

FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH MAY 2016**

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

SUBJECT: **OUTLINE APPLICATION FOR THE ERECTION OF 8 NO. DWELLINGS AT CONWAY STREET, MOLD.**

APPLICATION NUMBER: **054670**

APPLICANT: **HGR JENNINGS LTD**

SITE: **CONWAY STREET, MOLD.**

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

LOCAL MEMBERS: **COUNCILLOR G.H. BATEMAN**

TOWN/COMMUNITY COUNCIL: **MOLD TOWN COUNCIL**

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER IN VIEW OF ACCESS CONCERNS WHICH HE WISHES TO BE VIEWED BY THE MEMBERS OF THE COMMITTEE.**

SITE VISIT: **YES FOR THE REASON OUTLINED ABOVE.**

1.00 SUMMARY

1.01 This application seeks approval, in outline, for the redevelopment of this site with for a residential scheme of 8 houses. All matters are Reserved for future submission with the exception of access, details of which are provided for consideration at this stage.

1.02 Whilst some matters are Reserved, the applicant has provided an indicative site layout plan which suggest how the site could be developed Members are reminded that this detail is 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 the upgrade of play facilities at the existing children play area at Llys Pont y Garreg, Mold. Such sum to be paid upon occupation of 50% of the approved dwellings.
2. Ensure the payment of a commuted sum of £24,514 as a contribution to the provision of additional external areas for the teaching of physical education as part of the national curriculum at Glanrafon C.P. 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. Submission of detailed layout and design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads road prior to commencement.
6. Scheme for positive means to prevent surface water run off on to Highway to be submitted and agreed.
7. No development until a construction traffic management plan is submitted and agreed.
8. Submission of detailed siting, layout and design of the site access prior to commencement.
9. No formation of access until details agreed.
10. Formation of access to be kerbed and completed to base course and entrance radii prior to any other site works.
11. Access visibility sightlines of 2.4m x 43m in both directions. To be available and clear of obstruction during construction works.
12. Scheme for comprehensive integrated drainage system to be submitted and agreed.
13. Foul drainage discharge points to be between manholes SJ23638501 and SJ23639501.
14. Land contamination investigation to be submitted and agreed.
15. Such remediation as may be required as a consequence of Condition 14 to be submitted and agreed prior to any site works and implemented as per agreement.

16. External construction materials and finish colours to be submitted and agreed.
- 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 G. H. Bateman

Objects to the proposal on the basis that the creation of an additional point of access onto Conway street will exacerbate existing access problems occasioned by the on street parking of vehicles. Also considers that the creation of a point of access on this eastern side of Conway Street will increase the highway dangers to school children who access Ysgol Maes Garmon via Conway Street.

Mold Town Council

No response at time of writing.

Highways DC

No objection subject to the imposition of conditions in relation to, inter alia, the detailed design of the access and the provision of access visibility splays.

Pollution Control Officer

No response at time of writing.

Public Open Spaces Manager

Advises that on site recreation provisions should not be sought. A commuted sum payment should be sought of not less than £1100 per dwelling with such sum to be used to enhance the existing children's play area at Llys Pont y Garreg, Mold.

Capital Projects and Planning Unit (CPPU)

Advises that insufficient capacity exists in the local primary school (Glanrafon C.P) and therefore would be affected by these proposals. Advises that the nearest Secondary School is Ysgol Maes Garmon, which would not be affected by the proposals.

Dwr Cymru Welsh Water

No objection subject to conditions addressing the final drainage scheme design and connection to a prescribed discharge point.

Natural Resources Wales

Advises that they have been consulted upon a Flood Consequences Assessment and are satisfied that the applicant has demonstrated that the flood risks to the site can be managed to an acceptable level.

Suggests that a condition be imposed which addresses the need for a level of compensatory drainage storage within the proposed drainage system.

4.00 PUBLICITY

4.01 The application has been publicised by way of the display of a site notice and neighbour notification letters. At the time of writing this report, 6No. 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 on street parking arrangements cause congestion upon Conway Street. The proposal will exacerbate this.
- Adverse impacts upon residential amenity arising from noise and pollution from additional traffic;
- Adverse impacts upon pedestrian safety, especially school children; and
- Overdevelopment of the area.

1No. letter of support for the broad principle of the redevelopment of the site has been received but raises concerns in respect of the management of construction traffic during the construction phase

5.00 SITE HISTORY

5.01 038466

Demolition of garage and erection of 3 and 4 storey residential development.

Refused 27/2/2006

045341

Change of Use from garage site to self-storage container site.

Refused 9/12/2008

045711

Outline – 24 apartments

Permitted 23.3.2009

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development.

Policy STR4 - Housing.

Policy GEN1 - General Requirements for Development.

Policy GEN2 - Development Inside Settlement Boundaries.

Policy D1 - Design Quality, Location and Layout.

- 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 0.19 hectare site for the purposes of residential development. Whilst the application is submitted in outline, matters in respect of access are provided for consideration. Indicative details submitted suggest that the site could be developed for approximately 8 dwellings, together with the formation of a new point of vehicular access from Conway Street to the east of the site.

