

FLINTSHIRE COUNTY COUNCIL

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

DATE: **17th APRIL 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION - ERECTION OF 5NO. BUNGALOWS AND 4NO. TOWNHOUSES, TOGETHER WITH 2NO. SEPARATE POINTS OF VEHICULAR ACCESS ON LAND FORMERLY "LLWYN ONN", HALKYN ROAD, HOLYWELL, FLINTSHIRE.**

APPLICATION NUMBER: **050435**

APPLICANT: **CAMWAY PROPERTIES LTD**

SITE: **LAND AT "LLWYN ONN", HALKYN ROAD, HOLYWELL, FLINTSHIRE.**

APPLICATION VALID DATE: **22ND FEBRUARY 2013**

LOCAL MEMBERS: **COUNCILLOR P. J. CURTIS**

TOWN/COMMUNITY COUNCIL: **HOLYWELL TOWN COUNCIL**

REASON FOR COMMITTEE: **THE PROPOSALS REQUIRE THE APPLICANT TO ENTER INTO A S.106 AGREEMENT IN RELATION TO EDUCATIONAL CONTRIBUTION, POWERS FOR WHICH ARE NOT DELEGATED.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application seeks permission for the re-development of this site to provide 5No. bungalows via a private drive access from Fron Park Road and 4No. townhouses via a private drive access off Halkyn Road, Holywell. The proposals provide for a pedestrian link between the 2 proposed sets of dwellings but no through vehicular route is provided.
- 1.02 During the consideration of the application, issues in respect of design, layout, access, drainage proposals, recreation provision and educational requirements have been negotiated and resolved subject to the imposition of conditions and a S106 agreement.

**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 either a Section 106 Obligation, Unilateral Undertaking or the making of an advance payment to provide the following:-

- a. Payment of £24,514 towards educational provision/improvements at Perth Y Terfyn Infants School. This contribution shall be paid prior to the commencement of development upon the site.
- b. Payment of £9900 towards the upgrade of existing recreational facilities within the locality. This contribution shall be paid upon completion of the sale of the 2nd dwelling upon the site.

Conditions

1. Time limit.
2. In accordance with approved plans.
3. Drainage scheme to be submitted, agreed and implemented.
4. Materials to be submitted and agreed.
5. Landscaping to be submitted, agreed and implemented.
6. Implementation of landscaping.
7. Tree protection as per approved scheme prior to commencement of development. Works to accord with tree report.
8. Dwellings to be CFSH compliant.
9. Code for Sustainable Homes "Interim Certificate" to be submitted before work commences.
10. Code for Sustainable Homes "Final Certificate" to be submitted before houses occupied.
11. No site clearance works during bird nesting season
12. Scheme for hours of working to be agreed.
13. 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.
14. No lopping topping or felling of trees or hedgerows.
15. Remove Permitted Development rights for further extensions, structures and openings.
16. Such highway conditions as may be required.

3.00 CONSULTATIONS

3.01 Local Member

Councillor P. J. Curtis

No objection to a delegated determination.

Holywell Town Council

No objection provided appropriate boundaries are provided between

the site and the adjacent school.

Head of Assets and Transportation

No response at time of writing.

Head of Public Protection

No objection subject to the imposition of a condition in relation to noise attenuation glazing.

Public Open Spaces Manager

Requests a commuted sum in lieu of on site play provision of not less than £1100 per unit. Such sum to be used to enhance existing provisions in the community.

Director of Lifelong Learning

Advises that a commuted sum towards the provision of educational facilities at Perth Y Terfyn Infants School is required address the demands arising from the anticipated 2 additional pupils. Advises this sum should be £24,514.

Dwr Cymru Welsh Water

No response at time of writing.

4.00 PUBLICITY

4.01 The proposal has been advertised by way of a site notice and neighbour notification letters.

4.02 No responses have been received at time of writing.

5.00 SITE HISTORY

5.01 **08-045522**

Outline erection of 2/3 storey apartments with associated car parking.
Permission 23.3.2009

12-049804

Erection of 5No. bungalows and 4No. townhouses and creation of access.

Withdrawn 3.1.2013

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy GEN1 - General requirements for development

Policy GEN2 - Development inside Settlement Boundaries

Policy D1 - Design Quality, Location and Layout

Policy AC13 - Access and Traffic Impact

- Policy AC18 - Parking Provision and New Development
- Policy HSG3 - Housing on unallocated sites within settlement boundaries
- Policy IMP1 - Planning Conditions and Obligations

6.02 The above policies generally relate to the principle of residential development upon sites within settlement boundaries and the design and access considerations associated with such proposals. The proposals would generally comply with the requirements of policy in this regard.

