

FLINTSHIRE COUNTY COUNCIL

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

DATE: **17TH APRIL 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – SUBSTITUTION OF HOUSETYPES ON PLOTS 18, 19, 20, 30, 31 AND 32 APPROVED UNDER APPLICATION 048892 FOR THE ERECTION OF 87 DWELLINGS AT WHITE LION PUBLIC HOUSE, CHESTER ROAD, PENYMYNYDD.**

APPLICATION NUMBER: **050469**

APPLICANT: **ELAN HOMES LTD**

SITE: **LAND AT FORMER WHITE LION PUB, CHESTER ROAD, PENYMYNYDD, FLINTSHIRE**

APPLICATION VALID DATE: **13th FEBRUARY 2013**

LOCAL MEMBERS: **COUNCILLOR MRS. C.HINDS**
COUNCILLOR D. T. M. WILLIAMS

TOWN/COMMUNITY COUNCIL: **PENYFFORDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE APPLICATION REQUIRES LINKING TO THE S.106 AGREEMENT PREVIOUSLY AGREED IN RELATION TO THE DEVELOPMENT OF THIS SITE**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This Section 73 application seeks permission to amend the approved house types upon 6 of the previously approved plots. The amendments do not result in any difference in the numbers of dwellings to be erected at this site.

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 supplemental S.106 agreement which links the permission granted under this planning application to the

provisions of the S.106 agreement entered into under Permission Ref: 048892, providing for the following;

- a. The provision of 6No. affordable homes to be presented to the Council as gifted units and allocated in accordance with a local lettings policy to pilot the Council's Rent to Save to Homebuy scheme to applicants on the affordable Homeownership Register.
- b. Ensure the payment of a contribution of £261,560 towards affordable homes provision.
- c. Ensure the transfer of wildlife mitigation land to a suitable body, together with the precise methods and means for the securing of its future management, monitoring and funding.
- d. Payment of £73,500 towards primary level educational provision/improvements at St. John the Baptist V.A school and £52,500 towards secondary level educational provision/improvements at Castell Alun High School.
- e. Payment of £2,500 for costs incurred for amending Highway Access Restriction Order.

Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. Samples and/or precise details of all external materials of dwellings, hard surfaces, footpaths and driveways to be submitted and approved.
4. Landscaping scheme to be submitted and agreed prior to occupation of any dwellings hereby approved. Such scheme to include supplementary planting/hedgerow between on site ecological mitigation space and Footpath 9.
5. Implementation of landscaping proposals.
6. Code for Sustainable Homes "Interim Certificate" to be submitted before work commences.
7. Code for Sustainable Homes "Final Certificate" to be submitted before houses occupied.
8. Scheme for 10% reduction of carbon outputs.
9. No development to commenced until developer has proposed a scheme for the comprehensive drainage of foul, surface and land waters from site had been approved in writing by the Local Planning Authority.
10. The foul drainage point of connection shall be agreed in writing and in accordance with a hydraulic modelling exercise, prior to the commencement of development.
11. None of the dwellings approved shall be occupied until the off site foul drainage infrastructure works have been completed.
12. Photographic study of building to be undertaken prior to works commencement.

13. No site clearance works during bird nesting season
14. No dwellings shall be occupied until the approved mitigation scheme is implemented.
15. Scheme of Reasonable Avoidance Measures to be submitted and agreed prior to works commencement. Such scheme to include measures for reduction of potential amphibian capture during and post construction.
16. Scheme for hours of working to be agreed.
17. 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.
18. Protective fencing as per Arboricultural report to be provided before works commencement.
19. Remediation measures to be undertaken in accordance with scheme agreed and prior to occupation of dwellings. Validation and verification reports to be provided prior to occupation of the dwellings.
20. Submission and agreement of scheme for equipping, layout, landscaping, management and maintenance of the play area and surrounding space prior to works commencement.
21. Notwithstanding the submitted details, prior to commencement a scheme for entrances walls to be submitted and agreed.
22. Archaeological watching brief for area of public house.
23. Accoustic measures to be submitted and agreed.
24. Detailed design, layout, signage, lighting and construction details of highway to be submitted and agreed.
25. No development until A5104 improvements submitted and agreed.
26. No development until timings, phases and duration of A5104 works submitted and agreed.
27. Access details onto A5104 to be agreed before work commences.
28. Visibility splays of 2.4m x 43m.
29. Access formation completed to base course before other site works.
30. Parking and turning facilities.
31. Scheme for surface run-off prevention to be submitted and agreed.
32. Scheme for protecting Footpath 9.