7.02 Site and Surroundings

The site comprises an area of land comprising part of the curtilage to the existing former garage premises at Morris' Garage. The site includes areas of hardstanding and a number of other structures and materials stored within the curtilage. The site itself is flat across its both its axis. The site is bounded to the north by the garage with the adjacent highways known as Brook Street and Wrexham Road beyond. There is no formal demarcation of this boundary. The southerly boundary of the site comprises an established hedge and associated fence to the property known as Garfield. The eastern boundary of the site abutting Conway Street is formed by a combination of corrugated sheet metal screening, an established hedgerow and a stone wall. A combination of wall and some hedges mark the western boundary of the site with the properties on Stryd Henardd.

7.03 The site surroundings are densely developed and are characterised as a mix of residential and education facilities. The residential component of the surroundings comprises 2 storey terraced dwellings on Conway Street, modern semi-detached 2 storey dwellings to the west on Stryd Henardd and a 3 storey sheltered housing apartment block on the junction of Brook Street and Wrexham Road to the north. In addition to the detached residence, Garfield, to the south, the site also lies in close proximity to Ysgol Maes Garmon and the Alun School.

7.04 Main Issues

The main issues for consideration are:

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

7.05 The Principle of Development

The site is located within the settlement boundary of Mold, which is defined as a Category A settlement within the adopted Flintshire Unitary Development Plan. Policy GEN2 identifies a presumption in favour of the development of such sites. The bringing forward of windfall sites such as this 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. This is because there are a greater range of facilities, services and infrastructure within such settlements in the County.

7.06 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 derive from Conway Street. Access is proposed via 5.3m wide carriageway with 1.8m footways on both sides.

7.07 Consultation has given rise to a number of representations raising concerns in relation to the perceived impact of the development upon the level of traffic generated, on street parking and the likely impacts upon highway and pedestrian safety, particularly that of school children. Consultation with Highways DC has established that there is no objection in principle to the proposed development but advises that conditions will be required to be imposed upon any subsequent grant of planning permission. Amongst these suggested conditions is a condition in respect of the visibility sightlines required at the proposed point of site access. These will ensure that adequate visibility is provided not only for vehicles emerging from the site but also of vehicles emerging from the site. This visibility also takes into account inter visibility between pedestrians and vehicles and I am satisfied that adequate provision can be made to ensure no detriment to highway or pedestrian safety.

7.08 Flood Risk

The site occupies a location within a C2 flood zone. National guidance in relation to proposals of this nature, namely residential development, directs that such schemes should be resisted as a matter of principle. However, the applicant has submitted a Flood Consequence Assessment (FCA) for the consideration of Natural Resources Wales

(NRW) which NRW has considered and advises adequately demonstrates that the risks to the site in a flood event can be acceptably managed and as such raises no objection to the proposal. A request is made that the detailed design of the site drainage system provides for a compensatory storage facility as part of the system to regulate the flow of surface water from the site.

7.09 Design and Amenity Considerations

The proposals provide details in respect of the layout of the site, notwithstanding that all detailed design issues (excepting access) 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 8 dwellings which is sought to be established at this stage.

7.10 Bearing this in mind, the development of this 0.19 hectare site for 8 dwellings would equate to a density of development equivalent to 39 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 A settlements seek to achieve 30 d.p.h.

7.11 The indicative layout suggests houses arranged around an adoptable road and turning head. The dwellings adjacent to the existing houses on Conway Street and Stryd Henardd are set at appropriate distance from these dwellings.

7.12 The indicative dwellings are of a form and scale reflective of the general vernacular in the area. I consider that the site should be read in the context of Stryd Henardd in layout terms rather than the context of Conway Street as the proposals do not provide for terraced dwellings and therefore accord with the more modern form of residential development on Stryd Henardd. I therefore conclude that the form and layout indicated would be acceptable in design terms.

7.13 Recreation and Play

The proposals do not provide for 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.

7.14 The consultation has established that the sum requested should be used in connection with a project to upgrade existing play facilities at the nearby Llys Pont y Garreg children's 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.

- 7.15 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.
- 7.16 Other Infrastructure Implications
Consultation has highlighted a lack of capacity within the existing educational infrastructure to accommodate the pupils arising from the proposed development of a further 8 dwellings.
- 7.17 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 Secondary School level as there is sufficient capacity within the school (Ysgol Maes Garmon) both currently and following this development (if approved).
- 7.18 However, such capacity is not available at the nearest primary school (Glanrafon C. P). The current capacity of the school stands at 287. There are presently 282 pupils attending the school. Accordingly the school has only a 1.74% surplus of spaces for additional pupils. The proposals would give rise to an additional 2 pupils. This would erode capacity further below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, upon the application of the guidance, a sum of £24,514 would be sought for educational purposes as a consequence of this development.
- 7.19 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.
- 7.20 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'.
- 7.21 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.

- 7.22 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.
- 7.23 The Planning Authority has secured 2 obligations towards Glanrafon C. P School since April 2010 namely;

Reference Number	Site Address	Contribution Amount
046496	Land off Ruthin Road, Mold	£40,320
052208	Land side of Ffordd Hengoed, Upper Bryn Coch, Mold	£61,285

- 7.24 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 at Glanrafon C. P School which are distinct and separate to the projects to which the above listed obligations relate. I am advised that the sum sought will be used as a contribution towards providing additional external areas to enable the teaching of physical education to the increased pupil numbers at the school as part of the National Curriculum. .
- 7.25 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.

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, 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

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