

FLINTSHIRE COUNTY COUNCIL

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

DATE: **3RD SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPEAL BY MR. PHIL DAVIES (M.J. DAVIES NORTHERN LTD) AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 37 NO. DWELLINGS AND ASSOCIATED EXTERNAL/DRAINAGE WORKS AND PART RECONFIGURATION OF EXISTING ROAD AT LAND OFF FAIROAKS DRIVE, CONNAH'S QUAY – ALLOWED**

1.00 APPLICATION NUMBER

1.01 **051266**

2.00 APPLICANT

2.01 **MR. PHIL DAVIES (M.J. DAVIES NORTHERN LTD)**

3.00 SITE

3.01 **LAND OFF FAIROAKS DRIVE, CONNAH'S QUAY.**

4.00 APPLICATION VALID DATE

4.01 **18TH SEPTEMBER 2013**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal of planning permission at Committee, contrary to Officer recommendation for the erection of 37 No. dwellings and associated external/drainage works and part reconfiguration of existing road at land off Fair Oaks Drive, Connaah's Quay, Flintshire. The appeal was determined by way of written representations and a site visit. The appeal was **ALLOWED**.

6.00 REPORT

- 6.01 The application was refused, contrary to Officer recommendation as it was considered that the proposed two and a half storey houses would have a detrimental impact on the amenities of the existing occupiers in terms of overlooking, the proposals did not provide for 30% affordable housing thereby restricting the community's accessibility to the facilities and it was considered that the shortfall in the maximum parking standards of the development had not been justified resulting in inadequate parking provision detrimental to highway safety. The Inspector considered the main issues to be the effect of the proposal on the living conditions of nearby residents in relation to overlooking, the adequacy of the provision of affordable housing as a component of the proposed residential development and the effect of the proposal on highway safety.
- 6.02 Living Conditions
Plots 12 - 13, 16 - 17 would be two and a half storeys, the remainder along this row would be 2 storeys. The nearest plot along this row at a height of two and a half storeys would be plots 16 - 17 to No. 28 Fair Oaks Drive. The separation distance would be some 32 m.
- 6.03 Plots 1 – 2 would be two storey and plots 3 – 4 would be two and a half storeys. Plots 1 – 2 face directly to the front of No. 26, whilst plots 3 – 4 would be aligned obliquely to No. 26 and would be looking towards the boundary wall of No. 26. The difference in level would be some 2 m in height. The separation distances would be some 22 m from plots 1 – 2 and some 25 m from plots 3 – 4 to No. 26. Some 13 m would separate the side elevation of plot 1 to the rear elevation of No. 2 The Highcroft.
- 6.04 Given the above and having regard to levels and separation distances generally throughout the site, the Inspector considered that the development would not be harmful to the living conditions of nearby residents in relation to overlooking. The layout would meet the minimum separation distances accounting for the levels and scale of the development.
- 6.05 Affordable Housing
The Council's policy on affordable housing, seeks a contribution of 30% affordable housing in suitable and appropriate schemes where the need exists.
- 6.06 National guidance indicates that Local Planning Authorities may include indicative affordable housing targets for individual sites and this is similar to the approach of local planning policy. The approach is not a prescriptive one, and the needs for affordable housing are balanced against site viability.
- 6.07 The Housing Strategy Manager did not oppose the provision of 8 discounted rental homes. The particular needs for affordable housing would be met by the amount and type of provision. A viability report

was submitted and independently assessed by the Valuation Office Agency, which confirmed the view that 8 affordable rental units would be proportionate to the overall viability of the development.

6.08 Given the above, the Inspector considered this provision of affordable housing as a component of the proposed residential development as adequate.

6.09 Highway Safety

The Council considered that there would be a shortfall of 8 No. car parking spaces for the 4 bedroom dwellings. The requirement is three spaces for each of the 4 bedroom properties, whereas the proposal provided 2 spaces each.

6.10 However, the Appellant would provide a contribution towards a travel plan to cover the cost of running and evaluating the scheme to promote the use of alternative modes of transport. The Council's standards are expressed as a maximum, and a level of provision up to that standard should not be applied as a prescriptive requirement. In these circumstances, it would be viewed as applying a minimum standard.

6.11 The Inspector considered that in balancing these issues, the travel plan in the form of the suggested planning condition put forward by the Council, and the financial contribution towards it by the Appellant, weighed in favour of a reduced provision, given that the site is sustainable and allocated in the UDP.

6.12 It was therefore concluded by the Inspector that there was no compelling evidence to indicate that the shortfall from the maximum parking standard would cause a highway safety concern.

7.00 CONCLUSION

7.01 The Inspector also considered the concern about the character and appearance of the development, in terms of the linear form and the extent of dropped kerbs. However, it was noted that this was not a reason for refusal and that the proposal is an attempt to address the mix and size of houses required by the needs of the market and to meet the shortfall in housing land supply. It was considered that the balance of the arguments favoured the grant of permission, and the design and layout of the proposal although predominantly provides parking in front of properties is similar to the established pattern of development on the estate. The appeal was subsequently **ALLOWED.**

Contact Officer: Alan Wells
Telephone: (01352) 703255
Email: alan.wells@flintshire.gov.uk