

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26TH JULY 2017**

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

SUBJECT: **OUTLINE APPLICATION – ERECTION OF 14 NO. DWELLINGS AT FORMER SPECTRUM HOME & GARDEN CENTRE, WREXHAM ROAD, CEFN-Y-BEDD**

APPLICATION NUMBER: **055430**

APPLICANT: **MR. P. WILLIAMS**

SITE: **FORMER SPECTRUM HOME & GARDEN CENTRE, WREXHAM ROAD, CEFN-Y-BEDD**

APPLICATION VALID DATE: **12TH MAY 2016**

LOCAL MEMBERS: **COUNCILLOR D HUGHES**

TOWN/COMMUNITY COUNCIL: **LLANFYNYDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **APPLICATION CONSTITUES A DEPARTURE FROM THE DEVELOPMENT PLAN**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is an outline application with all matters reserved for subsequent approval. It proposes the erection of 14 No. dwellings on the site of the former Spectrum Home & Garden Centre, Wrexham Road, Cefn y Bedd. The site the subject of this application is located outside the settlement boundary of Cefn-y-Bedd. As it constitutes a departure from the development plan the application requires Planning Committee determination.

1.02 For Members information the site is located within a C2 Flood Zone

which is categorised as an area at risk from flooding without significant flood defence infrastructure. As it constitutes residential development of more than 10 dwellings, within a C2 Zone, in accordance with Welsh Office Circular 07/12 the application is required to be reported to Welsh Government for formal determination. In these circumstances the resolution of The Planning Committee will be forwarded to the Welsh Government if Members are mindful to grant permission for the development.

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

That conditional planning be granted subject to the applicant entering into a Section 106 Obligation / Unilateral Undertaking to:-

- a) Control the provision and occupation of the 4 No affordable dwellings within the proposed development
- b) Ensure the payment of an educational contribution of £37,328 towards Information Technology at Castell Alun High School
- c) Secure the payment of £1100 per dwelling towards the enhancement of the children's play area at Wyndham Avenue

2.01 If the Obligation pursuant to Section 106 of the Town & Country Planning Act (as outlined above) 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.

2.02 Conditions

- 1. Outline – Reserved Matters.
- 2. Outline – Time Limit.
- 3. Materials to be submitted and approved.
- 4. Siting layout design of means of site access to be submitted and approved.
- 5. Forming and construction of access in accordance with approved details.
- 6. Site to be served by means of a single vehicular access.
- 7. Facilities to be provided within the site for the parking/turning of vehicles in accordance with approved scheme.
- 8. Front of any garage to be set back 5.5 m from back of footway or 7.3 m from edge of carriageway.
- 9. Detailed layout traffic calming, signing surface water drainage, street lighting and construction of internal estate roads to be submitted and approved.
- 10. Gradient of the access from existing carriageway for a minimum of 10 m to be 1 in 24 and a maximum 1 in 15 thereafter.
- 11. A 1.8 m wide footway to be provided along site frontage in accordance with detailed specification.
- 12. Positive means to prevent run-off of surface water onto the

- highway to be provided in accordance with approved details.
13. Finished floor levels of properties to be set at no lower than 66.03 above Ordnance Datum (AOD).
 14. Removal of permitted development rights.
 15. No development to commence until a scheme for the disposal of foul, surface and land drainage has been submitted and approved. Development to be carried out in accordance with approved details.
 16. No development to commence until a scheme for emergency evacuation in the event of a flood has been submitted and approved.
 17. No development to commence until a scheme of lighting to be submitted and approved.
 18. No development to commence with a scheme for the protection/maintenance of the bank of the River Cegidog has been submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member

Councillor D Hughes

Request site visit and planning committee determination, in order to assess the impact of the proposed development.

Llanyfynydd Community Council

No objection.

Highways Development Control Manager

Consider that the proposed change of use has the potential to reduce traffic movements into and out of the site, although pedestrian movements could increase. Whilst changes to the indicative site layout submitted would be required to address technical aspects of the development, raise no objection subject to the imposition of conditions in respect of access, visibility, parking, construction details and surface water run-off.