7.00 PLANNING APPRAISAL

7.01 Site Description

The site was lastly occupied by a detached property known as Llwyn Onn. This building has been demolished and the site is now an open area comprising the grassed former garden area and overgrown footprint of the former building. The site contains a number of mature trees upon its boundaries to the north and east in particular. Established hedgerows are a feature of both eastern and southern boundaries of the site. Stone walls form a hard boundary to the eastern and western site boundaries.

7.02 The site slopes downhill from its boundary with Fron Park Road to the west towards its eastern boundary with Halkyn Road to the north. The site is generally flat across its north and south axis and is generally reflective of the topography of the surrounding area.

7.03 The site is bounded to the south by two residential properties, one of which is a bungalow and the other a 2 storey dwelling. Ysgol Perth-y-Terfyn and its grounds abut the site to the north. The highway known as Fron Park Road abuts the western edge of the site with further residential properties beyond. Halkyn Road abuts the eastern boundary with Holywell Community Hospital and Bodowen doctors surgery located upon the land beyond.

7.04 The Proposal

It is proposed to erect a total of 9 dwellings upon the site. The proposals provide 5No. detached bungalows upon the southernmost part of the site and 4No. 2 storey townhouses in a terrace fronting the southern boundary of the site.

7.05 The bungalows provide for 3 bed accommodation with 2No. providing an attached single garage. The townhouses provide for 2 bed accommodation. Car parking for the remaining 7 dwellings is provided via driveway or parking court provision. 2 storey dwellings and 2No. 2 storey dwellings. The dwellings are arranged such that 9No. dwellings provide 2 bed accommodation. All of the dwellings would achieve Level 3 of the Code for Sustainable Homes.

7.06 Vehicular access is proposed to the site in 2 locations, both of which are independent of the other. Existing access points into the site from Fron Park Road to the north and Halkyn Road to the south are proposed to be improved to facilitate access. The southerly access is proposed to serve the townhouses whilst the northernmost access will serve the bungalows. A pedestrian link through the site is provided but no provision is made for through traffic.

7.07 Main Planning Issues

It is considered that the main planning issues can be summarised as;

- a. Principle of development having regard to the planning policies and other material considerations,
- b. Layout, design and amenity impacts.
- c. Highways and access.
- d. Public open space and recreation provision.
- e. Education contributions.

7.08 Principle of Development

The site is located within the settlement boundary of Holywell as set out in the Delyn Local Plan and the Flintshire Unitary Development Plan (FUDP) where the principle of residential development is acceptable subject to meeting identified criteria relating to access and visual and residential amenity.

7.09 The proposals for 9 dwellings would amount to a density of development of 21 dwellings per hectare. Whilst upon the face of it, this would appear to be below the yields expected to be achieved in developing an unallocated site within a category A settlement, Regard must also be had to the provisions of other policies within the Plan. In this regard, the provisions of Policies HSG8 and HSG9 bear upon this consideration.

7.10 Policy HSG9 concerns itself with the need for proposals to provide a mix of dwellings with the aim to create mixed and socially inclusive communities. In This regard, the provision of single and 2 storey dwellings accords with this policy aim. Furthermore, the satisfaction of this policy also accords with the requirements of criterion c. of Policy HSH8 which requires that the density of a proposed development should allow for the provision of a range of house types. In addition, this policy requires that densities should be appropriate to the quality of the living environment to be provided whilst satisfying the requirements in respect of safeguarding amenity.

7.11 As this appraisal demonstrates, the proposals achieve the required levels of space about dwellings and respect the relationship of existing abutting dwellings and uses to the proposed dwellings. Given this, I am satisfied that the proposals represent a form of development at a

density which is acceptable in principle.

7.12 Layout, Design and Amenity Impacts

The proposed design and layout of this scheme has evolved to respond to the constraints of the site. As stated above, the site slopes steeply downhill from south to north, and this gradient is such that an access to adoptable standard cannot be engineered such that would not adversely impact upon the amenity of future occupiers of the dwellings. Accordingly, the scheme proposes a site developed via 2 points of private access. This enables the gradients of each respective half of the site to be sympathetically engineered to ensure that both existing and future residential amenities are protected.

7.13 The site is bounded by many mature trees and hedges and has a number of trees of varying species, sizes and quality within its boundaries. The scheme has evolved to ensure that the maximum possible number of trees are retained. This has necessitated the survey of the condition of the trees. These survey works have identified that a number of the trees within the interior of the site are either young self seeded specimens, domestic fruit trees which are either dead or of poor quality and larger specimens, such as the Monterey Cypress, which, due to their species and in this case, size and condition, are not considered appropriate to be retained in connection with a residential development scheme.

