

FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH APRIL 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 14 NO. SEMI-DETACHED HOUSES, 2 NO. SEMI-DETACHED BUNGALOWS 6 TERRACED PROPERTIES AND 1 NO. SPECIAL NEEDS BUNGALOW TOGETHER WITH ACCESS ROAD AND PARKING AT LAND OFF COED ONN ROAD, FLINT.**

APPLICATION NUMBER: **053662**

APPLICANT: **ANWYL CONSTRUCTION CO LTD**

SITE: **LAND OFF COED ONN ROAD, FLINT.**

APPLICATION VALID DATE: **2ND JUNE 2015**

LOCAL MEMBERS: **COUNCILLOR V. PERFECT**
COUNCILLOR P. CUNNINGHAM

TOWN/COMMUNITY COUNCIL: **FLINT TOWN COUNCIL**

REASON FOR COMMITTEE: **THE SCALE OF THE PROPOSED DEVELOPMENT REQUIRES COMMITTEE DETERMINATION**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application relates to the erection of 14 no. semi-detached houses 2 no. semi-detached bungalows, 1 no. special needs bungalow and 6 no. terraced properties, together with the access road and parking on land off Coed Onn Road, Flint Flintshire.

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

- 2.01 That conditional permission be granted subject to the applicant entering into a section 106 Agreement, providing a unilateral undertaking or the making of an advanced payment which provides for the following:-

Ensure the payment of a contribution of £733 per dwelling (£16859) in lieu of on-site play and recreation facilities, to upgrade the existing children's play at Oakenholt

Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. No works to commence until scheme for re-alignment of Coed Onn Road/Croes Atti Link Road has been submitted and approved.
4. No works associated with development to commence unless works identified in condition 3 have been completed.
5. Siting, layout and design of access to be submitted and agreed prior to commencement.
6. Formation of access not commence unless detailed design has been approved.
7. Access shall be Kerbed and completed to base layer prior to any other site building works.
8. Proposed access onto Coed Onn Road, shall have visibility splays of 2.4mx 43m
9. Visibility splays to be maintained during construction works.
10. Plot access to be in accordance with standard details.
11. Traffic calming and signage to be submitted and agreed.
12. Parking to be provided and maintained.
13. Gradient to access shall be 1 in 24 for 10 m and maximum 1 in 15 thereafter.
14. Positive means to prevent run-off of surface water to be agreed.
15. Construction management plan to be submitted and agreed.
16. Traffic management Plan
17. Materials to be agreed.
18. Landscaping to be submitted and agreed to include a less formal management around stream and SSSI buffer.
19. Landscaping to be undertaken.
20. Reasonable avoidance measures
21. Protective fencing around retained trees and hedges.
22. Arboricultural Method Statement to safeguard trees and hedges.

23. Details of stepped timber retaining structure to be submitted and agreed.
24. Biosecurity Risk Assessment to the satisfaction of Local Planning Authority.

3.00 CONSULTATIONS

3.01 Local Member
Councillor V. Perfect
No response at time of writing.

Councillor P. Cunningham
No objection.

Adjoining Ward Member
Councillor R. Johnson

As adjoining ward member objects to the proposal on grounds of being against policy. Applicant had permission for a mixed development, not to pass land on to Housing Association, which is not needed due to all the new building going to take place on the former maisonette site. Once a permission is given it should be adhered to not changed to suit the developer. Affordable housing was to be pepper-potted around the site not lumped together.

Flint Town Council
No objections to make regarding the planning application.

Head of Assets and Transportation
No objections requests the imposition of conditions and notes upon any subsequent permission. The conditions requested relate to details being provided and agreed for the improvement of the Coed Onn Road/Croes Atti Link Road being submitted and undertaken including access into the site. The conditions relate to:-

- Access to be completed to base course layer up to internal tangent
- Visibility splay onto Coed Onn Road shall be provided and retained.
- Access to plots in accordance with standard details.
- Facilities to be provided and maintained for parking on each plot
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of estate roads to be submitted and approved.

- Access gradient.
- Positive means to prevent surface water runoff.
- No works to commence until traffic management plan submitted and approved.

An amended plan has recently been submitted, now showing the access onto Coed Onn Road and the Croes Atti link being included within the application site. The Highway Engineer has been reconsulted has no additional comments other than those previously made.

Pollution Control Manager

Confirms that has no objection to the proposal and does not wish to make any additional recommendations.

Wales and West Utilities

Has no objection to the proposal however apparatus may be at risk during construction works and should the application be approved then the applicant should contact Wales and West to discuss their requirements.

Natural Resources Wales

Based on the information provided to date NRW does not object to the proposed development. We have the following comments regarding protected sites and protected species-: Ecology Protected Species. We note the updated ecology report (Ecological Design Consultants, October 2015). NRW consider the assessment in respect of protected species to be satisfactory.

NRW recommend that the recommendations within report are conditioned as part of any permission granted. The implementation of Reasonable Avoidance Measures (RAMS) is recommended to ensure the favourable conservation status of the species is maintained.

