

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH MARCH 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION - ERECTION OF 35 NO. DWELLINGS AND ASSOCIATED WORKS AT "ABERMORDDU CP SCHOOL", CYMAU LANE, CAERGWRLE**

APPLICATION NUMBER: **051482**

APPLICANT: **ANWYL CONSTRUCTION**

SITE: **LAND SIDE OF ABERMORDDU CP SCHOOL, CYMAU LANE, CAERGWRLE, WREXHAM, LL12 9DH**

APPLICATION VALID DATE: **10/12/2013**

LOCAL MEMBERS: **COUNCILLOR H. ISHERWOOD**

TOWN/COMMUNITY COUNCIL: **LLANFYNYDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **DUE TO SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 **SUMMARY**

1.01 This is a full planning application for the erection of 35 No. dwellings and associated works at Abermorddu CP School, Cymau Lane, Caergwrle. The site fronts onto Cymau Lane. The proposed development is detailed as follows,

- 35 No. dwellings which vary in design from terraced two bed dwellings, up to 3/4 bed detached dwellings.
- Public open space to the north of the site. The open space

would be equipped with play equipment. In addition, landscaping would be provided throughout the remainder of the site in the form of retained landscaped buffers, boundaries and new trees/hedges.

- A new access point onto Cymau Lane to serve the proposed development.
- The provision of 8 car parking spaces for public use adjacent to the boundary with Abermorddu CP School.

1.02 The issues for consideration are the principle of development, design/appearance, visual/residential impacts, affordable housing, ecology impacts, educational contribution and highway impacts.

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 Section 106 Obligation/Unilateral Undertaking to deliver the following:-

a) The construction to DQR (Design Quality Requirements) and transfer at no charge to the Council of three 2 bed residential units prior to the completion of 18th dwelling on the site with such dwellings being used for affordable housing in perpetuity and nomination rights being retained by the Council. The dwellings shall be added to the Council housing stock for local residents in the Abermorddu community.

b) Ensure the payment of an educational contribution totalling £208870 towards educational provision/improvements to local education facilities (to be allocated as follows, Castell Alun £110,814, Abermorddu County Primary £98,056). The contribution shall be paid prior to occupation of the first dwelling and if some or all of the money is not spent within five years of payment, it is to be returned to the developer together with any interest accrued.

c) Ensure payment of £75,000 to provide for the long term maintenance of the public open space area, and installation of play equipment in accordance with detailed specifications with the play equipment provided prior to 50% of the development being built.

d) Ensure the provision prior to occupation of any dwelling of a speed activated flashing neon sign on the approach to the site from Cymau Lane at a cost of £3,500 and to the Council's specification.

Conditions

1. 5 year time limit

2. In accordance with approved plans
3. Approval of external materials to roofs and walls
4. Approval of detailed layout, design, traffic calming, signing, surface water drainage, street lighting of the internal estate road
5. Detailed design of means of access and a 1.8 m wide footway to the site frontage and which connects to the existing public footpath to the west of the site
6. Visibility splays of 2.4m by 43m
7. Notwithstanding submitted details, any garage shall be set back a minimum of 5.5 metres behind the back of footway or 7.3 metres from edge of carriageway
8. Provision of facilities for the parking/turning/loading/unloading of vehicles associated with proposal including bin storage/collection
9. Submission for approval of landscaping scheme to include for the retention of the hedging fronting onto Cymau Lane
10. Implementation of landscaping scheme
11. Root protection area for trees and hedging to site boundaries during construction works
12. Submission and approval of details for public open space including boundary treatment and hard/soft landscaping and any drainage requirements for the site
13. Archaeological watching brief
14. Play area land not to be used as a compound for construction works or general site storage during construction works
15. Details of a scheme for amphibian mitigation including reasonable avoidance measures (RAMS) for Great Crested Newts, one way newt/reptile exclusion fence, reptile refugia to boundaries, further ecological surveying of the site prior to construction works
16. Any changes to the layout/design of the gifted units as a result of building to DQR (Design Quality Requirements) to be agreed beforehand.
17. No land drainage discharges into the public system
18. No surface water discharges into the public system
19. Foul/surface water drained separately from site
20. Submission for approval of a comprehensive drainage scheme for foul/surface and land drainage and to include for the assessment of a Sustainable Drainage System (SuDS).
21. Submission of a scheme for the management of overland flow from surcharging surface water.
22. Application of Code 3 requirements pre and post-commencement

