

FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH SEPTEMBER 2015**

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

SUBJECT: **OUTLINE APPLICATION – ERECTION OF 19 DWELLINGS AT TY CARREG, STRYT ISA, HOPE**

APPLICATION NUMBER: **053445**

APPLICANT: **MS. J. GLENDENNING**

SITE: **TY CARREG,
STRYT ISA, HOPE**

APPLICATION VALID DATE: **29TH MAY 2015**

LOCAL MEMBERS: **COUNCILLOR T. NEWHOUSE**

TOWN/COMMUNITY COUNCIL: **HOPE COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE SCALE OF THE PROPOSALS EXCEED THAT FOR WHICH POWER TO DETERMINE IS DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application is submitted in outline only, with matters of detail Reserved for subsequent consideration with the exception of access and scale, details of which are provided. The application seeks to establish, via a planning permission, the principle of the development of this allocated site for residential development.
- 1.02 Whilst some matters are Reserved, the applicant has provided and indicative series of drawings which suggest how the site could be developed. Members are reminded that these details are purely illustrative.

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

2.01 That conditional permission be granted, subject to the applicant entering either into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment which provides for the following;

1. Ensure the payment of a commuted sum equivalent to £1100 per dwelling in lieu of on site play and recreation provisions. Such sum to be paid to be used as a contribution towards provision of a wheeled sports facility at The Willows Recreation Ground, Hope. Such sum to be paid upon occupation of 50% of the approved dwellings.
2. Ensure the payment of a commuted sum of £55,407 which is required to provide specialist Art teaching accommodation at Castell Alyn High School. Such sum to be payable before the commencement of development.

2.02 Conditions

1. Outline - Time limit
2. Outline - Details of reserved matters
3. In accord with approved plans
4. Outline - Submission and approval of site levels
5. Garage fronts to be set 5.5 metres behind back edge of footway or 7.3 metres from edge of carriageway.
6. Gradient of access road to be a maximum of 1 in 15.
7. Submission of detailed siting, layout and design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads road prior to commencement.
8. Scheme for parking & turning facilities to be submitted & agreed.
9. Travel plan to be submitted prior to first occupation of any dwellings.
10. Scheme for positive means to prevent surface water run off on to Highway to be submitted and agreed.
11. No development until a construction traffic management plan is submitted and agreed.
12. Scheme for comprehensive integrated drainage system to be submitted and agreed.
13. Submission of Ecological Mitigation Strategy and Reasonable Avoidance Measures.
14. No tree works unless qualified ecologist present to ensure no adverse impacts upon nesting birds or roosting bats.
15. Materials and finish colours to be submitted and agreed.
16. Tree and hedgerow protection to be submitted, agreed and implemented prior to works commencement.

- 2.03 If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor T. Newhouse
Requests committee determination.

Hope Community Council

No adverse comments. Draws attention to the volume of traffic which already exits from the Beeches onto Wrexham Road.

Highways DC

No objection to the proposals and requests the imposition of conditions.

Pollution Control Officer

No adverse comments.

Education - Capital Projects and Planning Unit (CPPU)

Advises that sufficient capacity exists in the local primary school (Ysgol Estyn) and therefore no contribution is sought in this respect.

Advises that the local Secondary School affected by the proposals would be Castell Alun High School which is already over capacity. (See Section 7.31 – 7.40 for more details on this issue.)

Public Open Spaces Manager

Advises that an on site play facility would not be required. Advises that a commuted sum of £1100 per dwelling should be sought to contribute to the provision of recreational facilities within the locality. (See Section 7.28 – 7.30 for specifics)

Natural Resources Wales

No objection subject to the imposition of conditions.

Dwr Cymru/Welsh Water

No adverse comments. Requests the imposition of conditions.

Wales & West Utilities

No adverse comments.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site, notice and neighbour notification letters. At the time of writing this report, 50No. letters have been received in response raising objections on the following grounds;

- Increased traffic will adversely affect highway safety;
- Proposals rely on a single inadequate point of access to wider highway network;
- Existing highway infrastructure is inadequate to accommodate more traffic;
- Adverse impacts upon residential amenity arising from layout;
- Adverse impacts upon pedestrian safety;
- Adverse impacts upon ecological features in the locality;
- Inadequate education infrastructure to accommodate proposals;
- Inadequate local healthcare infrastructure to accommodate proposals;
- Proposals for development of the site were refused during UDP process on basis of inadequate access;
- Overdevelopment; and
- Issues associated with contamination from historical HGV parking.