Protected Sites

We note that the protected Mynydd y Fflint SSSI site borders the proposed development for approximately 70m along a stream. From the information provided the tree and hedges that border the site are to remain intact in order to maintain a buffer between the proposed development site and the SSSI boundary. This boundary should be retained and not impinged upon by the proposed development.

The recommendations within the report should be conditioned as part of any permission granted in order that the hydrology of the site is not impacted on by the proposed development.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the Local Planning Authority.

The Coal Authority

Objected to the proposal in its original form until such time that the applicant can demonstrate that no significant risk to the development is posed by the recorded mine entry and that it can be demonstrated that the application site is, or can be made, safe and stable for the proposed development.

The applicant has recently submitted a mineshaft investigation report on 26th November and this has been sent to the Coal Authority for comments. Further information has now been submitted and The Coal Authority is satisfied with the conclusions of the Mineshaft Investigation Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority **withdraws its objection** to the proposed development.

Liverpool Bay Operations

No comments to make on the proposal.

Public Open Space Manager

Advises that a sum of £733 per dwelling be sought in lieu of on-site play provision. (£16,859 total). The infrastructure and monetary contributions that can be required from 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'.

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.

Whilst 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.

The consultation has established that the sum requested should be used in connection with a project to upgrade facilities at the nearby Albert Avenue, play Area. 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.

NOTE: 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.

Drainage Section

Requires further information on the drainage design. Information has now been submitted and passed to the relevant section and is presently under consideration. Additional information has now been submitted and the information is now considered acceptable.

4.00 PUBLICITY

4.01 The proposed development has been the subject of a wide level of consultation. The application has been publicised by means of site notices (twice, following the representation at the last committee), press notice and neighbour notification letters.

4.02 At the time of writing six letters of objection has been received the objections refer to:-

- Retain ecology of area existing hedgerow to path affords a good screen and habitat.
- Highway implications/road safety.
- If built will lead onto Anwyls site at Croes Atti
- Design brief expects affordable properties should be spread out through the whole of the development and not concentrated in one area.
- Development brief for Croes Atti set parameters with 10% affordable housing expected to be pepper potted throughout the whole site, not in one area.
- Creates an enclave of 23 dwellings of one type resident thus serious departure from approved principles for estate.
- Estate presented as one to enable families to enter the house owning market this application fails to achieve this objective

- Site great distance from public transport links.
- Entrances onto Coed Onn Road are debatable, proximity to bend and junction.
- Design Access Statement just cut paste exercise, and EIA is old.
- Croes Atti site was never intended for such housing
- This application should be re assessed as new application should provide the requisite 30% affordable housing.
- Development does not follow the Poundsbury principle which expects integration to be spread out throughout whole site such separation fails to meet this criteria
- Past reports often note tenants will probably not own cars, site located away from bus route and over mile from another.
- Highway danger
- EIA outdated
- Change in ground levels could potentially affect the hydrology of the site.
- No mention on plans regarding junction into the field opposite to indicate the estates link road to A548. Phase 3 section 106 required remainder of the estate link road to/from Coed Onn Road/A548 Object to this omission to not implementing an important element of phase 3 approval.
- EIA is dated 2003 other documents are dated.
- Croes Atti estate portrayed as of exemplary design, no links with Cwn Eithin and existing estates estate will become socially separated. 23 social housing units flies in face of design brief will create social enclave

5.00 SITE HISTORY

5.01 98/17/1308

Outline residential development and associated recreational, community and retail was originally reported to committee on 14.12.99 which resolved to approve subject to a Section 106 Agreement – No decision was ever issued due to changed circumstances of the applicants.

035575

Outline application for a mixed use development including residential, open space, infrastructure, landscaping, education and community facilities was reported to committee on 19.7.2004 which resolved to approve subject to a Section 106 Agreement -the agreement was signed and the permission issued on 11th July 2006.

044033

Reserved matters application -residential development consisting of 189 no. dwellings, public open space, new roundabout and all associated works at Croes Atti, Oakenholt -Granted on 11th July 2008.

044035

Highway improvements, street lighting and all associated works, on land at Croes Atti, Chester Road, Oakenholt, in connection with the outline planning permission (ref. 035575) -Granted permission on 23rd April 2008.

046562

Substitution of house types on plots 119, 124, 128-129, 131-132, 136, 138, 139, 142-144, 146-150, 160-163, 165-166, 170-177 and 183 on land at Croes Atti, Oakenholt, granted on 11th July 2008.

046595

Reserved matters application for residential development consisting 132 no. dwellings, new roads, open space and all associated works on land at Croes Atti, Chester Road, Oakenholt, granted on 19th January 2012.

049154

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted – appeal submitted for non-determination, this was considered by way of a public inquiry on 21st/22nd August 2012 –the appeal was allowed and the planning permission was varied to allow 7 years for the submission of reserved matters.

049312

Application for a Lawful Development Certificate for construction of vehicular access from Prince of Wales Avenue, Flint to serve residential development at Croes Atti, Oakenholt, permitted by outline planning permission code number 035575 dated 11th July 2006 – granted on 5th April 2012.

049426

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted – resolved to grant planning permission at Committee on 25th July, 2012 subject to completion of S.106 Obligation.