Public Open Spaces Manager

Request the payment of £1,100 per dwelling in lieu of on-site open space provision. The monies would be used to enhance the existing children's play area located at Wyndham Avenue.

Capital Projects & Planning Manager

Request the payment of an educational contribution of £37,328 to fund Information Technology at Castell Alun High School (See Main Report)

Welsh Water/Dwr Cymru

Recommend that any permission includes conditions in respect of foul, surface and land drainage.

Clwyd-Powys Archaeological Trust

No archaeological implications in respect of the proposed development.

Natural Resources Wales

Following the completion of hydraulic and hydrological modelling work, and submission of a Flood Consequences Assessment raise no objection subject to the imposition of conditions. Consider the ecological survey submitted to be acceptable subject to the imposition of appropriate bat mitigation and compensation.

Emergency Services

Awaiting response at time of preparing report.

Housing Strategy Manager

The Local Housing Market Assessment (LHMA) identifies an annual shortfall of 246 affordable homes.

The LHMA identifies a need for primarily 1 bed (14%) 2 bed (31.6%) and 3 bed (28.5%) split relatively evenly between Social Rented (56.2%) and intermediate tenures.

The Single Access Route to Housing (SARTH) register currently has 932 applications – 79 have identified Abermorddu/Caergwrle/ Llanfynydd Ffrith as areas they are seeking affordable housing for 1, 2, 3 or 4 bed housing. 7 applicants registered an interest for shared equity units. The applicant is proposing the provision of 4 No. 3 bed 70 – 30% shared equity units which is supported.

North Wales Police Community Safety

Recommend that the proposed development incorporates 'Secure By Design' principles.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification
No response received.

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development.
Policy STR4 – Housing.
Policy GEN1 – General Requirements for Development.
Policy GEN3 – Development in the Open Countryside.
Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.
Policy TWH1 – Development Affecting Trees & Woodlands.
Policy WB1 – Species Protection.
Policy AC13 – Access & Traffic Impact.
Policy AC18 – Parking Provision & New Development.
Policy HSG4 – New Dwellings Outside Settlement Boundaries.
Policy HSG5 – Limited Infill Development Outside Settlement Boundaries.
Policy HSG11 – Affordable Housing in Rural Areas.
Policy EWP14 – Derelict & Contaminated Land.
Policy EWP 17 – Flood Risk.

Additional Guidance

Planning Policy Wales (PPW) – Edition 9 November 2016
Local Planning Guidance Note 2 – Space Around Dwellings
Local Planning Guidance Note 8 – Nature Conservation & Development
Local Planning Guidance Note 9 – Affordable Housing
Local Planning Guidance Note 13 – Open Space Requirements
Supplementary Planning Guidance 23 – Developer Contributions to Education
Technical Advice Note 1 – Joint Housing Land Availability Studies
Technical Advice Note 5 – Nature Conservation and Planning
Technical Advice Note 6 – Planning for Sustainable Rural Communities
Technical Advice Note 15 – Development and Flood Risk
The Town & Country Planning (Notification) (Wales) Direction 2012.

7.00 PLANNING APPRAISAL

7.01 Introduction

The site the subject of this application amounts to approximately 0.51 hectares in area. It is located on the western side of the Wrexham – Mold Road (A541) and comprises the site of the Former Spectrum Garden Centre, Mold Road, Cefn-y-Bedd.

7.02 For Members information the site which is located between existing dwellings, Alyn House and Bryn Derw is currently vacant and occupies a number of redundant buildings which are in a poor state of repair. The site is located outside the settlement boundary of Cefn y Bedd as defined in the Flintshire Unitary Development Plan. It is however largely within a C2 Flood Zone which is categorised as an area at risk from flooding without significant flood defence infrastructure given that the western boundary of the site lies adjacent to the River Cegidog and on the eastern side of the A541 is the River Alyn.

