

FLINTSHIRE COUNTY COUNCIL

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

DATE: **16th JANUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RESERVED MATTERS - DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE AND ACCESS THERETO, SUBMITTED IN ACCORDANCE WITH CONDITION NO. 1 OF OUTLINE PLANNING PERMISSION REF: 047769 TO ALLOW RESIDENTIAL DEVELOPMENT OF 19NO. DWELLINGS AT THE FORMER "WILCOX COACH WORKS", AFONWEN, MOLD**

APPLICATION NUMBER: **048465**

APPLICANT: **ST JOHNS ESTATES LTD**

SITE: **FORMER "WILCOX COACH WORKS",, AFONWEN, MOLD**

APPLICATION VALID DATE: **4/ 4/2011**

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

TOWN COUNCIL: **CAERWYS TOWN COUNCIL**

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER**

SITE VISIT: **YES. AT THE REQUEST OF THE LOCAL MEMBER WHO CONSIDERS THAT MEMBERS OF THE COMMITTEE WILL NEED TO SEE THE SITE TO FULLY APPRECIATE HIS COMMENTS.**

1.00 SUMMARY

- 1.01 This Reserved Matters application is submitted following the grant, and subsequent renewal, of Outline Planning Permission for the development of this land at The Former Wilcox Coachworks site, Afonwen, Near Mold, for residential purposes.
- 1.02 Members will recall that access was a matter approved at Outline Permission stage and therefore this submission seeks approval of

matters relating to appearance, landscaping, layout and scale (The Reserved Matters).

- 1.03 This application seeks approval of details to provide 19 dwellings on the land. During the consideration of the application, issues in respect of design, visual impact, landscape, affordable housing and recreation provision have been negotiated and resolved subject to the imposition of conditions and a S106 agreement as detailed elsewhere in this report.

2.00 RECOMMENDATION: TO GRANT RESERVED MATTERS APPROVAL, SUBJECT TO THE FOLLOWING:-

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

a. The payment of a contribution of £156,000 towards affordable homes provision in the community. Such sum to be paid upon completion or occupation of the 9th dwelling hereby approved.

Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. Samples of all external materials of dwellings, hard surfaces, footpaths and driveways to be submitted and approved.
4. Implementation of approved landscaping scheme.
5. Code for Sustainable Homes "Interim Certificate" to be submitted before work commences.
6. Code for Sustainable Homes "Final Certificate" to be submitted before houses occupied.
7. No site clearance works during bird nesting season
8. Scheme for hours of working to be agreed.
9. Construction traffic management and routing scheme to be agreed. To include facility for wheel wash and measures to keep road free from mud arising from development site.
10. Protective fencing as per Arboricultural report to be provided before works commencement.
11. Arboricultural Method Statement (AMS) to be provided in respect of all works within Construction Exclusion Zones around trees.
12. Notwithstanding the submitted details a scheme for equipping, layout, landscaping, surfacing, maintenance and management of the play area to be submitted and agreed.
13. Remove Permitted Development rights for further extensions, structures and openings.
14. No external lighting without a further grant of planning permission.

3.00 CONSULTATIONS

3.01 Local Member

Councillor J. E. Falshaw

Requests a committee determination and Site Visit.

Has concerns in respect of the density of the proposal, its visual impact, drainage matters and affordable housing provision which he considers will be best illustrated for Members via a site visit.

Caerwys Town Council

No objection to the principle of development but raises objections and concerns in respect of the following points;

1. Buildings do not relate well visually to the area,
2. Proposed designs detract from the natural beauty of the AONB,
3. Proposals for 19 dwellings would result in a growth in excess of that planned within the UDP for this settlement,
4. Additional permissions granted in the area will increase growth in the settlement,
5. The indicative detail submitted at the time of the outline planning permission suggested development of 12 dwellings,
6. Proposals do not make provisions to meet local housing need,
7. Raises concerns in relation to the adequacy of existing drainage facilities,
8. Raises concern in respect of location of parking relative to buildings and potential for crime,
9. Considers ecological assessment of the site inadequate,
10. Advises of need to protect route of footpath,
11. Considers route of vehicular access to be inadequate, and
12. Raises concerns relating to flood risk.

Head of Assets and Transportation

No objection to the proposal. Requests informatives.

Rights of Way

Public Footpath 13 abuts the site but will be unaffected by the proposed development. Advises that the path must be protected and kept free from obstruction or interference during the course of construction.

Head of Public Protection

No objection. Considers that details submitted pursuant to the requirements of Condition 11 upon the grant of outline planning permission under Ref:039788 are not adequate to satisfy this condition at this time but does not consider this preclude determination of the Reserved Matters application.

Public Open Spaces Manager

No objections to the proposed location of the play area or the amount of space made available.

Head of Lifelong Learning

Advises that s the local schools have in excess of 30% surplus capacity, no contribution is sought in respect of educational needs.

Head of Housing Strategy

Advises that affordable housing needs arising from this scheme should be addressed via the payment of a commuted sum of £156,000, with this sum to be used to assist in access to affordable housing within the community and surrounding areas.

AONB Joint Consultation Body

Supports the approach adopted in design terms. Has concern in relation to the height, scale and density in this location and its potential impact upon the landscape. Notes that affordable home provision is not addressed directly on site.

Environment Agency Wales

No adverse comments. Requests the imposition of conditions relating to the advance agreement of surface water drainage details and to the dwellings no being inhabited until the Flintshire County Council Flood Alleviation Scheme for Afonwen is completed.

CADW

No objections are there are no remains or designations of any significant historical or architectural importance in the area which would be affected by the proposals.

Dwr Cymru /Welsh Water

Comment awaited.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters.

4.02 Following the receipt of amended plans the publicity exercise was repeated in May 2012.

4.03 At the time of writing this report, the publicity exercise has resulted in the receipt of no letters of objection from third parties in respect of the proposals.

5.00 SITE HISTORY

5.01 **783/86**

Change of use to commercial vehicle body building and repairs
Permitted 20.2.1987

039788

O/L Residential Development
Permitted 20.12.2007

047769

Renewal of 039788
Permitted 12.11.2010

050247

Variation of Condition 10 on O/L permission 047769
Permitted 12.12.2012

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR4 – Housing
- Policy STR10 – Resources
- Policy GEN1 – General requirements for development
- Policy GEN3 – Development in the open countryside.
- Policy D1 – Design quality, location and layout
- Policy D2 – Design
- Policy D3 – Landscaping
- Policy D4 – Outdoor lighting
- Policy AC13 – Access and traffic impact
- Policy AC18 – Parking provision & new development
- Policy SR5 – Outdoor playing space & new residential dev't
- Policy HSG4 – New dwellings in the open countryside.
- Policy HSG5 – Limited infill development in the open countryside.
- Policy HSG11 – Affordable housing in rural areas.
- Policy L2 – Area of Outstanding Natural Beauty.
- Policy EWP14 – Derelict and contaminated land
- Policy EWP17 – Flood risk.

6.02 Planning Policy Wales (Feb. 2011) encourages the use of previously developed (brownfield) land and in this context it is considered that the proposal would comply generally with the relevant criteria of the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a Reserved Matters application for the erection of 19 dwellings on 0.9 hectares of land comprising the now vacant site of the former Wilcox Coach Works, the former buildings, now being largely demolished, together with a private roadway and bridge which also serve the adjacent craft centre and nearby dwellings at Railway Terrace.

7.02 Site Description

The site is located upon the eastern edge of the settlement of Afonwen and is located outside of the defined settlement boundary of the same. The site was lastly used in connection with the operation of

Wilcox Coach Works but has been vacant for a number of years. The buildings which housed the coach works operations have been largely demolished although limited remains can be seen upon the site.

7.03 The site is comparatively flat across each axis although the topography of land to the south is such that it rises steeply, commensurate with the landform in this valley and is heavily vegetated and wooded. Public Right of Way 13 runs along this southern boundary although it lies beyond the limits of the site. The northern limits of the site abut the flat floodplain of the Afon Wheeler which runs along the northerly edge of the area upon which the dwellings are to be erected. The western boundary is formed by walls and buildings associated with the adjacent Craft Centre premises. The eastern edge of the site is marked by an existing line of hedgerows.

7.04 Proposed Development

It is proposed to erect 19, dwellings upon the site. The proposals provide 17No. 2 storey dwellings and 2No. 2.5 storey dwellings. The dwellings are designed such that 9No. dwellings provide 2 bed accommodation, 9No. provide 3 bed accommodation and 1No. dwelling provides 4 bed accommodation. All of the dwellings would achieve Level 3 of the Code for Sustainable Homes. It is proposed to have an equipped area of play and recreation space to the north of the site, within a larger space of open informal space. This space also forms a landscaped buffer to views from the north.

7.05 Principle of Development

Whilst the site is located within an area of open countryside, the principle of the development of this site was established via a grant of outline planning permission in December 2007 recognising this as a brownfield site. This permission was renewed November 2010. It was envisaged that a proportion of the dwellings would be affordable and condition 10 addressed this. Whereas the illustrative plan submitted with the outline application indicated 12No. dwellings, no limit was imposed and the current scheme for 19No. dwellings needs to be considered on its merits. This application seeks approval of Reserved Matters and therefore, the issue of principle is not in question as it is established that the principle of development has been accepted.

7.06 Design Considerations

The proposed design and layout of this scheme has been the subject of length negotiation and discussion over the course of the consideration of the proposals and is now presented 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 the designs of buildings in an open countryside setting of agricultural barn form or historically located rural industrial buildings, such the adjacent Craft Centre and the former buildings upon the application site itself.

- 7.07 The proposed built form is arranged in 2 courtyard layouts providing 11 and 8 dwelling respectively. The proposed buildings represent a contemporary interpretation of historical barn and mill type buildings. This influence is sought to be portrayed via the scale and proportions of the buildings and their relationship with one another and the existing adjacent built form. The proposals recognise that massing of development of this form historically often incorporated the 'stepping' up or down of roof lines and this has been incorporated into the form of development proposed. The proposal also imaginatively seeks to express what may be interpreted as 'later' alterations to an earlier form of building by expressing these additions in simple design terms and via the utilisation of simple finish materials such as timber boarding.
- 7.08 The visual focus for the development, other than the courtyard layouts proposed, is provided via the single unit in each courtyard which introduces a verticality of form within the overall arrangement. The discussions in respect of design have secured the deletion of a unit which it was considered gave rise to a cramped form of development with poor relationship to both the surrounding landscape and occasioning an overbearing impact upon the proposed footpath link through the site from east to west. Other amendments include alterations to the massing and arrangement of the elevations of the buildings and improvements to landscaping and proposed boundaries to the surrounding countryside.
- 7.09 The wider area is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form representative of key historical periods in the development of the area. The applicant has sought to design a development which does not try to create a pastiche of these buildings but is of its time whilst being sympathetic to its surroundings in massing, scale, form and finishes.
- 7.10 Accordingly and notwithstanding representations made, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.
- 7.11 Impact upon the AONB
Concerns have been raised suggesting that the proposals will not relate well in visual terms to the adjacent AONB and will detract from its visual quality. It must be remembered that the site has had built form upon it for a significant period of time and during that time, the uses to which the site has been put have varied, each with their own particular impact upon the landscape and the surroundings.
- 7.12 Members may recall that the buildings upon the site were of extremely poor quality in visual terms, being made upon of a variety of forms and finishes. The buildings were typically brick and asbestos sheeting with other structures upon the site of a pre-fabricated nature comprising

porta-cabins, large van bodies, open sided corrugated sheet sheds and profiled steel sheet clad buildings of industrial shed proportions set amongst extensive areas of hard standing.

- 7.13 Whilst it is clear that the development of the site will have an impact upon the AONB in visual terms, the key point to consider is the extent to which this would represent a detrimental impact. The applicant has sought to create buildings of a form which relate well to each other and their landscape, drawing upon historical influences whilst representing them in a carefully constructed contemporary fashion. The careful choice of finish materials such as locally sourced stone, appropriately coloured render, larch boarding and slate roofs will ensure that the building relates well to the palette of materials in evidence in the locality. The composition also allows for materials to be used to compliment the aim to achieve Code Level 3 upon the Code for Sustainable Homes.
- 7.14 One of the key concerns in respect of visual impact within the AONB has been to potential for the development to introduce excessive amounts of light into the night time landscape in this location. In seeking to address this issue, the amount of rooflights has been significantly reduced and I propose to remove permitted developments by a condition. This will ensure that any future proposals for additional openings within the buildings would require a grant of planning permission, thereby affording control the Local Planning Authority. In addition, I propose to condition that no external lighting other than that shown upon the approved plans will be permitted.
- 7.15 An extensive landscaping scheme has been submitted which it is considered will serve not only to integrate the proposals into the landscape, but will also afford an acceptable level of screening to the north of the site, thereby minimising the visual impact of the proposals from views to the north and east.
- 7.16 Affordable Housing
Members will recall that the issue of affordable housing was identified that this should be provided on site at outline stage and it was accordingly conditioned. However, the planning condition addressing this issue has been modified via a grant of planning permission under Ref: 050247. The effect of this permission has been to widen the scope of the condition upon the Outline Planning Permission to provide for mechanisms to facilitate affordable housing provisions via off site means in addition to those provisions catering for on site provision on the advice of the Head of Housing Strategy.
- 7.17 UDP Policy HSG10 states that where there is an established local need for affordable housing the Council will seek to provide up to 30% affordable housing in suitable or appropriate schemes. Whilst this site is now located outside of the identified settlement of Afonwen, at the time that the principle of development was established, a large

proportion of the site was within the settlement boundary as had been defined within the now expired Delyn Local Plan. Accordingly the proposals were considered against the provisions of HSG10 and this policy continues to apply in consideration of this detailed matters submission.

- 7.18 The proposed development seeks to meet the requirement to provide affordable housing via the payment of a commuted sum in lieu of on site provision. The sum sought is £156,000 which represents the value of the 30% equity in 4 dwellings. This sum will be payable upon the completion or sale of the 9th dwelling and will be used to facilitate access to existing affordable housing options within the community via methods such as the first time buyer deposit.
- 7.19 Whilst this provision does not amount to the provision of numbers equal to 30% of the development, it is a provision which has been carefully negotiated between the applicant and officers and recognises the identified level of housing need within this community area. The Council has no people registered upon its Affordable Home Ownership Register for this area. The Councils social housing register does not record Afonwen as settlement, but identifies 31 applicants indicating Lixwm, 9 people indicating Cilcain and 51 people indicating Caerwys as their preferred locations but it must be remembered that this register does not reflect any local connection to the location sought.
- 7.20 Accordingly, the above means has been addressed as the best method of delivery of affordable housing in this area, given the need identified in the locality and having regard to existing and committed schemes which provide a proportion of affordable housing to meet these identified needs.
- 7.21 Drainage and Flood Risk
The majority of the site is located outside of the Zone C area of flood risk as categorised by The Environment Agency Wales. However, the access route to the site would lie within this area and Members will recall that concern in respect of safe access and egress during a flood event was raised at the time of the consideration of the outline planning permission. As a consequence, the conditions suggested by the EAW in response to consultation have already been imposed upon the outline planning permission. As the reserved matters is a part of the planning permission, these conditions do not need to be re-imposed as they provisions already exists in respect of the proposed development of this site and duplication would be unnecessary. Accordingly, there is no objection to the proposals upon the grounds of flood risk.
- 7.22 Similarly, the comments of Dwr Cymru/Welsh Water have been previously incorporated into conditions imposed upon the outline permission and I do not therefore intend to replicate these provisions.

7.23 Land Contamination

Phase 1 and 2 investigations have been submitted in connection with this reserved matters approval and in compliance with the requirements of condition 11 of the outline planning permission. These details have been considered by the Head of Public Protection who has concluded that as the investigation data is somewhat dated, updated investigations and reports will be required to ensure that any risk arising from previous contaminative uses is adequately addressed through the development. However, as with other matters in relation to this site, this matter is the subject of an existing condition upon the grant of outline permission and therefore there is no need for the requirement to be replicated. The provisions of the condition remain in force and remain to be discharged prior to the commencement of development.

7.24 Highways

Representations have been made that the proposed access route is inadequate. However, Members will recall that Access was a matter considered at the time of the grant of outline planning permission and following the comments of the Head of Assets and Transportation at that time, was conditioned accordingly.

7.25 It should be noted that Footpath 13 runs adjacent to the site and is not indicated to be adversely affected by development works at all. However, I would propose to add a note to any subsequently granted approval which advises of the need for this footpath to remain open and unobstructed.

7.26 Recreation and Public Open Space Provision

The proposals provide for an area of land to the north of the developed area to be made available for recreation and open space. This area is provided in response to the conditional requirements upon the outline permission. However, the precise details of the recreation provision in connection with the application is proposed to be the subject of a condition requiring the submission a scheme to detail the precise nature, extent and form of equipment to be provided, its layout, associated landscaping and future management and maintenance. The Public Open Spaces Manager advises that such a condition is acceptable and raises no objection to the amount or location of the proposed recreation space.

7.27 Other matters

Consultation has been carried out with the Head of Lifelong Learning who advises that as the local school is not over or nearing its capacity, a sum towards educational contributions is not required in connection with this scheme.

8.00 CONCLUSION

- 8.01 The development of this site for residential use has been accepted in principle through the granting and subsequent renewal of outline planning permission. The negotiations in relation to the design and layout of the site have resulted in a solution which provides for a much improved scheme. The issues considered in the above appraisal demonstrate that either they are addressed via the scheme or are appropriately addressed via conditions already imposed upon the grant of outline permission or via the suggested conditions to be imposed upon this grant of Reserved Matters approval. Appropriate provisions for play and open space provision have been secured and appropriate contributions associated with affordable housing are proposed to be secured via an appropriately worded legal agreement.
- 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.

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