

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **17<sup>TH</sup> DECEMBER 2014**

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

**SUBJECT:** **RENEWAL OF OUTLINE PLANNING PERMISSION 046362 TO ALLOW RESIDENTIAL DEVELOPMENT AT FORMER LAURA ASHLEY UNIT, PONTYBODKIN HILL, LEESWOOD.**

**APPLICATION NUMBER:** **052599**

**APPLICANT:** **FOXBURY DEVELOPMENTS**

**SITE:** **FORMER LAURA ASHLEY UNIT, PONTYBODKIN HILL, LEESWOOD, MOLD.**

**APPLICATION VALID DATE:** **1<sup>ST</sup> SEPTEMBER 2014**

**LOCAL MEMBERS:** **COUNCILLOR R. HUGHES**

**TOWN/COMMUNITY COUNCIL:** **LEESWOOD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **REQUIREMENT FOR LEGAL AGREEMENT IN RESPECT OF LEISURE AND EDUCATIONAL CONTRIBUTIONS.**

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

**1.00 SUMMARY**

1.01 This application, proposes a renewal of a previous outline application 046352 for residential development on the site of the former Laura Ashley Unit, Pontybodkin Hill, Leeswood. The application is being reported to committee as any permission will be subject to the implementation of a new legal agreement in respect of leisure and educational contributions.

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

- 2.01 That subject to the completion of a Section 106 Obligation, Unilateral Undertaking or advance payment of £55,407 towards additional secondary school places/improvements of Castell Alun High School, Hope and a commuted sum of £16,500 towards the enhancement of an existing recreational area within Leeswood that conditional permission be issued.

### Conditions

1. Outline - Submission of reserved matters.
2. Outline - Time limit.
3. No development to commence until details of remedial works to existing highway submitted and approved.
4. Siting/design of access to be submitted and approved.
5. No development to commence until layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads submitted and approved.
6. Gradient of proposed access to be 1:24 for a minimum distance of 10m and 1:15 thereafter.
7. Positive means to prevent run-off of surface water onto highway to be submitted and approved.
8. Footpath No. 60 which traverses the site to be retained.
7. Development to include for the provision of an equipped on site play area.
9. Foul water and surface water to be discharged separately.
10. No surface water to discharge into the public sewerage system.
11. No land drainage to discharge with public sewerage system.
12. Contaminated land survey to be undertaken.

## **3.00 CONSULTATIONS**

### 3.01 Local Member

#### Councillor R. Hughes

No response received at time of preparing report.

#### Leeswood Community Council

No response at time of preparing report.

#### Highways Development Control Manager

No objection. Recommend that any permission be subject to conditions previously imposed on application 046361 in respect of access, gradient and layout, design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads.

#### Environment Directorate (Rights of Way)

Public Footpath 60 crosses the site. The legally defined public right of

way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority. The surface of the right of way must not be disturbed without lawful permission and the applicant may be required to apply for a Temporary Closure Order to protect the public during construction.

Public Open Spaces Manager

No objection subject to the payment of a commuted sum of £16,500 towards the enhancement of an existing recreational area in lieu of on site provision.

Capital Projects & Planning Unit

Request a commuted sum payment of £55,407 towards secondary school places at Castell Alun High School, Hope.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

No responses received at time of preparing report.

**5.00 SITE HISTORY**

5.01 **035532**

Demolition of factory unit and change of use for residential development – Permitted 31<sup>st</sup> July 2003.

**041446**

Renewal of outline planning permission ref. 035552 to allow demolition of redundant factory unit and change of use of site for residential development – Permitted 2<sup>nd</sup> August 2006.

**046361**

Renewal of outline planning permission ref. 041446 to allow residential development – Permitted 26<sup>th</sup> September 2011.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D2 – Location & Layout.

Policy TWH2 – Development Affecting Trees & Woodlands.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Policy Provision & New Development.

Policy HSG1 – New Housing Development Proposals.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

It is considered that the proposal generally complies with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This renewal outline application proposes residential development on the site of the former Laura Ashley Unit, Pontybodkin Hill, Leeswood. The initial outline permission for residential development at this location was permitted under Code No. 035532 on 31<sup>st</sup> July 2003 and this has subsequently been renewed under Code Nos 041446 and 046361 on 3<sup>rd</sup> August 2006 and 26<sup>th</sup> September 2011 respectively.