7.03 Proposed Development

The application proposes the demolition of existing buildings on site and redevelopment by the erection of 14 No. dwellings. Although the

application is in outline form (with all matters reserved for subsequent approval) an indicative site layout plan has been submitted as part of the application.

7.04 The site layout illustrates the erection of 14 No. dwellings comprising a mix of detached/semi-detached 2/3 storey dwellings focussed around a central access/cul-de-sac head. As the site is located predominantly within a C2 Flood Zone, it is proposed to incorporate parking/non-habitable rooms at ground floor level within the proposed 3 storey dwellings.

7.05 The parameters contained within the Design & Access Statement indicate that the ridge height of the dwellings will be approximately 8.3 – 10.5 m in height, taking reference of the site's location within a C2 Flood Zone, the topography of the site, and surrounding buildings many of which are set on higher ground.

7.06 Main Planning Issues

It is considered that the main planning issues in relation to this application can be summarised as follows:-

- Principle of development having regard to the planning policy framework including current policy in respect of previously Developed Land (PDL) also referred to as 'brownfield land'.
- Sustainability of development given its location outside the settlement boundary
- Proposed scale of development and impact on character of the site and its surroundings.
- Adequacy of access to serve the development.
- Drainage/Flooding.
- Affordable housing provision within the development.
- Impact on the privacy/amenity of occupiers of existing and proposed dwellings.
- Impact on Ecology.
- Open Space/Educational Contributions.

7.07 Principle of Development

It is acknowledged that the site is located outside the settlement boundary of Hope, Caergwrle, Abermorddu and Cefn y Bedd in the Flintshire Unitary Development Plan where new residential development is strictly controlled.

7.08 It is however considered that the site falls within the definition of Previously Developed Land (PDL) also known as 'brownfield land' which is contained within Figure 4.3 of the Planning Policy Wales where it states:-

"Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed infrastructure. The curtilage of the development is

included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development control procedures”.

7.09 Welsh Government states its preference for the development of brownfield land in PPW which advocates that:-

“Previously development (or brownfield land) should, whenever possible be used in preference to greenfield sites, particular those of high ecological or agricultural value. The Welsh Government recognised however that not all previously developed land is suitable for development due to for e.g., its location, the presence of protected species or valuable habitats or industrial heritage or because it is highly contaminated”.

7.10 Sustainability of Site

In paragraph 4.9.2 of Planning Policy Wales, Welsh Government states “Many previously developed sites in built up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:-

- In and around existing settlements where there is vacant or under used land, commercial property or housing.
- In suburban areas close to public transport nodes which might support more intensive use for housing or mixed use.
- Which secure land for urban extensions and;
- Which facilitate the regeneration of existing communities.

7.11 The site has operated as a garden centre and DIY store for many years as well as accommodating a range of other uses in the associated peripheral buildings. Following its closure, the site has remained vacant for a number of years and is now in a poor almost derelict condition.

7.12 The site is located on a key transport corridor between Flintshire and Wrexham, which is served by the A541, the Wrexham-Bidston railway line including proximity to the station at Cefn y Bedd. To the north are facilities in Cefn y Bedd and Abermorddu, whilst to the south are a range of facilities and services in Gwersyllt.

7.13 Although the site is located outside a settlement boundary it is within a semi urban corridor between a loose ribbon of predominantly residential development on the western side of the A541 stretching between the edge of Sydallt within Wrexham County Borough and Cefn y Bedd. The site is also located in close proximity to a number of employment centres and is, in my view, located within a sustainable location as the proposed site would be adequately served by a choice of transport other than the privately owned motor car.

7.14 Scale of Development/Impact on Character

It is considered that the proposed erection of 14 No. dwellings on approximately 0.51 hectares would not represent over-development of the site. The proposed density of 27 dwellings per hectare would be below the 30 dph that is expected to be achieved on allocated housing sites but this scale represents an acceptable balance recognising the site's location with a C2 Flood Zone (see paragraph 7.18) and the character of existing development at this location along the A541, and therefore the proposal is in compliance with Policy HSG8 of the Unitary Development Plan.

