

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JUNE 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 67 DWELLINGS WITH PUBLIC OPEN SPACE AND OTHER ASSOCIATED INFRASTRUCTURE AT SUMMERHILL FARM, DROVERS LANE, CAERWYS.**

APPLICATION NUMBER: **054007**

APPLICANT: **MR. R. JONES**

SITE: **SUMMERHILL FARM, DROVERS LANE, CAERWYS**

APPLICATION VALID DATE: **12TH AUGUST 2015**

LOCAL MEMBERS: **COUNCILLOR J. E. FALSHAW**

TOWN/COMMUNITY COUNCIL: **CAERWYS TOWN COUNCIL**

REASON FOR COMMITTEE: **THE NATURE OF THE PROPOSALS, IN TERMS OF THE NUMBER OF PROPOSED DWELLINGS, EXCEEDS THAT FOR WHICH POWERS ARE DELEGATED TO THE CHIEF OFFICER.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a Reserved Matters application for the erection of 67 dwellings. This application provides details of the siting, design, external appearance and landscaping of the site following the grant of outline planning permission 044232 and the extensions of time for the submission of Reserved Matters subsequently granted under 048605 and 052169.

1.02 The issues associated with the principle of developing this site for residential development have been dealt with at the outline stage. It is considered that the details of the scheme do not raise any issues in relation to impact on residential amenity or the character of the area.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation or Unilateral Undertaking, or making advance payment of to secure the following :-

- a. Ensure the payment of a contribution of £49,500 in lieu of 66% of on-site recreation provision, the sum to be used to enhance the children's play area at Chapel Street Play Area. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved, and
- b. The precise means and methods by which the affordable units are provided, together with provisions for their continued affordability thereafter.

2.02 Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. Construction traffic management scheme to be agreed. To include facility for wheel wash and measures to keep road free from debris and mud arising from development site.
4. Scheme for hours of working to be agreed.
5. Final finished site and floor levels to be submitted to and agreed.
6. Scheme for highway drainage, layout, design, traffic calming and signing, street lighting and construction of internal estate roads to be submitted and agreed.
7. Garage fronts to be 5.5m – 7.3m from back edge of footway/carriageway.
8. Scheme for prevention of surface water run off onto highway.
9. Construction Traffic Management Plan 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 J. E. Falshaw
No response at time of writing.

Caerwys Town Council

Feels unable to support the proposals. Considers that the proposal to erect 67 dwellings represents an over development of the site contrary to the indicative scale of development set out in the UDP. Feels that a maximum of 60 dwellings would ensure a sustainable form of development. Considers the character of the scheme more akin to an urban setting than this rural town.

Highways DC

No objections subject to conditions.

Pollution Control Officer

No objection. Considers proposals are a betterment in terms of the longstanding odour issues the site has presented for the rest of the town.

Advises of the potential for contamination and requests that a condition requiring an investigation and remediation should be imposed.

Public Open Spaces Manager

Advises that the requirements of LPG 13 should be addressed in a split fashion. Requires the provisions of an element of children's play space upon site, to be equipped and suitable for use by children up to the age of 11. This equates to one third of the normal requirements.

The remainder shall be addressed via the payment of a commuted sum towards the upgrade of existing play facilities at Chapel Street Play Area. The sum sought is £49,500.

In the event that the developer wishes any areas of P.O.S to be adopted, a commuted sum for 10 years maintenance will be required.

Capital Projects and Planning Unit (CPPU)

Advises that the nearest schools are Ysgol Yr Esgob (primary) and Ysgol Treffynnon (secondary). Advises that in case, the schools would not be affected by the proposals.

Dwr Cymru/Welsh Water

No objection. Requests that a condition in respect of the detailed drainage proposals for the site be imposed.

Natural Resources Wales

No objection.

Clwyd Powys Archaeological Trust

Advises that a prior archaeological evaluation of the site has revealed that the development of this site will have no archaeological implications.

4.00 PUBLICITY

- 4.01 Press Notice, Site Notice, Neighbour Notification
1No. response at time of writing received from North Wales Police Architectural Liaison advising that the scheme should accord with the principles of Secured by Design.

5.00 SITE HISTORY

- 5.01 **0005/75**
Outline - erection of 2 bungalows
Permitted 17.3.1975

550/75
Reserved Matters - erection of 2 bungalows
Permitted 21.1.1976

044232
Outline - residential development
Permitted 20.5.2008

048605
Renewal of planning application ref: 044232
Permitted 19.7.2011

052169
Renewal of outline planning permission Ref. 044232
Permitted 26.8.2014

053599
Removal of condition no. 5 upon Ref: 052169 relating to capacity within public sewerage system
Permitted 17.7.2015

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
- | | |
|-------------|--|
| Policy STR1 | - New development |
| Policy STR4 | - Housing |
| Policy STR7 | - Natural environment |
| Policy GEN1 | - General requirements for development |
| Policy GEN2 | - Development inside settlement boundaries |
| Policy TWH3 | - Protection of hedgerows |
| Policy L1 | - Landscape character |
| Policy WB1 | - Protected species |
| Policy HE1 | - Development affecting conservation areas |
| Policy HE2 | - Development affecting listed buildings & their settings. |
| Policy AC13 | - Access and traffic impact |

- Policy HSG1(20) - New housing development proposals
- Policy HSG10 - Affordable housing within settlement boundaries
- Policy SR5 - Play areas and new housing development
- Policy EWP14 - Derelict & Contaminated Land.
- Policy IMP1 - Planning conditions & planning obligations.

PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises some 1.87 hectares of land located within and adjacent to the northern edge of the settlement of Caerwys. The site is bounded to the south by the existing dwellings associated with the farm and their curtilages together with the boundary to the highway, Lon-y-Porthmyn which runs along this boundary from east to west between its junctions with Heol-y-Gogledd to the east and Pen-y-Cefn Road to the west. The Western boundary of the site abuts Pen-y-Cefn Road and is formed by a mature and well established hedgerow. The site boundary to the east with Heol-y-Gogledd is formed by a hedgerow enclosing part of the residential curtilage to Crud-yr-Awel, a hedgerow along the rear boundary of the car park to the adjacent Piccadilly Inn and hedgerows to the residential curtilages of Bro Hafod and Glan Llyn. The wall of the listed building, The Pinfold forms the southernmost part of this eastern boundary. There is no formal marking of the northern boundary to the site as it is part of larger field parcels which extends further to the north.

7.02 Access to the farm presently exists in 2 locations around the site boundaries, to the west in the form a vehicular access through the hedgerow from Pen-y-Cefn Road and to the south via an access alongside Summerhill Farm house itself.

7.03 The site contains a number of buildings associated with the operation of a pig farm, and agricultural land to the north of the most northerly boundary of the site. The site also includes an area of vacant land which projects to the east in between 2 no. existing dwellings and having a frontage with Heol-y-Gogledd. The farm buildings, of which there are about 20 in all, are all single storey and of a variety of construction styles. They are typically constructed of either corrugated metal sheeting, wood or breeze blocks with corrugated sheet roofs of either asbestos cement or metal. The area occupied by the farm buildings are used in connection with the operation of a 450 sow pig farm. The agricultural land to the north is agricultural pasture land which is normally used for the grazing of livestock.

7.04 Proposal

It is proposed to erect 67 dwellings comprising a mix of 1, 2,3 and 4 bed accommodation, comprising:

4No. 1 bed dwellings,
4No. 2 bed dwellings,
36No. 3 bed dwellings, and
17No. 4 bed dwellings.

7.05 The proposals provide for 6No. dwellings to be provided as affordable dwellings, gifted to the Council. These comprise 5No. 3 bed semi-mews dwellings and 1NO. 2 bed corner dwelling. The precise details of the remainder of the affordability provision at this site will be confirmed at Committee.

7.06 The proposed dwellings are a mix of house types including detached, semi-detached, terraced and mews type dwellings with both brick and render and finishes and slate and tile roofs, both with detached and integral garages. There is a central spine road running east to west across the site from Heol-y-Gogledd to Pen-y-Cefn Road with houses on both sides. Other estate roads and private drives are derived from this road. An area of Public Open Space to be equipped with children's playing equipment is proposed to the south of this central spine road.

7.07 Principle of development

The site is allocated for development in the Flintshire Unitary Development Plan for residential development. The principle of development has therefore been accepted. In addition, a resolution to grant outline planning permission 044232 for residential development on this site was made at Planning Committee on 23rd April 2008 subject to a number of conditions. The principle of residential development has therefore been reinforced through this grant of outline planning permission.

7.08 An indicative yield of 54 dwellings from this site was envisioned in allocating the site within the UDP. This accords with the aim of the plan to seek to ensure that all allocated housing sites should achieve a minimum of 30dpha (unless there are particular constraints or issues which indicate a lower density is appropriate). Policy HSG8 - Density of Development, advises that, where appropriate, development should seek to make the most efficient use of land whereby the density of development should be optimised, whilst having regard to the characteristics of the site and surroundings and making provision for a high quality living environment in terms of privacy and space. This proposal equates to a form of development which yields development at a rate of approximately 35d.p.ha. I am satisfied that this is an appropriate scale of development upon this site.

7.09 The Main Issues

The main issues for consideration in the determination of this application are;

1. Design and impacts upon character and amenity;
2. Access;
3. Education Impact; and
4. S.106 requirements in relation to Public Open Space.