5.00 SITE HISTORY

5.01 No previous site history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- | | | |
|--------------|---|--|
| Policy STR1 | - | New Development. |
| Policy STR4 | - | Housing. |
| Policy STR7 | - | Natural Environment. |
| Policy STR11 | - | Sport, Leisure & Recreation |
| Policy GEN1 | - | General Requirements for Development. |
| Policy GEN2 | - | Development Inside Settlement Boundaries. |
| Policy D1 | - | Design Quality, Location and Layout. |
| Policy WB1 | - | Species Protection |
| Policy TWH1 | - | Development Affecting Trees and Woodlands |
| Policy TWH2 | - | Protection of Hedgerows |
| Policy AC13 | - | Access and Traffic Impact. |
| Policy HSG3 | - | Housing on Unallocated sites within Settlement Boundaries. |
| Policy HSG8 | - | Density of development. |
| Policy SR5 | - | Play areas and new housing development. |

- 6.02 The above policies offer a general presumption in support of development proposals of this type upon sites within settlement boundaries. Accordingly, the proposals would comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline application proposes the development of this 0.72 hectare site for the purposes of residential development. Whilst the application is submitted in outline, matters in respect of access and scale are provided for consideration. Indicative details submitted suggest that the site could be developed for approximately 19 dwellings, together with the provision of an area of public open space and the formation of a new point of vehicular access from Almond Way to the south east of the site.

7.02 Site and Surroundings

The site comprises an area of undeveloped land within the settlement boundary of Hope as defined within the Flintshire Unitary Development Plan. The site has latterly been used for the grazing of horses and a former stable building is located upon the site.

- 7.03 The site bounded by existing residential development to the south and south east with boundaries formed by a combination of walls, fences and established hedgerows. Access is proposed via the boundary directly of the existing highway limits of Almond Way. The land to the north and east comprises further areas of undeveloped land. However, these areas are located outwith the settlement boundary and are therefore open countryside.

- 7.04 The site is bounded to the north east and north west by existing mature hedges, interspersed with mature trees. A belt of trees bisects the site on a north east – south west alignment, forming 2 broadly equivalently sized land parcels. The site is relatively flat on a north – south alignment with a fall from east to west, reflecting the surrounding landform.

7.05 Main Issues

The main issues for consideration are:

- The principle of development;
- Access & highway considerations;
- Design and impact upon amenity;
- Ecology and Trees;
- P.O.S and play provisions;
- Infrastructure impacts

7.06 The Principle of Development

The site is located within the settlement boundary of Hope which is defined as a Category B settlement within the adopted Flintshire Unitary Development Plan. Policy GEN2 identifies a presumption in favour of the development of such sites but identifies that in the case of unallocated 'windfall sites' there are limitations imposed via policy HSG3.

7.07 Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development will be permitted in Category B settlements where it does not conflict with the planned housing provision for the County, as set out in the UDP, and does not conflict with Policy GEN1. Having regard to criteria b) of HSG3, growth within Hope stands at 10.3% (April 2014).

7.08 The bringing forward of such windfall sites is consistent with the strategic aims of the UDP and the UDP Inspector's conclusions in relation to housing, in that housing development should be primarily directed towards sustainable settlements such as Category B settlements. This is because there is a greater range of facilities, services and infrastructure within such settlements in the County.

7.09 Members are reminded that as this site is located within the settlement boundary, albeit not allocated for residential development, the requirements of developers as set out in the Council's Developer Guidance Note : Speculative Housing Development Proposals, do not apply to this site.

7.10 Access and Highway Impact

Matters of access are not reserved for future consideration in this application. The proposals provide for a single point of access to be derived from the northern end of Almond Way. Access is proposed via 5.5m wide carriageway with 2m footways on both sides.

7.11 Consultation has given rise to a large body of representations raising objection upon highway impact and access grounds. The objection cites that a previous application for the development of this site was refused planning permission upon such a basis. This is not factually correct. A planning application for the development of the site was not submitted.

7.12 Members will recall that this site previously formed part of a larger proposed housing allocation within the deposit draft UDP under policy HSG1(40). Members will equally recall that this initial allocation was reconsidered by the Council in the light of representations and a change proposed via PC 325 which deleted the allocation and removed almost all of the site from the settlement boundary. That part of the allocation retained, albeit as vacant white land within the settlement boundary and not as a formal allocation, forms this application site. Members will equally recall that this land equates to

that area which was retained within the settlement boundary for Hope within the adopted Alyn and Deeside Local Plan.