- 7.15 In terms of the existing character, this is defined by properties which front onto the A541 the topography of adjacent development at a higher level than the road, many with retaining walls and structures. In the context of this adjacent development it is considered that the erection of 2/3 storey dwellings can be assimilated into the site and surroundings.
- 7.16 Adequacy of Access/Highways
Consultation on the application has been undertaken with the Highway Development Control Manager. Having regard to the site's previous usage it is considered that development of the site for 14 No. dwellings would potentially reduce vehicular movements into/out of the site although given the site's sustainable location and access to public transport links, pedestrian movements could increase.
- 7.17 It is considered that although the application has been submitted in outline with all matters reserved, that an indicative plan illustrates the formation of a single access to serve the development which would require amendment to secure adequate visibility/improvements to the width of the access road. This would need to be secured at Reserved Matters stage though the imposition of conditions as part of this application, including the need to secure adequate parking provision, within the site, construction details of the internal road, the provision of a 1.8 m footway along the site frontage and the prevention of surface water run-off onto the highway.
- 7.18 Drainage/ Flooding
The site the subject of this application lies predominantly within a Flood Zone C2 as defined in the Development Advice Map (DAM) and the proposed development falls within the "Highly Vulnerable" development category as outlined in Technical Advice Note 15 (TAN15) – Development and Flood Risk
- 7.19 In these circumstances Section 6.2 of TAN 15 advises that:-
“ Development including existing transport infrastructure, will only be justified if it can be demonstrated that:-
i Its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement ;
or,

ii Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region,

and,

iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1): **and,**

iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in Section 5 and 7 and appendix 1 found to be acceptable.

7.20 In justifying development having regard to the criteria listed in 6.2 of TAN15 ,it is my view that:-

a) Residential development at this location forms a logical part of the existing ribbon of development on the western side of the A541 between Cefn y Bedd and Sydallt and would help in the regeneration of the site which is in an extremely poor physical condition. As a windfall site it would also help to provide for a level of housing development including “affordable dwelling units” which will help to sustain the settlement of Cefn y Bedd where there are limited opportunities for new residential development whilst at the same time contributing to the council’s housing land supply.

b) The site would meet the aims of PPW representing sustainable development on a site which meets the definition of Previously Developed Land

c) The potential consequences of flooding of the site have been considered and addressed by the applicant through the submission of a Flood Consequences Assessment (FCA) which has been assessed by Natural Resources Wales (NRW). There is no objection from NRW subject to the imposition of conditions to ensure that the implications of flood management can be satisfactorily incorporated into the buildings/site in the event of planning permission being obtained.

7.21 With the exception of a small part of the site in proximity to the northern boundary which lies outside the flood outline where 3 No. 2 storey dwellings are proposed, the remainder of the site is proposed to be developed by 3 storey dwellings with non-habitable rooms at ground floor level.

7.22 At the time of preparing this report the consultation responses from Emergency Services was awaited to ensure that satisfactory procedures can be put in place to ensure safe evacuation from the proposed dwellings in the event of a flood. Members will be verbally advised of the conclusions of this consultation at the Planning Committee meeting.

Affordable Housing Provision

7.23 The proposed development on this sustainable site which is located

in close proximity to the Category B Settlement of Cefn Y Bedd will help to provide an increase in housing land supply in accordance with Technical Advice Note 1. Consultation on the application has been undertaken with the Housing Strategy Manager who advises that the Local Housing Market Assessment (LHMA) identifies an annual shortfall in Flintshire of 246 affordable units.

7.24 The LHMA identifies a need for primarily 1 bed (14%) 2 bed (31.6%) and 3 bed (28.5%) split relatively evenly between Social Rented (56.2%) and intermediate (43.8%) tenures.

