

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH MARCH 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPLICATION FOR REMOVAL OF CONDITION No.14 RESTRICTING THE AREA OF DEVELOPMENT OF PREVIOUSLY APPROVED PLANNING PERMISSION REF: 047624 (TO ALLOW DEVELOPMENT OF WHOLE SITE) LAND SIDE OF DOVEDALE, ALLTAMI ROAD, BUCKLEY**

APPLICATION NUMBER: **051481**

APPLICANT: **ANYWL CONSTRUCTION LTD**

SITE: **LAND SIDE OF DOVEDALE, ALLTAMI ROAD, BUCKLEY**

APPLICATION VALID DATE: **03/12/13**

LOCAL MEMBERS: **COUNCILLOR C ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO PREVIOUS USE OF THE SITE.**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a planning application to remove condition 14 attached to permission 047624 for outline residential development on land adjacent to 'Dovedale', Alltami Road, Buckley. Condition 14 stated "As part of the reserved matters no development shall take place to the north of the hammerhead as illustrated on the submitted illustrative layout drawing J002220 02 21st June 2010." The Engineering report submitted with the application concludes that the redevelopment of the site and the use of piled foundations would not compromise the long term stability of the site or impact upon the

stability of any adjoining third party land by including the land to the north of the hammerhead on the previously submitted illustrative layout drawing J002220 02 21st June 2010.

2.00 RECOMMENDATION: TO ALLOW THE REMOVAL OF CONDITION 14 OF PLANNING PERMISSION 047624.

That planning permission be granted subject to a S106 agreement, covering;

- Open space provision - £1,100 per dwelling to enhance existing recreation facilities in the community
- Education provision - £12,257 per primary school pupil generated towards Mountain Lane Primary School
- Mitigation land to overcome indirect impacts on SAC through provision of land for ecological mitigation including long term management for both areas

1. Details of the access, appearance, landscaping, layout, and scale
2. Time period in accordance with outline 047624
3. Siting, layout and design of access
4. Completion of access to base course layer prior to commencement of other operations
5. Visibility splay 2.4m x 40 metres to access
6. 2.0m footway shall be provided along the frontage of the site
7. Surface water drainage scheme
8. Foul drainage scheme
9. Capacity at WWTW prior to occupation
10. Compensation scheme and mitigation method statement for Great Crested Newts
11. Code for Sustainable Homes
12. If the Reserved Matters area exceeds 1 hectare or the number of dwellings is 25 or more the Local Planning Authority will require 30% affordable housing
13. Land remediation method statement.

3.00 CONSULTATIONS

3.01 Local Member Councillor C Ellis

Requests committee determination due to the previous use of the site.

Buckley Town Council

Condition 14 was placed as part of the planning approval to protect the environment, protect existing properties in the near vicinity and to protect the new houses being built. The condition was put in by the inquiry Inspector and therefore the application for its removal should be refused.

Building Control

No objection as the proposals are for piled foundations and there

would be no need for major excavations which could lead to any landslip. Matters such as drainage could be dealt with by shallow solutions.

Head of Public Protection

No response to make as the issues raised are in relation to land stability.

Welsh Water/Dwr Cymru

No comments to make.

Natural Resources Wales

No objection.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

No responses received.

5.00 SITE HISTORY

5.01 047624 Outline application for residential development. Permitted
05.11.13

043626 Outline application for residential development. Refused
15.01.09

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

HSG8 – Density of Development

EWP14 – Derelict and Contaminated Land

EWP15 – Development of Unstable Land

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a planning application to remove condition 14 attached to permission 047624 for outline residential development on land adjacent to 'Dovedale', Alltami Road, Buckley. Condition 14 stated "As part of the reserved matters no development shall take place to the north of the hammerhead as illustrated on the submitted illustrative layout drawing J002220 02 21st June 2010."

7.02 This condition was imposed at the request of Planning Committee during its consideration of the item following concerns over land instability. The applicants wish to remove this condition in order to make beneficial use of the land and to assist in providing a layout which complements its surroundings.

7.03 Planning history

A resolution to grant outline planning permission (047624) for residential development on this site was granted at Planning Committee on 6th October 2010 subject to a number of conditions and the completion of a S106 agreement for unilateral undertaking or earlier payment covering;

- Open space provision - £1,100 per dwelling to enhance existing recreation facilities in the community
- Education provision - £3,500 per primary school pupil generated towards Mountain Lane Primary School
- Mitigation land to overcome indirect impacts on SAC through provision of land for ecological mitigation including long term management for both areas.

7.04

This permission was granted following the refusal and subsequent dismissal at appeal of a previous application for 'Outline residential development' of the site (043626). Application 043626 for 'Outline residential development' was dismissed at appeal on issues related to the nature of the contamination within the site and the stability of the ground. The Inspector considered there were uncertainties in relation to the effect construction activities for foundation works would have on the contaminated materials and contaminated ground-water and the uncertainty about the relationship between ground water in the appeal site and that on the adjacent sites and the potential for pathways between the two.

7.05

Application (047624) sought to overcome these issues and additional information was submitted with the application to address these matters. This included further intrusive site investigations in the form of additional boreholes at the centre and the north of the site and at additional depths to the bedrock with further monitoring of the gases and groundwater in the boreholes. This provided more information on the exact nature of the contamination and ground conditions in order for an appropriate remediation scheme for residential development to be taken forward. Ground water monitoring was also undertaken which showed no contamination of the groundwater in the boreholes and it was considered that there was no issue in relation to groundwater movements and the SSSI.

7.06

Land Instability

In terms of land stability the Inspector in his consideration of 043626 stated that there was insufficient evidence provided by the site investigation about the structure and stability of the former tramway which holds back the perched water table in the north of the site and impact of development upon it. The illustrative layout showed a significant landscape buffer around the northern boundary of the site extending along the western and eastern boundaries with no development in the area to affect the stability of the structure. It showed an internal estate road with two houses to the north of a

hammerhead at the northern end of the road. The indicative layout showed 21 dwellings. At Members request an additional condition was added to restrict any development to the north of the hammerhead as shown on the submitted illustrative layout drawing J002220 02, 21st June 2010. This therefore restricts the potential developable site area.

- 7.07 The applicants have submitted a letter by REFA Consulting Engineers with a copy of the 1899 Ordnance Survey Map. This deals with the concerns previously raised in relation to the development of this site and the impact upon the stability of part of the site. The previous extensive ground investigations and historical Ordnance Survey Maps show that this site and the area to the north of the site have both been subject to extensive quarrying, however the two areas were excavated as separate sites with the footpath structure located adjacent to the northern boundary being retained historically in this location. Excavations have taken place both to the south and north of this footpath with subsequent infilling works being carried out to the south within the development area. The northern slope represents the mature slope generated by the quarrying works and consists predominately of stable rock material. The Ordnance Survey map of 1889 indicates the separate treatment of the two parcels of land and the retention of the slope on the northern boundary. The excavated slope to the north off site is therefore a feature created in excess of 100 years ago as a result of clay extraction and quarrying. It is considered that the land is in a stable condition and has not been compromised by the filling of the southern development area.
- 7.08 It has been previously demonstrated that the ground conditions of the site comprise deep made ground to depths of greater than 10 metres below ground level. It is therefore proposed that all residential properties on the site will be constructed upon piled foundations with piles supporting the surface structures and transferring loads to rock level at the base of the made ground. The REFA report states that the construction of the residential properties will not generate any significant surface loadings at the site which may influence the stability of this site or the off site slope.
- 7.09 The REFA report concludes that the redevelopment of the site and the use of piled foundations would not compromise the long term stability of the site or impact upon the stability of any adjoining third party land. The development of land to the north of the hammerhead on the previously submitted illustrative layout drawing J002220 02 21st June 2010 would not affect the stability of the site.
- 7.10 Building Control have considered the submitted information and consider that the proposed piling methods are acceptable and provide a technical solution to build residential properties in these ground conditions. There are no objections as the proposals are for piled foundations and there would be no need for major excavations which could lead to any landslip. Matters such as drainage could be dealt

with by shallow solutions.

7.11 Other considerations

The exact locations of the dwellings would be determined as part of any subsequent reserved matters application. This is a windfall site within a Category A settlement, so any increase in the potential number of dwellings in such a location is supported.

7.12 Since the previous resolution to grant planning permission the Council's requirements in terms of Education contributions have been revised to £12,257 per Primary School Pupil as set out in Local Planning Guidance Note 23 Education. If it is agreed that the condition be removed any new permission would require the imposition of the previous conditions and a supplementary S106 agreement with the revised Education requirement and the previous requirements in relation to a commuted sum for open space and land for ecological mitigation.

8.00 CONCLUSION

8.01 It is considered that information has been put forward that the land to the north of the hammerhead can be developed for residential purposes without affecting the stability of the development site or adjacent land. It is therefore considered that condition 14 can be removed.

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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