- 7.13 The basis for Proposed Change PC 325 was that there were concerns relating to the adequacy of the vehicular access serving the proposed allocation. The inspector, in considering the proposed change, noted that:

'the existing estate road giving potential access to the site is not adopted. Furthermore, it would involve an overly long cul-de-sac and require a secondary means of access.'

- 7.14 It should be noted by Members that the Inspector ultimately accepted PC35 and the larger allocated site was withdrawn from the UDP and the settlement boundary drawn back to that which is indicated within the adopted UDP.

- 7.15 Since the consideration of these matters there has been a change of circumstances in relation to the status of the road network inasmuch as the estate roads have now been adopted.

- 7.16 Accordingly, the proposed development of this 0.65ha site stands to be considered upon its own merits in access terms and in the light of this change of circumstances. I am advised in response to consultation by Highways DC that the proposals are acceptable in highway and access terms, subject to the conditions set out in Paragraph 2.2 above. In coming to this view, a detailed Transport Statement was requested of the applicant and regard has been had to the contents of this statement. It is considered that the proposals would not have any material impact upon the operation or safety of the local highway network and both the access point onto the A550 and the A550 itself are both acceptable in terms of visibility and capacity to accommodate the proposed development.

- 7.17 Design and Amenity Considerations

The proposals provide details in respect of design, external appearance, scale and layout, notwithstanding that all of these issues (excepting scale of the overall development) are Reserved for future approval. The submitted design and access statement provides indications of the parameters of scale of the proposed dwellings and insofar as scale as (a Reserved Matter) is concerned, it is simply the development of the site for 19 dwellings which is sought to be established at this stage.

- 7.18 Bearing this in mind, the development of this 0.65 hectare site for 19 dwellings would equate to a density of development equivalent to 29.25 dwellings per hectare (d.p.h). I am satisfied, having regard to the advice within Policy HSG8, that the proposed scale of development is in accordance with the stated aim of development within Category B settlements seek to achieve 30 d.p.h.

- 7.19 The indicative layout suggests houses arranged around an adoptable road, turning head and private drives. The dwellings adjacent to the tree and hedgerow lined northern boundaries are set an appropriate distance from these trees. (See Section 7.23 – 7.27) For more details on this issue)
- 7.20 The indicative dwellings are of a form and scale reflective of the general vernacular in the area although I appreciate that the dwellings fronting Stryt Isa are of a larger footprint and set within much larger and spacious plots than those upon Almond way and the surrounding residential estate via which access is proposed to be derived. I therefore consider that the site should be read in the context of Almond Way and The Beeches and therefore conclude that the form and layout indicated would be acceptable in design terms. The indicative details of the dwellings suggest buildings of 2 and 2.5 storey form to be constructed of brick and render beneath slate or tile roofs, all of which is consistent with the local vernacular.
- 7.21 The site layout is in line with Council standards on space about dwellings/overlooking/privacy and is complimentary to the general character of the area which has a mixture of property types and styles.
- 7.22 Therefore the proposed development is considered acceptable in design and appearance terms subject to approval of precise details at Reserved Matters stage. The existing natural features to the site boundaries are generally retained and protected as part of the development scheme.
- 7.23 Ecology and Trees
The site boundaries are formed by a mixture of trees and hedgerows of generally good quality. Furthermore, the site is divided into its 2 field parcels by a further hedgerow interspersed with trees. These form strong defensible boundaries to the site and are important in both amenity and ecological terms.
- 7.24 Certain trees are indicated to be removed to facilitate the development, however they are lesser quality self seeded specimens. Equally, the route of the access and the proposed road seeks to exploit existing weak points within the hedgerows and avoid the obvious quality mature trees. The application is accompanied by a trees assessment which indicates that the quality of the trees and any works required as part of the development. I would propose to condition the works in accordance with this assessment. In addition, the tree protection zones identified will be required to be set out and fenced before any other site works occur.
- 7.25 Furthermore, the hedgerows and trees offer potential nesting and roosting sites for bats and birds. Accordingly I propose to condition that no works to any trees or hedgerows are undertaken without first a

qualified ecologist having investigated those trees upon which works are to be undertaken to establish that neither nesting birds nor bats are present. No work shall be undertaken until a report confirming the absence of either is submitted and agreed.

7.26 The hedgerows are a key ecological feature of the site, together with the ditch which runs alongside these hedgerows. Both are important and subsequent Reserved matters applications will be required to detail how these features are to be retained and incorporated into the eventual detailed scheme for the site. The remainder of the site is agricultural grassland which is species poor and of low ecological value.