050258

Proposed house type substitutions and amendments to plots 62, 62a, 63, 65-70, 72-74, 74a, 75-93, 95-103, 106-108, 110-112, 112a, 113, 116-118 and one additional plot to that approved at Croes Atti, Chester Road, Oakenholt. – still under consideration.

050300

Reserved matter application for the erection of 306 dwellings new dwellings open space- granted April 2013

Applications relating to the revision to house types on various parts of the site have been submitted following the last of the above applications.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development inside Settlement Boundaries.

Policy HSG3 – Housing upon Unallocated Sites within Settlement Boundaries.

Policy HSG2 – Housing at Croes Atti, Flint.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Type and Mix.

Policy D1 – Design Quality, Location and Layout.

Policy D2 – Design.

Policy AC13 – Access and Traffic Impacts.

Policy AC18 – Parking Provision and New Development.

Policy SR5 – Outdoor Playing Space and New Residential development

7.00 PLANNING APPRAISAL

7.01 Principle of Development

This full planning application application proposes the erection of 23 dwellings consisting of 14 semidetached dwellings, 2 no semidetached bungalows and one special needs bungalow, together with access road and parking areas on land off Coed Onn Road, Flint. The current site measures 0.92 hectare and is an area of land that originally formed part of the third reserved matters application to be submitted following the granting of the outline planning permission for the whole site in 1996, as amended by an appeal into non determination of planning permission.

7.02 The proposal itself forms part of an overall site of 27 hectares which was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping and education and community facilities.

- 7.03 The present full planning application has been submitted following on from the granting of the last reserved matters application for the larger site under reference 050300. Given this the principle of residential development on this part of the site has therefore been established under the previous outline and reserved matters permission.
- 7.04 As noted this area of land originally formed part of a much larger development which was granted under planning permission reference 050300. The original permission showed the provision of 23 dwelling consisting of 10 pairs semi-detached dwelling and 2 apartments and one bungalow giving a total of 23 dwellings on the site. The present application proposes the erection of 14 semi-detached dwellings, 2 no semi-detached bungalows and 1 no special needs bungalow and two terraces of three giving a total of 23 dwellings. The proposal though now forming a full planning application results in the same number of dwellings, hence the principle and the number of dwellings have already been accepted
- 7.05 Impact on Residential Amenity
The proposed development is bordered by existing residential development to the north west boundary of the site and the previously approved area off residential development approved, with open countryside forming part of the overall site to the southern boundary. The layout shown and the house types proposed allow for space about dwellings which are considered not to be detrimental to amenities of the existing dwellings by way of overlooking or physical proximity.
- 7.06 The proposed development is considered to provide adequate private amenity space in addition to space about dwellings, whilst at the same time benefiting from formal and informal public open spaces which forms part of this phase of the development and that previously approved.
- 7.07 Design and Appearance
The proposed scheme is designed to link into the proposed new distributor road which is to serve the overall site. The density and character of proposed properties within the site vary in design from two storey terraces, semi-detached and detached dwellings. The proposed dwellings as amended are considered sympathetic to existing development.
- 7.08 Provision of Public Open Space
The overall site will benefit from a previously approved formally laid out "village green" which includes a mini soccer pitch, a junior play area, a toddlers/picnic area, a Multi-Use Games Area (MUGA) which forms part of the wider open space allocation for the overall site. The original submission on the site showed a door step play area which no longer forms part of the present proposal, hence a sum of £733 per

dwelling is sought in lieu of on-site play provision. The recommendation is therefore subject to completion of a S106 Obligation or earlier payment of a sum of £16,859.

7.09 Affordable Housing

The original outline planning permission for the overall site Croes Atti site required that a minimum of 10% of dwellings on the site should be social/affordable and this was secured via a Section 106 legal agreement. The exact location of affordable units within the overall development has yet to be determined, although on phases 1 and part of phase 2 these are being pepper potted across the site, however, the final figure will have to be in accordance with the terms of the Section 106 legal agreement. The present site is being built on behalf of a social landlord hence the final figure will be 100% social. An objection has been received regarding this aspect and the provision of additional affordable/social housing, however the minimum was 10% the provision of an additional 20 units above those originally proposed is an improvement on the original submission.

7.10 Drainage Issues

NRW and the drainage section have been consulted and have not objected to the proposal. At the time of writing works have been undertaken to off-site sewer works which include improvements to a pumping station which caters for the Croes Atti development overall in addition to improving drainage in the area.

7.11 Highways Issues

The highway engineer has been consulted on the application and raises no objections subject to the imposition of condition which are outlined above. Part of the original permission granted for the larger site which this forms was for the junction of Coed Onn Road and the Croes Atti junction be built/improved before phase 3 of the development starts. Given this part of the site originally formed part of phase three the conditions imposed reflect this need to improve this junction prior to works commencing on site.

8.00 CONCLUSION

8.01 The proposed development in broad terms would allow for the replacement of existing dwellings approved on the land with amended house styles and is therefore acceptable in principle, in design terms and other matters of detail.

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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

Contact Officer:	Karl Slater
Telephone:	(01352) 703259
Email:	karl.slater@flintshire.gov.uk