New Development

Policy SR5 - Outdoor Playing Space and New Residential Development

Policy EPW2 - Energy Efficiency in New Development

Policy HSG10 - Affordable Housing within Settlement Boundaries

6.02 The application site is located outside the settlement boundary of Hawarden as defined within the FUDP and is an allocated site for residential development.

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks permission for the variation of the approved layout via the substitution of house types upon 14No. plots upon the site. No other modifications are sought via this application.

7.02 The Proposed Development

The proposals seek to substitute the house types approved upon 14 of the plots upon this site. The plots in question, No's 2 – 5 inc, 8-9 inc, 13, 17, 21 – 22 inc, 33, 37 and 41 all presently provide for detached dwellings. Plot 44 is a mid terrace affordable housing unit. The dwellings proposed to be substituted reflective of this approved position.

7.03 Principle of Development

The principle of the development of this site is established via the recent acquisition of permission, via appeal, under Reference 048032.

This application proposes no other modifications to the proposed development in any other regard and therefore there is no objection in principle to the proposals.

7.04 Design, Layout, Housing Mix & Affordability

The proposed dwellings to be introduced into this site are consistent with the design and appearance of the dwellings previously approved upon the identified plots. There are differences in the composition of the dwellings and some elevational differences but their design and appearance is consistent with the scheme as a whole. The proposals involve no alteration to the layout of the development site as a whole.

7.05 The proposals include one of the dwellings previously agreed to be an affordable dwelling. The proposals in respect of this plot (44) involve no alterations to size or layout but vary the internal composition to provide a 3 bed affordable unit rather than the approved 2 bed unit.

7.06 This proposed amendment has been discussed with the Council's Housing Strategy who has no objection to the proposed amendment.

7.07 Play Area Location

Queries have been raised in relation to the position of the play area as shown upon the submitted particulars. I would advise that this application concerns itself solely with the proposed re-plan of 16No. of the previously approved dwellings and makes no other alterations in relation to the play area.

7.08 The position of the play area indicated upon the proposals accords with that considered at the Appeal in relation to Application Ref: 048032, which secured permission for the development of this site. Members will recall that the size and location of the play space was a matter considered by the Inspector in his deliberation of the proposals. In examining this issue he considered that the proposed position of the play space and concluded that, notwithstanding his misgivings in relation to its location and size, these misgivings could be addressed via a condition to require the submission of play area details.

7.09 Given that the application does not direct itself to the play area issue, I propose to adopt the same course of action and reiterate this condition.

7.10 S.106 Matters

Members are advised that this application brings about no changes to the provisions offered via the S.106 agreement presented by the applicants' at the appeal into planning application reference 048032.

7.11 However, Members will appreciate that if permission is granted under this application, it would have the effect, upon implementation, of rendering the application the operative permission for the site. In those circumstances, unless a supplementary S.106 agreement is

secured in the terms set out in Section 2 of this report, the requirements of the original S.106 agreement are no longer linked to the operative permission and therefore the Authority would have no basis to compel compliance with such an agreement as the site is being developed pursuant to a different permission not linked to that agreement.

- 7.12 Members should be reassured that the proposed supplemental S.106 agreement will ensure that such a situation will not arise.

8.00 CONCLUSION

- 8.01 The proposals are in line with the applicable policy context and accord with the aims of the earlier granted planning permission for this site. I consider that, subject to the imposition of the previously agreed suite of conditions and the applicant entering into a supplemental S.106 agreement, the scheme is acceptable.

- 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.

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: glyn_d_jones@flintshire.gov.uk