7.27 The site does not lie within any designated sites for ecological value but there are records of Great Crested Newts within 500m of the site to the west and east. Whilst there are no suitable breeding habitats on the site and the land itself offers poor terrestrial habitat, the ditch system does offer potential for terrestrial and connection habitat. Accordingly, I propose to condition to submission of a scheme of Reasonable Avoidance Measures and mitigation to be submitted and agreed prior to the commencement of works.

7.28 Recreation and Play

The proposals provide an indication of on-site public open space intended for informal recreation and play. Consultations with the Public Open Spaces Manager has revealed that rather than formal provision within the site for play, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community.

7.29 The consultation has established that the sum requested should be used in connection with a project to establish a wheeled sports facility at the nearby Willows Recreation Grounds. In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

7.30 Accordingly and in line with LGPN 13: Open Space Requirements, I recommend that a contribution equivalent to £1100 per dwelling is sought via a S.106 agreement to satisfy this requirement.

7.31 Other Infrastructure Implications

It has been suggested by third party responses to consultation that the settlement does not have sufficient capacity within the existing infrastructure to accommodate the proposed development of a further 19 dwellings. Specifically cited is the lack of capacity at local education and healthcare centres.

- 7.32 Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation has established, having regard to SPG23 : Developer Contributions to Education, the development would not give rise to any contribution requirement at primary school level as there is sufficient capacity within the school both currently and following this development (if approved).
- 7.33 Such capacity is not available at the nearest high school (Castell Alun). The current capacity of the school stands at 1240. There are presently 1359 pupils attending the school. The proposals would give rise to an additional 3 pupils. Accordingly, upon the application of the SPG23 guidance, a sum of £55,407 would be sought for educational purposes as a consequence of this development.
- 7.34 Members will recall from recent discussions in respect of this school and the implications of the effects of the CIL Regulations upon the ability of the Local Planning Authority to seek contributions via S.106 Agreements in respect of educational infrastructure in respect of this school.
- 7.35 The infrastructure and monetary contributions that can be required from the a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.
- 7.36 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests;
1. be necessary to make the development acceptable in planning terms;
 2. be directly related to the development; and
 3. be fairly and reasonably related in scale and kind to the development.
- 7.37 While the Authority does not yet have a charging schedule in place, the CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

- 7.38 The Planning Authority has secured 5 obligations towards Castell Alun High School since April 2010 namely;

Reference No.	Site Address	Contribution Amount
048186	Land at Bridge Farm, Fagl Lane, Hope	£31,500
048313	Land at Wood lane Farm, Penyffordd	£139,607
048676	Land at Babylon Fields, Higher Kinnerton	£21,000
048471	Land at Cymau Lane, Abermorddu	£24,500
048892	Land at the Former White Lion Public House, Penymynydd	£52,500

- 7.39 I am advised that since the advent of the provisions of the CIL Regulations, The Director of Lifelong Learning has identified separate projects in respect of educational needs a Castell Alyn High School which are distinct and separate to the project to which the above listed obligations relate. I am advised that the sum sought will be used as a contribution towards a project to develop the provision of a resource for specialist Art teaching accommodation at the school.
- 7.40 I am satisfied, on the application of the tests set out in S.122 of the CIL Regulations and as detailed above, that such a contribution would satisfy these requirements. I am also satisfied that the sum is sought for a specific identified project and as such, would not be caught by the S.123 prohibition with the CIL Regulations.
- 7.41 Objections have also been advanced in respect of the perceived impact upon existing local health care facilities. Members will be aware that responsibility for planning services to meet the needs of the community in this regard rests with the Local Health Board. However, I would remind Members that the healthcare building, providing doctors, dental and local health board services approved on land at Rhyddyn Hill in Hope is presently under construction. Those services are anticipated to be in place before the development proposals to which this application relates come to fruition (in the event that planning permission is granted).
- 7.42 Other Matters
Concern has raised been raised in respect of the potential for the site to be contaminated as a consequence of HGV parking which is alleged to have occurred upon the site historically. Consultation with the Council's Pollution Control Officer has revealed that there is no concern on this basis.

- 7.43 Neither Natural Resources Wales nor Welsh Water has raised objections to the proposal. Welsh Water have requested that conditions be imposed with regard to the submission and agreement of the precise methods and means of site drainage. NRW have requested a condition for the submission of a scheme of surface and foul water drainage. The request of both bodies are essentially the same and therefore I propose single condition requiring a comprehensive drainage scheme to be submitted and agreed.

8.00 CONCLUSION

- 8.01 I consider that the proposal is acceptable in principle and the development proposed would be acceptable at this location meeting the Council's requirements. I therefore recommend accordingly.
- 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

Contact Officer: Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk