

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **8<sup>TH</sup> OCTOBER 2014**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 20 NO. DWELLINGS (PHASE 2) AT VILLAGE ROAD, NORTHOP**

**APPLICATION NUMBER:** **052388**

**APPLICANT:** **MR T ANWYL & CO LTD**

**SITE:** **LAND AT VILLAGE ROAD, NORTHOP HALL**

**APPLICATION VALID DATE:** **11.07.14**

**LOCAL MEMBERS:** **CLLR L A SHARPS**

**TOWN/COMMUNITY COUNCIL:** **NORTHOP**

**REASON FOR COMMITTEE:** **SIZE OF DEVELOPMENT AND S106 REQUIREMENT**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This is a full planning application for the erection of 20 dwellings. The proposed residential development is phase 2 of a scheme off Village Road, Northop Hall.

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

2.01 Subject to entering into a S106 agreement unilateral undertaking or early payment for the following contributions;

- To gift 2 three bed dwellings to North East Wales Homes to be used as affordable housing

- To provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision
  - To provide a contribution of £55,407 to fund capacity improvements at Hawarden High School
1. Time commencement
  2. In accordance with plans
  3. Landscaping scheme
  4. Materials
  5. Land drainage run-off
  6. Surface water connection
  7. Foul and surface water to be drained separately
  8. Garages set back 5.5m behind the back of the footway
  9. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
  10. Positive means to prevent surface water run-off on to the highway
  11. Construction Traffic Management Plan

If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor L A Sharps**

Agrees to the determination of the application under delegated powers. This area is included within the UDP and agreed with the Inspectors report. Support the application.

#### **Northop Community Council**

This application is an addition to an original development of 50 houses already under construction. The Community Council made objections to the original development which were dismissed by the Planning Inspectorate of Wales, therefore, does not feel it would achieve anything by re-applying those objections. Furthermore, the Community Council has identified this site as a Candidate site in the Local Development Plan.

The Community Council therefore supports this application subject to the following conditions;

1. That the Developer agrees to work with a Liaison Committee, made up of Community Councillors, to ensure that the community of Northop Hall is represented in all matters relating to the development
2. That the Community Council is able to put forward suggestions for

the use of the Section 106 monies which would accompany this application

No objection to the amendments.

#### Highways Development Control

The site abuts onto land carrying public footpath 14 and efforts should be made to provide a pedestrian link from the site between plots 15 and 16 to Village Road via the public footpath.

No objections to the layout subject to conditions covering;

- Garages set back 5.5m behind the back of the footway
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- Positive means to prevent surface water run-off on to the highway
- Construction Traffic Management Plan

#### Public Rights of Way

Public Footpath 14 abuts the site but appears unaffected by the development.

#### Environmental Protection Manager

No adverse comments to make.

#### Public Open Spaces Manager

In accordance with Planning Guidance Note No13 seeks a contribution of £1,100 per dwelling as a contribution to enhance play provision in the community.

#### Chief Officer (Education and Youth)

A contribution of £55,407 is requested towards Hawarden High School as the school has less than 5% surplus spaces and the development would generate 3 pupils of Secondary School age.

#### Welsh Water/Dwr Cymru

No response received at time of writing.

#### Natural Resources Wales

No objection. We considered that the original submission to have effectively considered issues in respect of the Deeside and Buckley Newt Sites Special Area of Conservation. We therefore consider the submitted proposal will not affect the features, ecological integrity or functionality of any statutory sites of ecological, geological and/or geomorphologic interest.

The proposed scheme will not affect the character or integrity of any statutory protected or nationally important landscapes.

The presence of a protected species is listed as a material planning consideration under the provisions of Planning Guidance Wales and Technical Advice Note (TAN) Number 5. The application site has been subject to ecological survey and assessment. We consider this assessment to be satisfactory for the purposes of informing the public decision making process.

In our view, the proposal itself is not likely be detrimental to the maintenance of the favourable conservation status of any populations of European or British protected species that are present at the application site.

The application site is subject to an appropriate licence issued for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment”. Furthermore, this specific licence has satisfied the following criteria “that there is no satisfactory alternative”, and “the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

We consider the applicant to have appropriately considered ecological issues.

We note that the proposed development is adjacent and additional to the development submitted under a previous application 051884. We previously advised that any proposed works on the mineshafts could potentially have impacts on controlled waters. Therefore, when details of proposed work on mineshafts become available, and should the works relate to any shaft on this site then we may wish to review the proposals.

North Wales Police Crime Prevention Officer

Recommends principles in terms of design and layout to design out crime.

Clwyd Powys Archaeological Trust

There are no archaeological implications for the proposed development in this location. The Dublin Main Colliery was located to the south of the application area and additional shafts in the mining report lie to the west of the boundary. There are no mining remains actually within the application area.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

4 objections on the grounds of;

- Impact on wildlife

- Traffic impacts – increase in traffic, roads not suitable
- Pedestrian/cycle vehicle conflict
- Poor lighting on the road
- Problems with the drains
- Poor facilities in the village, only one shop and no post office, no GP
- Overcrowded school
- Don't need 20 houses
- Should protect green spaces
- Overdevelopment of the village

## **5.00 SITE HISTORY**

5.01 **052232** Discharge of condition 2 (Materials) attached to permission 048855. Approved 06.06.14

**051889** Approval of details reserved by condition no.23 (construction traffic management plan)attached to planning permission 48855. Approved 09.04.14

**051888** Approval of details reserved by condition no.19 (means to prevent the run-off of surface water from any part of the site)attached to planning permission ref:048855. Approved 09.04.14

**051887** Approval of details reserved by condition nos. 13(detailed layout, design, means of traffic calming and signed, surface water drainage, street lighting and construction of internal estate roads),14(details of site access and external improvement works)and 15(visibility splays)attached to planning permission ref: 48855. Approved 30.05.14

**051886** Approval of details reserved by condition nos. 5 (foul and surface water drainage),6 (foul flows connection),7 (surface water) and 9 (scheme for comprehensive and integrated drainage)attached to planning permission ref: 48855. Approved 20.05.14

**051884** Approval of details reserved by condition no.4 (contamination report) attached to planning permission ref: 48855. Under consideration.

**051791** Erection of V-board housing advertisement sign Approved 01.04.14

### **048855**

Residential development consisting of 51no. dwellings, new road and creation of mitigation land in relation to ecology. Appeal against non-determination. Allowed on appeal 31.01.13

### **048373**

Residential development consisting of 72no. dwellings, new road and creation of mitigation land in relation to ecology. Withdrawn 28.07.11

**043413**

Outline residential development 15.10.07

**036558**

Outline residential development 30.01.04

**035046**

Residential development 01.05.03. Dismissed on appeal 22.09.03

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG1 – New Housing Development Proposals

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential Development

EWP14 - Derelict and Contaminated Lane

EWP17 - Flood Risk

The proposal is in accordance with the above development plan policies.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full planning application for the erection of 20 dwellings. The proposed residential development is phase 2 of a scheme off Village Road, Northop Hall.

7.02 Site description

The site is bounded by existing residential properties to the north west with Village Road beyond. To the east of the site is a public right of way and the tennis courts and bowling green. To the west is phase 1 of the residential development and to the south is agricultural land.

Proposal

7.03 This is a full planning application for the erection of 20 dwellings. The

proposed residential development is phase 2 of a scheme off Village Road, Northop Hall. The proposed scheme is for a mix of 20 two storey and two and a half storey detached and semi-detached properties comprising 8 three bed and 12 four bedroom dwellings. It is proposed to gift 2 three bed dwellings to the Council as the affordable housing provision.

7.04 The site would be accessed from Phase 1 via the site access from Village road and the main spine road for the development.

7.05 Issues

Principle of development

The application site is allocated for residential development (93 units) within the Adopted Unitary Development Plan. Planning permission was granted for 51 dwellings as part of phase 1 of the development on appeal in January 2013. Progress is underway to discharge the relevant conditions and the ecological mitigation has commenced to facilitate a start on site.

7.06 The principle of development is therefore accepted. The current phase would lead to a development of 71 dwellings in total, 22 less than the original allocation. There is a further strip of land to the east of this site up to and including the Black Lion public house which is included in the housing allocation but this is within third party ownership and therefore is not part of this development. The development is also at a lower density than was original envisaged.

7.07 Site layout

The proposed dwellings are a mixture of 8 three bedroom and 12 four bedroom dwellings. This therefore provides a variety and mix of house types. There are a number of properties to the northern boundary of the site, however the separation distances between the proposed and existing dwellings are in accordance with Council's Local Planning Guidance Notes 2.

7.08 Ecology

The ecological mitigation proposed as part of phase 1 took account of the development of the whole allocation. NRW are satisfied with what has previously been agreed as part of the Phase 1 which has now been implemented in part.

7.09 Access

Residents have raised concerns regarding the impact of this development on the local highway network. This application is an allocation in the Adopted Unitary Development Plan for 93 units, therefore the impact of this number of dwellings on the highway network was considered in principle at the time of the allocation.

7.10 The proposed development utilises the existing spine road and access through the first phase of development.

7.11 Highways concerns were also raised by local residents to the Inspector at the time of the previous appeal into the first phase of development. As part of the first phase a monetary contribution was secured through a unilateral undertaking for a scheme of traffic calming in the village, which has been implemented. Highways Development Control have not requested any further improvements as part of this application. Highways asked whether a pedestrian link to the public footpath could be made from the development between plots 15 and 16. The applicants do not have any control over this land therefore this is not feasible.

7.12 Education contributions

It is calculated that the development would give rise to 5 Primary School age pupils and 3 Secondary School Pupils. The nearest Primary School is Northop Hall Primary School which has a surplus capacity of 20.27%.

7.13 The nearest Secondary School is Hawarden High School which has a surplus capacity of -7%. A contribution of £55,407 is therefore requested towards Hawarden High School as the school has less than 5% surplus spaces. This will be secured through S106 agreement.

7.14 Open Space

A contribution of £1,100 per unit is also requested towards open space improvements in the local area in lieu of onsite provision. This was the approach taken during the consideration of Phase 1 of this development instead of a request for on-site open space. Leisure Services required the previous scheme to facilitate a pedestrian link to one of the existing play areas, which was provided on the approved layout.

7.15 Affordable housing

The applicant is proposed to gift 2 three bed houses to the Council which will be transferred to North East Wales Homes for affordable rental through the S106 agreement. The Council is satisfied with this provision.

**8.00 CONCLUSION**

8.01 The issues in relation to the development of this site have therefore been addressed during the consideration of the first phase of development. The proposed layout and mix of dwellings is in accordance with the Council's policies.

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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