7.10 Design and Impacts upon Character & Amenity

The proposed design and layout of this scheme has been the subject of negotiation and discussion over the course of the consideration of the application and has been amended in line with comments arising from the consultation process. The scheme has evolved to respond to the site characteristics and delivers a design where the form and dwellings reflect both the design of the residential areas and buildings in the locality, and provide for a mixture of house types. The scheme has sought to provide a greater variety of house types, improvements to street scenes and seek to retain existing natural features and routeways to provide a natural focal point at the key location at the entrance to the site around the TPO protected Sycamore Tree with a view to maintaining, insofar as is possible, a certain rural character to the site in this location.

7.11 The listed building known as 'The Pinfold' directly abuts the site and forms part of the site boundary to the east. The presence of this important building has been a significant factor in considering the detailed proposals for the site. Members will note that the proposed P.O.S is located adjacent to this structure as it is considered that an area of open space abutting the structure gives it room to breathe and, coupled with the landscaping buffer proposed adjacent to it, will ensure that this southern boundary of the site, where it adjoins the Conservation Area retains a soft feel and ensures that the development does not clash with the area.

7.12 The wider area is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form but has no overall dominant local vernacular. The applicant has sought to recognise this within the proposal and seeks to create a development which sits well in its locality but delivers a strong sense of identity. The layout takes full account of the existing dwellings adjacent to the site by maintaining adequate separation distances, in line with Council standards on space about dwellings and overlooking to secure privacy and amenity as well as respecting the private gardens of adjacent houses.

7.13 Accordingly, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.

7.14 Access

Members will recall that access was a matter addressed at the time of the grant of outline planning permission. The detailed proposals have been the subject of consultation with Highways DC colleagues who have advised that they are satisfied with the proposed points of access and detailed layout of the proposed roads. Furthermore, the scheme provides an acceptable scheme in respect of the road widening to Pen-y-Cefn Road. I am advised that the precise details in respect of the highway drainage system remain to be finalised but I am satisfied that a condition requiring this to be agreed prior to the commencement of any site works adequately addresses this issue. Other conditions are imposed at the request of Highways DC other than where they are already in force via the Outline planning permission.

7.15 Education Impact

Members will recall that a condition relating to educational need was imposed at the time of outline permission being granted as concern had been raised in relation to the capacity at the nearby Ysgol Yr Esgob C.P school. This approach was adopted as the application predated the formulation and adoption of SPG 23 by the Council.

7.16 Having regard to SPG23 : Developer Contributions to Education, the development would not give rise to any contribution requirement at either Primary or Secondary School level as there is sufficient capacity within the schools in question.

7.17 The capacity at the nearest primary school (Ysgol yr Esgob C. P). The current capacity of the school stands at 86. There are presently 56 pupils attending the school. Accordingly the school has 34.8% surplus of spaces for additional pupils. The proposals would give rise to an additional 16 pupils. This would not erode capacity below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, no contribution is sought for primary educational purposes as a consequence of this development.

7.18 The capacity at the nearest secondary school (Ysgol Treffynnon). The current capacity of the school stands at 600. There are presently 407 pupils attending the school. Accordingly the school has 39.6% surplus of spaces for additional pupils. The proposals would give rise to an additional 16 pupils. This would not erode capacity below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, no contribution is sought for secondary educational purposes as a consequence of this development.

7.19 S.106 – Public Open Space

The Public Open Spaces Manager advises that it is appropriate to apply the requirements of Local Planning Guidance Note 13: Open Space Requirements in connection with this proposal.

- 7.20 Accordingly, I am advised that the requirements of this guidance should be satisfied in connection with this scheme in such a manner as 34% of the normal on site requirement be provided in the form of an equipped children's play space within the site. Accordingly I propose to impose a condition requiring the submission of scheme to equip the area of open space provided within the site. The remaining 66% of the total P.O.S provision can be satisfied in the form of commuted sum. This sum equates to £1100 per dwelling in respect of 45 dwellings (being 66% of the development), a total of £49,500 This sum is proposed to be utilised in upgrading the existing play and recreation facilities at Chapel Street Play Area. The sum will be required, via legal agreement, to be paid upon 50% sale or occupation of the approved dwellings.
- 7.21 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'.
- 7.22 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.
- 7.23 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.
- 7.24 The consultation has established that the sum requested should be used in connection with a project to upgrade facilities at the nearby Chapel Street Play Area 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.

7.25 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.

7.26 Other Matters

Members will note that consultation responses in connection with this application indicate the need for conditions in respect of site drainage and land contamination. Members will recall that in granting outline permission for this site, conditions in respect of these matters were imposed at that time. Accordingly, as this application seeks approval of Reserved Matters, it must be read as a whole with the Outline Permission and there is therefore, no need to replicate the provisions of conditions upon the outline in this approval.

8.00 CONCLUSION

8.01 Having regard to the proposals and the above consideration of all relevant matters, I consider that these proposals represent a scheme, the detail of which is acceptable (given that principle is already established). I recommend that approval of these Reserved matter be granted subject to approximately worded planning conditions and the suggested legal agreement.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

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

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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