3.00

CONSULTATIONS

3.01

Local Member

Councillor H.T. Isherwood

Wishes affordable housing provision to be in the form of 3 gifted units. Accepts the provision of 8 parking spaces as a measure of goodwill. Pleased to see a substantial uplift in educational contributions.

Adjacent Ward Member:

Councillor C. Hinds

The application raises concerns due to the level of residential activity in the locality/adjacent wards and questions if the local schools and other services and utilities can cope, with potential for over development.

Llanfynydd Community Council

Request the following be included as conditions to any grant of planning permission,

- Wilson Homes had promised 12 car parking spaces not six as stated by Anwyl – Anwyl should honour the original provision
- Anwyl Homes have not consulted with the residents of Abermorddu, the developers have inherited the consultation from Wilson Homes
- Hours of operation – to avoid deliveries during the school drop off and pick up times as Cymau Lane is congested during these hours. To request deliveries only on Saturday mornings and not during Saturday afternoon or Sundays.

Head of Assets & Transportation

No objections subject to conditions and payment of monies for a speed activated neon sign.

Environment Directorate (Rights of Way)

Public Footpath 2 abuts the site but is unaffected by the development. The path must be protected and free from interference from construction.

Public Protection Manager

No adverse comments

Public Open Spaces Manager

No objections subject to detailed specification of equipment being subject to a planning condition and maintenance payment.

SP Energy Networks

Applicant's attention brought to plant/machinery in the locality.

Welsh Water

Requests standard conditions be applied relating to land, surface and foul drainage.

Natural Resources Wales

No objection subject to conditions on ecology and drainage.
Note to applicant.

CPAT

No objection subject to condition.

4.00

PUBLICITY

4.01

The application has been publicised by means of site notices, press notices and neighbour notification letters. The proposal has been advertised as a departure to the adopted development plan.

3 letters/emails of objection have been received in response to this application whose comments are summarised as follows,

Highway Issues

- Will make the Wrexham Road/Cymau Lane junction which is already heavily used more dangerous due to additional volumes of vehicular traffic the site will generate.
- Cymau Lane has fast moving traffic and lacks adequate visibility due to the bend in the road.
- Questions lower provision of parking allocation for school use.
- The wider highway network and narrowness of the roads are insufficient in supporting an increase in housing on this site with Wyndham Drive in particular likely to be increasingly used as a “rat run” and used by parents to park at leaving off/picking up times at the school.
- Concerned over level of construction traffic using the local highway network at a busy junction.
- Questions safety of children walking to the school with the additional traffic that will generated by this development.

Amenity/Environmental Issues

- Concerned about environmental impact e.g. CO2 footprint, air pollution from additional traffic generated.
- Objects to loss of green space adjacent to the school.
- Questions if the proposal would lead to loss of the local “Witty’s Pond” or access to it.

Other issues

- Queries the timing of the submission of the application during a holiday period and amount of time given to respond and level of consultation undertaken.

5.00 **SITE HISTORY**

5.01 Ref. 048471, Erection of 35 no. dwellings and associated works, granted 16/4/2012

6.00 **PLANNING POLICIES**

6.01 **Adopted Flintshire Unitary Development Plan**

- Policy STR1 - New Development
- Policy GEN1 - General Requirements for Development
- Policy GEN2 - Development inside settlement boundaries
- Policy HSG3 - Housing on Unallocated sites within settlement boundaries
- Policy HSG8 - Density of Development
- Policy HSG9 - Housing Type and Mix
- Policy D1 - Design Quality
- Policy D2 - Location and Layout
- Policy D3 - Building design
- Policy D4 - Landscaping policy
- 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
- Policy EWP3 - Renewable Energy in New Development