7.25 The Single Access Route To Housing (SARTH) Register currently has 932 applications – 79 have identified Abermorddu/Caergwrle/Llanfynydd Ffrith as areas they are seeking affordable houses. The SARTH Register identifies that 44% of those that chose Abermorddu/Caergwrle/Llanfynydd Ffrith as areas for an affordable home were looking for 1 bed, 2 bed, 3 bed or 4 bed accommodation.

7.26 There is an identified level of interest for intermediate products (i.e., affordable ownership and rent in the Cefn y Bedd area (Caergwrle & Abermorddu)

- With 7 applicants currently registered for shared equity units. 1 applicant requiring 1 bed accommodation, 5 requiring 2 beds and 1 requiring 3 beds and
- 3 applicants requiring affordable rent with 2 applicants requiring 3 bed and 1 applicant requiring 1 bed accommodation.

7.27 The applicant is proposing 4 No. 3 bed affordable units on the site to be provided on a 70 – 30% shared equity basis. As there is an identified need this is supported by the Housing Strategy Manager.

7.28 Impact on Privacy/ Amenity
Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those existing dwellings in proximity to the site are safeguarded as part of the development.

7.29 As a result of the form of existing development in close proximity to the site which is principally of frontage development onto the A541 no direct overlooking of the existing dwellings would occur. In addition the indicative site plan illustrates the proposed dwellings focussed around an internal road/cul de-sac arrangement which is considered acceptable having regard to Local Planning Guidance Note 2 – Space About Dwellings.

7.30 Impact on Ecology
Consultation on the application has been undertaken with both

Natural Resources Wales (NRW) and the Council's Ecologist having regard to the existing buildings on the site which are in a poor state of repair and the River Cegidog corridor which is an important wildlife habitat. No objections to the proposed development have been raised from an ecological perspective, subject to the imposition of conditions to safeguard the River Cegidog during construction, and to avoid direct lighting on this linear feature which is an important foraging and migrating area for bats.

7.31 Open Space Requirements

Consultation on the application has been undertaken with the Council's Public Open Spaces Manager who in lieu of on-site recreational provision requests the payment of £1,100 per dwelling. The required monies would be used to enhance the existing children's play area located at Wyndham Avenue. This would need to be secured through the completion of a Section 106 Obligation.

7.32 Educational Contributions

Consultation on this aspect of the development has been undertaken with Capital Projects & Property who advise that there is adequate capacity within Abermorddu County Primary School to serve the development. The current shortfall of surplus places i.e., Castell Alun High School having regard to the scale of development proposed, would generate the need for an additional contribution requirement of £37,328. For Members information this is calculated on the basis of the formula which is applied as follows:-

School Capacity $1240 \times 5\% = 62$

Capacity $1240 - 62 = 1178$

Trigger point for contributions is 1178 pupils

(Number of units 14×0.174 (secondary formula multiplier) = 2.43 (2 No pupils)

$2 \times £18,469$ per pupil (Building Cost Multiplier) = £37, 328.

Actual pupils $1368 \times 3 = 1371$ meets trigger of 1178.

7.33 The Education Department have identified a specific project whereby the monies requested would be used to improve Information Technology provision within the school. The infrastructure and monetary contributions that can be required from the proposal 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 the development, if the obligation does not meet all of the following Regulation 122 tests;

1. 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.

- 7.34 It is considered having regard to the above that the construction requirement meets the Regulation 122 tests.

8.00 CONCLUSION

In conclusion it is considered that the site falls within the definition of Previously Developed Land and is located in a sustainable location within a semi-urban corridor of existing development, along the A541 Wrexham- Mold Road. The redevelopment of the site will help to improve the visual appearance of this derelict former commercial site that has remained vacant for a number of years.

- 8.01 It is considered that development will also help to make a reasonable contribution to the housing land supply. Although predominantly located within a C2 Flood Zone, it is considered that the principle of development can be justified at this location in accordance with TAN15 .No objections to the development have been raised from Natural Resources Wales or the Highway Development Control Manager and subject to the imposition of conditions to address drainage, highway, and affordable housing provision my recommendation is for permission to be granted.

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

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