### **7.02 Site Description**

The site which amounts to approximately 0.57 hectares in area is located on the western side of Pontybodkin Hill and comprises the site of the former Laura Ashley Unit which has subsequently been demolished and the site cleared.

7.03 The site is located to the rear of an existing residential property named 'Anhegraig' and to the north of an existing industrial unit 'Nu Image Packaging'. Vehicular access to serve the development is proposed from an existing roadway off Pontybodkin Hill which initially served both Laura Ashley and Nu Image Packaging.

### **7.04 Principle of Development**

For Members' information, the site is located within the settlement boundary of Leeswood and forms part of a larger housing allocation of 1 hectare in the adopted Flintshire Unitary Development Plan under Policy HSG1 (42).

7.05 Whilst the principle of residential development at this location, is well established and there have been no material changes in policy since the site initially obtained consent for development in 2003, this is the third renewal application that has been submitted in the intervening period.

7.06 The Council now finds itself in the position of having a sub-5 year housing land supply which is regularly being challenged by developers. Whilst the applicant's agent has advised that the site has been actively marketed since 2007, it is increasingly difficult to justify the inclusion of sites within the 5 year supply, when they are renewed continuously, even when they are allocated sites in an adopted plan.

7.07 For Members' information several candidate sites submissions have come forward within Leeswood and Coed Talon as part of the Local Development Plan process. These may following assessment make more suitable allocations in the emerging LDP, and therefore it is considered that if Members are mindful to renew the existing permission that the time period be reduced to the end of 2015 (i.e., approximately 12 months) as this will:-

(a) provide an adequate timeframe for the site to come forward for development through the submission of a reserved matters application and (b) correspond to the end of the Unitary Development Plan period in 2015.

7.08 Scale of Development

Policy HSG8 of the UDP proposes that the average density on allocated housing sites be a minimum of 30 dwellings per hectare. In this respect the density of development on this site which amounts to approximately 0.57 hectares, would be in the region of 15 No. dwellings. Although submitted as an outline application it is considered that this scale of development could be satisfactorily accommodated on the site and acceptable at this location, the detailed site layout and design of the proposed dwellings being addressed at reserved matters stage.

7.09 Access/Highways

Consultation on the application has been undertaken with the Highways Development Control Manager with there being no objections to the development subject to the imposition of conditions in line with those previously imposed on application code Nos 035552 and 041446 and most recently 046362. These relate to access, gradient, layout, design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads.

7.10 Impact on Existing Landscape Features

There are a number of existing trees/hedgerows forming the site boundaries which it is considered contribute to the visual amenity of the site and surroundings. It is considered that these can be retained and satisfactorily incorporated into the site layout at reserved matters stage.

7.11 Education Contributions

Consultation on the application has been undertaken with the Capital Projects & Planning Unit in order to assess the impact of development on both primary and secondary school capacity. Whilst £14,000 was previously requested as part of application 046361 in 2011, to fund additional school places at Leeswood Primary School, this in the intervening period now has a surplus capacity of 5% and therefore a contribution is not now requested for primary school provision. However, since 2011, the secondary school at Castell Alun High School, Hope has less than 5% surplus capacity and therefore in applying the secondary school formula, an education contribution figure of £55,407 has been identified, which would allow the Local Authority to make provision for a further 3 pupils.

7.12 Open Space

For Members' information previous outline planning permission(s) issued under Code Nos 035552 and 041446 include a condition requiring the provision of an equipped on site play area. Having

regard to the relationship of the site to an existing adjacent recreational area and in consideration of application 046362, it is considered that it would be more appropriate for the payment of a commuted sum towards the enhancement of the existing area rather than duplicate provision on this proposed development. Consultation has therefore been undertaken with the Council's Public Open Space Manager who has confirmed that there is no objection to this revised arrangement subject to the payment of a commuted sum of £1,100 per dwelling towards the enhancement of the existing recreational area.

## **8.00 CONCLUSION**

- 8.01 In conclusion, it is considered that there has been no material change in the planning policy framework since previous outline planning permission(s) have been granted for the development of the site in 2003, 2006 and 2011. The recommendation to renew the outline permission for development of this allocated site is however subject to:- (i) a financial contribution being made as part of the development to fund additional secondary school places/improvements at Castell Alun High School, Hope; (ii) a commuted sum payment being made towards the enhancement of an existing adjacent recreational area and (iii) the time limit for the submission of reserved matters being reduced from a 3 year period until the end of 2015.
- 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.

### **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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