Planning Policy Wales

Technical Advice Note 1 - Joint Housing Land Availability Studies

Technical Advice Note 2 - Planning and Affordable Housing

Technical Advice Note 5 - Nature Conservation

Technical Advice Note 6 - Agriculture and Rural Development

Technical Advice Note 12 - Nature Conservation

Technical Advice Note 15 - Development and Flood Risk

Technical Advice Note 18 - Transport

Technical Advice Note 22 - Sustainable Buildings

7.00 **PLANNING APPRAISAL**

7.01 **Principle of Development**

This is a full planning application for the erection of 35 No. dwellings and associated works at Abermorddu CP School, Cymau Lane, Caergwrle. The site fronts onto Cymau Lane. The proposed development is detailed as follows,

- 35 No. dwellings which vary in design from terraced two bed dwellings, up to 3/4 bed detached dwellings.
- Public open space to the north of the site. The open space would be equipped with play equipment. In addition, landscaping shall be provided throughout the remainder of the site in the form of retained landscaped buffers, boundaries and new trees/hedges.
- a new access point onto Cymau Lane to serve the proposed development.
- the provision of 8 car parking spaces for public use adjacent to the boundary with Abermorddu CP School.

7.02 The site is located on agricultural land adjacent to Abermorddu Primary School, off Cymau Lane. The site is roughly square in shape (excluding the public open space provision to the rear) and measures approximately 100 metres by 103 metres. A tree lined public footpath can be found to the western boundary, agricultural land is to the southern boundary (rear of the site), with Cymau Lane to the northern boundary, with the school to the eastern boundary. On the opposite side of Cymau Lane existing residential development can be found.

7.03 Principle of Development/Policy Context

The proposed site currently has an extant planning permission granted in 2012 for a similar development of 35 No. dwellings. The application has been presented before the Council as a result of the site changing hands with the new developer (Anwyl) wishing to impose their house designs on the site. Bearing in mind there is an extant planning permission for the development, the current application is considered acceptable in principle.

7.04 Design/Appearance/Landscaping

Visually valuable boundary trees/hedging have been retained. The proposed dwellings fronting onto Cymau Lane are set back from the lane and the existing mature hedge onto Cymau Lane is retained. The proposed dwellings adjacent to the tree lined western boundary are set well back from the existing trees.

7.05 The general layout allows for passive surveillance of the proposed public open space and other public areas within the development. The proposal includes a mixture of two/three and four bed homes which are either detached or terraced. The proposed dwellings would be predominantly brick/rendered to the external walls with grey roof tiles with a layout that is broadly in line with Council standards as regards space about dwellings/overlooking/privacy. The existing general character of the area is a mixture of property types/styles and within which the proposed development would not appear out of character.

Therefore the proposed development is considered acceptable in design and appearance subject to approval of external wall/roof materials. The existing natural features to the site's boundaries are generally retained.

- 7.06 Impact on Existing/Proposed Residential Amenities
The nearest residential properties to the proposed development are located on the opposite side of Cymau Lane and therefore it is not considered there would be any detriment to existing amenities by way of overlooking/privacy. The proposed dwellings are broadly in line with Council standards in regards to space about dwellings/depth of gardens etc and therefore are considered to provide adequate amenity provision for any future occupants of the proposed dwellings. The public open space provision is considered acceptable subject to the detailed specification of any equipment being proposed and its appearance in hard/soft landscaping terms, both of which can be the subject of planning conditions. In addition the long term maintenance would be subject to a legal agreement as detailed in paragraph 2.01 of this report.
- 7.07 Ecology
Natural Resources Wales has not raised any objections to the proposed development subject to mitigation works to safeguard any potential protected species that may enter the site. These mitigation works would include details of a scheme for an amphibian one way newt/reptile exclusion fencing, reptile refugia to boundaries and further ecological surveying of the site prior to construction works. It is considered that an appropriately worded condition can provide for the required mitigation works.
- 7.08 Highways
The proposed development would be accessed by vehicular traffic via one point on to Cymau Lane which the Head of Assets and Transportation has raised no objection to subject to appropriately worded conditions. Whilst objections to the proposed development have been raised on highway grounds, nonetheless, it is not considered the proposed development would be unduly detrimental to highway safety subject appropriately worded planning conditions.
- 7.09
In order to allay highway concerns in the local community the applicant has offered to provide parking space for 8 cars within the site to assist parents waiting for children at the adjacent school. It should be emphasised that the provision of the 8 parking spaces are not directly required to facilitate the application proposal in highway terms nor are they being required by the Head of Assets & Transportation, but they are the applicant's attempts to address highway matters of local

concern rather than concerns which are to be generated specifically by the development.

7.10 The Head of Assets & Transportation requires the provision of a speed activated flashing neon sign on the approach to the site from Cymau Lane at a cost of £3,500 and to the Council's specification. The proposed development is considered to provide adequate off road parking and manoeuvring space for the vehicles expected to visit the site and therefore in highway terms the proposed development is considered acceptable subject to conditions and the above mentioned monies being paid.

7.11 Affordable Housing
Policy HSG10 of the development plan states that where there is an established local need for affordable housing the Council will seek to provide up to 30% affordable housing in suitable or appropriate schemes. The proposed development would normally require 12 dwellings which would be available at 70% of the open market value, however, the applicant has negotiated with the Housing Strategy Unit, that 12 dwellings at 70% market value would not be suitable for the area due to the lack of people listed on the affordable housing register and therefore it is considered the most suitable option for this site would be for the applicant to provide an equivalent 3 gifted units. If the discounted units were provided there is real prospect they may remain unsold which then may lead to the developer selling the properties at full market value due to lack of interest in the discounted rate. In order to avoid the realistic prospect of losing the affordable units on the site, the applicant has agreed to provide the financial equivalent of the 30% of affordable houses which would equate to three 2 bed units within the site being gifted over to the Council. As gifted units there is a significantly increased likelihood that the homes will be occupied, will be available as affordable homes in perpetuity, allow for the Council to retain nomination rights as regards occupancy and contribute towards meeting local housing need in the area. This approach was considered acceptable by Members when the previous application for the site was granted planning permission. The proposed provision of affordable housing is therefore in line with Policy HSG10 and acceptable subject to an appropriately worded legal agreement.

7.12 Educational Provision
The previously approved scheme for the site required an educational contribution totalling £24,500 to meet increased educational demands/needs caused by the proposed development. Since that planning permission was granted the Council have adopted new supplementary planning guidance in regards to educational contributions which sets out how much

monies should be paid in the event of a contribution being required. In regards to the proposed development it is likely to result in 8 children having to attend the adjacent Abermorddu Primary School which results in a contribution of £98,056 for that school, whilst at secondary level it would result in an additional 6 pupils attending Castell Alun which results in a contribution of £110,814 having to be paid. Therefore a legal agreement should be attached to any grant of planning permission requiring a total of £208870 be paid to the Council in regards to enhanced educational provision for local schools that would serve the development. The contribution shall be paid prior to occupation of the first dwelling and if some or all of the money is not spent within five years of payment, it is to be returned to the developer together with any interest accrued.

7.13 Other Matters

In regards to drainage/flood issues, the proposed development has not been objected to by neither Welsh Water nor Natural Resources Wales and therefore subject to appropriately worded planning conditions the proposal is considered acceptable.

7.14 The proposed development would be located within 48 metres of two recorded prehistoric burial mounds/cairns which lay on raised land to the immediate west of the site. The presence of the cairns so close would suggest that prehistoric occupation and burial activity may extend into the sub surface of the development area. Bearing in mind the consultation comments of the Clwyd-Powys Archaeological Trust it is considered an appropriately worded condition should be imposed on any planning permission in order to safeguard any potential archaeological artefacts.

8.00 CONCLUSION

8.01 The proposal provides for a quality residential scheme which is acceptable in principle and detail subject to approximately worded planning conditions/legal agreement.

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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