7.14 The hedgerows to the north and eastern boundaries of the site are proposed to be retained. The improvement works required at the point of access on Halkyn Road are not such that requires the removal of any hedgerow as the current access splay is formed by a low stone wall which extends along Halkyn Road, over which the frontage hedge grows. Points of 'garden gate' pedestrian access are proposed to be created through the wall and hedge and some localised removal will be required to facilitate this. I am agreeable to this proposals as this will serve to enhance the feeling of the townhouses having a street presence and frontage behind this mature and well established boundary, to the advantage of the street scene overall.

7.15 I consider that the layout of the proposed development, whilst not reflective of the significantly spacious character of existing residential form in the immediate surroundings, is nonetheless appropriate bearing in mind the location of the site within the settlement boundary of Holywell as a category A settlement. The proposals provide for acceptable levels of space around dwellings and provide adequate separation from existing built development and I consider that the proposals will not adversely affect either residential or visual amenity to a degree which would be considered unacceptable. I do propose, in the interests of maintaining the safeguards to amenity, to remove permitted development rights for residential ancillary development via an appropriately worded condition.

- 7.16 The dwellings are situated to the eastern part of the site in order that the significant tree belt which abuts the neighbouring Pert y Terfym Infants school and its grounds is not significantly compromised as a result of the proposals. The arboricultural survey indicates areas abutting this belt of trees will require the private drives to be provided utilising a 'no-dig' construction. However, as these requirements are clearly set out within the application particulars, I see no need to replicate the need for the same through a specific condition.
- 7.17 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.
- 7.18 Highways and Access
There are presently 2 vehicular access points to the site but only the access from Halkyn Road has been used in connection with the last use of the site. Another access point from Fron Park Road exists and this is proposed to be used in connection with the proposed scheme.
- 7.19 Access and highways considerations in respect of this site have resulted in this amended application being submitted and differs from the previously withdrawn scheme in that the site is proposed to be served by 2 access, each independent of one another and unconnected internally within the site. Each of the internal highways from these access points are proposed to be provided as private drives and are not proposed to be not adoptable highways. The proposals seek to ensure the site remains permeable from north to south and vice versa via the provision of a footpath link through the site between the 2 private drives.
- 7.20 The Head of Assets and Transportation has considered the proposals and the supporting information and concludes the proposals would not give rise to any issues which would detrimentally affect highway safety and therefore has no objections subject to the specified conditions.
- 7.21 Recreation and Public Open Space Provision
In response to consultation, the Head of the Play Unit has advised that there is no requirement for the on site provision of play and recreation facilities. He advises however, that a commuted sum towards other provision, off site, but within the locality should be sought in line with Local Planning Guidance Note 13.
- 7.22 To this end, a sum of not less than £1100 per dwelling is sought (total £9900) to be paid to the Council for use in upgrading existing facilities within Holywell community.
- 7.23 Educational Contributions
Consultation with the Director of Lifelong Learning in respect of the likely impact of the proposed development upon educational facilities

within the locality has identified that the 2 primary aged pupils likely to arise from the development would result in an adverse impact upon the educational facilities at the nearby Perth y Terfyn Infants School. No adverse impact at secondary school level is anticipated and therefore the request for contributions towards satisfying the educational needs at the school to provide for the additional pupils is restricted to primary school level only. It should be noted that calculations in respect of anticipated pupil numbers and the resultant level of contribution accord with the provisions of Supplementary Planning Guidance Document No. 23 – Developer Contributions to Education (SPG). This document was adopted by the Council on 17th July 2012.

7.24 I am advised that Perth y Terfyn Infants School presently has 125 pupils on the roll and a capacity of 110 pupils. Consequently the school capacity is exceeded by 15 pupils. Therefore the formula identified within the SPG, applying the anticipated pupil numbers of 2, would indicate that a sum of £24,514 would be required under this guidance.

7.25 For the avoidance of doubt, there is no secondary school contribution sought as the secondary school serving the catchment area is Holywell High School, which presently has 50% surplus places and therefore the capacity triggers of the SPG are not triggered.

7.26 Other Matters

Dwr Cymru have advised that there is no objection to the proposals upon drainage grounds and have requested that conditions relating to the prohibition of surface and land water drainage being discharged into the public system. I propose to impose a condition requiring the site drainage system to be submitted, agreed and subsequently implemented. This single condition will encompass the issues suggested by Dwr Cymru.

8.00 CONCLUSION

8.01 I am satisfied, having had regard to the provisions of the applicable policies and all other material considerations, that this proposal would accord with the provisions of the same and would, through the suggested agreement and conditions, represent an appropriate and acceptable form of development in this location.

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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