3.00 CONSULTATIONS

3.01 Local Members

Councillor Mrs. C. Hinds

No response at time of writing.

Councillor D. T. M. Williams

No response at time of writing.

Penyffordd Community Council
No response at time of writing.

Head of Assets and Transportation
No objection.

Head of Public Protection
No adverse comments.

Welsh Water/Dwr Cymru
No response at time of writing.

Environment Agency
No adverse comments.

Countryside Council for Wales
No objections.

Clwyd Powys Archaeological Trust
No response at time of writing.

Airbus
No response at time of writing.

The Coal Authority
No response at time of writing.

The Ramblers Association
No objection.

4.00 PUBLICITY

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

4.02 At the time of writing, No responses have been received as a result of the above publicity of this application.

5.00 SITE HISTORY

5.01 **445/64**
Outline - residential development
Refused.

72/501
Outline - residential development
Withdrawn.

4/12/18113

Outline - residential development
Withdrawn 21.7.1992

04/038605

Erection of 115 dwellings and ancillary works
Refused 18.4.2005

11/048892

Erection of 88 dwellings and ancillary works
Permitted subject to S.106 Agreement 26.10.2012

13/050400

Substitution of 16 housetypes.
?????

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 HSG1(51) - New Housing Development Proposals
Policy HSG8 - Density of Development
Policy HSG9 - Housing Type and Mix
Policy HSG10 - Affordable Housing within Settlement Boundaries
Policy D1 - Design Quality, Location and Layout
Policy D2 - Design
Policy D3 - Landscaping
Policy AC2 - Pedestrian Provision and Public Rights of Way
Policy AC13 - Access and Traffic Impacts
Policy AC18 - Parking Provision and New Development
Policy SR5 - Outdoor Playing Space and New Residential Development
Policy EPW2 - Energy Efficiency in New Development
Policy EWP3 - Renewable Energy in New Development
Policy TWH1 - Development affecting Trees and Woodlands
Policy TWH2 - Protection of Hedgerows
Policy WB1 - Species Protection

7.00 PLANNING APPRAISAL

7.01 Introduction

This application is submitted under S.73 of the Act and seeks permission for the variation of the approved scheme via the substitution of house types upon 6No. plots upon the site. No other modifications are sought via this application.

7.02 The Proposed Development

The proposals seek to substitute the house types approved upon 6 of the plots upon this site. The plots in question, Nos 18, 19, 20, 30, 31

and 32 all presently provide for detached 5 bedroom dwellings. 3 of the dwellings proposed to be substituted are also detached 5 bedroom dwellings. The other 3 dwellings propose 4 bed accommodation in substitution.

7.03 Principle of Development

The principle of the development of this site is established via the recent grant of planning permission under Reference 048892. This application proposes no other modifications to the proposed development in any other regard and therefore there is no objection in principle to the proposals.

7.04 Design, Layout, Housing Mix & Affordability

The proposed dwellings to be introduced into this site are consistent with the design and appearance of the dwellings previously approved upon the identified plots. There are differences in the composition of the dwellings and some elevational differences but their design and appearance is consistent with the scheme as a whole. The proposals involve no alteration to the layout of the development site as a whole.

7.05 A query has been raised as to whether these proposals would impact upon the mix of dwellings offered via this scheme. I would advise that whilst 3 of the proposed substitution dwellings provide for 4 bed accommodation as opposed to the approved 5 bed accommodation, these proposed changes do not amount to a variation which adversely affects the composition and mix of dwellings offered through this scheme. The proposals do not relate to any of the dwellings previously agreed to be affordable dwellings and the substitutions do not result in the loss of any semi-detached dwellings.

7.06 S.106 Matters

Members are advised that this application brings about no changes to the provisions secured via the S.106 agreement under reference 048892.

7.07 However, Members will appreciate that a permission granted under a S.73 application has the effect, upon implementation, of rendering the application the operative permission for the site. In those circumstances, unless a supplementary S.106 agreement is secured in the terms set out in Section 2 of this report, the requirements of the original S.106 agreement are no longer linked to the operative permission and therefore the Authority would have no basis to compel compliance with such an agreement as the site is being developed pursuant to a different permission not linked to that agreement.

7.08 Members should be reassured that the proposed supplemental S.106 agreement will ensure that such a situation will not arise.

8.00 CONCLUSION

- 8.01 The proposals are in line with the applicable policy context and accord with the aims of the earlier granted planning permission for this site. I consider that, subject to the imposition of the previously agreed suite of conditions and the applicant entering into a supplemental S.106 agreement, the scheme is acceptable.
- 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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