

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **WEDNESDAY 17<sup>TH</sup> APRIL 2013**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **FULL APPLICATION – RE-PLAN TO THE NORTHERN PARCEL OF FORMER BUCKLEY BRICKWORKS WITH MIX OF 2, 3 AND 4 BEDROOM DETACHED, SEMI-DETACHED AND TERRACED DWELLINGS WITH ASSOCIATED PARKING AND AMENITY SPACES ON LAND AT FORMER LANE END BRICKWORKS, CHURCH ROAD, BUCKLEY.**

**APPLICATION NUMBER:** **050333**

**APPLICANT:** **REDROW HOMES NW**

**SITE:** **FORMER LANE END BRICKWORKS, CHURCH ROAD, BUCKLEY**

**APPLICATION VALID DATE:** **05/12/2012**

**LOCAL MEMBERS:** **COUNCILLOR M.J. PEERS**  
**COUNCILLOR D. HUTCHINSON**

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **REQUIREMENT FOR IMPOSITION OF TERMS OF PREVIOUSLY COMPLETED SECTION 106 OBLIGATION(S) IN RESPECT OF HIGHWAY, ECOLOGICAL, AFFORDABLE HOUSING AND OPEN SPACE ISSUES.**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

- 1.01 This full application proposes amendments to the northern parcel of a previously approved layout for residential development on land at the former Lane End Brickworks, Church Road, Buckley. The changes primarily incorporate the substitution of house types with associated modifications to curtilage areas. Amended plans have been received

in progression of the application with a further round of consultation undertaken.

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

2.01 That subject to the imposition of the terms of previously completed Section 106 Obligation(s) in respect of highway, ecological, affordable housing and open space in respect of this current full application that permission be granted subject to the following:-

1. Time limit on commencement.
2. In accordance with approved plans.
3. Details of external materials to be submitted and approved.
4. No dwelling to be occupied until off site highway works have been completed.
5. Access to be kerbed and completed to carriageway base course layer prior to the commencement of any other site building operations.
6. Access to have visibility splay of 4.5 m x 90 m.
7. No dwelling to be occupied until detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads have been submitted and approved.
8. Delivery/construction traffic management programme to be submitted and approved.
9. Construction work site clearance and deliveries to be carried out between 0700 – 1830 Mondays – Fridays and 0800 – 1300 Saturdays and not on Sundays or Bank Holidays.
10. Equipped childrens play area to be provided within approved timescale.
11. Code for sustainable homes pre-commencement and part construction.
12. Land contamination survey to be submitted and approved.
13. Land drainage run-off shall not discharge into the public sewerage system.
14. No surface water to connect into the public sewerage system unless further approved in writing.
15. Foul and surface water discharges to be drained separately.
16. Scheme for comprehensive and integrated drainage of the site to be submitted and approved.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor M.J. Peers  
Original Scheme  
No response received.

Amended Scheme

Awaiting response at time of preparing report.

Councillor D. Hutchinson

Original Scheme

No response received.

Amended Scheme

Awaiting response at time of preparing report.

Buckley Town Council

Original Scheme

The Town Council recommends that any amendments made with regard to the re-plan of the northern parcel of the former Buckley Brickworks, should these amendments result in alterations to or additional roads, should amendments not render those roads as unadopted.

Amended Scheme

No observations

Countryside Council for Wales

Do not object to the proposal as it is not likely to adversely affect

- i. The Deeside & Buckley Newt Sites Special Area of Conservation.
- ii. The Buckley Claypits & Commons Site of Special Scientific Interest.
- iii. The features and integrity of the Great Crested Newt habitat.

Head of Public Protection

No objection in principle but recommend that given the site's past industrial history any permission includes conditions relating to the need to undertake a land contamination survey.

Welsh Water/Dwr Cymru

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

Airbus

No aerodrome safeguarding objection.

**4.00 PUBLICITY**

4.01 Site Notice, Neighbour Notification

No responses received.

**5.00 SITE HISTORY**

5.01 **037558**

Outline – Restoration of former brickworks and quarry, development of up to 300 dwellings, creation of open space, woodland area of habitat creation and landscaping and formation of new and improved vehicular and pedestrian access.

An appeal to the Planning Inspectorate by way of a Public Inquiry in respect of application Code No. 037558 was allowed on 9<sup>th</sup> October 2006.

**039052**

Outline – Restoration of former brickworks and quarry, development of up to 300 dwellings, creation of open space, woodland and area of habitat creation and landscaping and construction of new and improved vehicular and pedestrian access – Withdrawn – 29<sup>th</sup> March 2007.

**044109**

Reserved Matters – Erection of 296 dwellings, creation of open space, woodland and area of habitat creation and landscaping – Permitted 8<sup>th</sup> December 2008.

**046665**

Reserved Matters – Re-plan to Plots 1-11, 131-136, 137-139 and 147-169 (33 plots in total) – Permitted 1<sup>st</sup> April 2010.

**046778**

Reserved Matters – Amendment to previously approved site layout to allow for a re-plan of plots 12-19, 22-29, 140-146, 154-162, 170-175 of the southern parcel and plots 176-178, 189-236, 249-256, 258-297 of the southern parcel to provide a total of 224 plots – Permitted 11<sup>th</sup> February 2011.

**048632**

Full Application – Substitution of house types on plots 112-116 – Permitted 12<sup>th</sup> July 2011.

**049064**

Full Application – Substitution of house types on plots 83, 90, 95 – 103 and 170-171 approved at reserved matters stage under ref: 046778 – Permitted 28<sup>th</sup> October 2011.

**049605**

Full Application – Re-plan to plots 33-36, 41-78, 121-130, 136-145 and 172 on Reserved Matters approval 046778, using house types used elsewhere on said appeal – Permitted 28<sup>th</sup> June 2012.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

- Policy STR1 – New Development.
- Policy STR2 – Transport & Communications.
- Policy STR4 – Housing.
- Policy STR7 – Natural Environment.
- Policy STR8 – Built Environment.
- Policy STR10 – Resources.
- Policy GEN1 – General Requirements for Development.
- Policy GEN2 – Development Inside Settlement Boundaries.
- Policy GEN3 – Development Outside Settlement Boundaries.
- Policy GEN6 – Environmental Assessment.
- Policy D1 – Design Quality.
- Policy D2 – Location & Layout.
- Policy TWH1 – Trees & Woodland Protection.
- Policy TWH2 – Development Affecting Trees & Woodlands.
- Policy WB1 – Protected Species.
- Policy WB2 – Sites of International Importance.
- Policy WB3 – Sites of National Importance.
- Policy WB4 – Local Sites of Wildlife & Geological Importance.
- Policy HE6 – Scheduled Ancient Monuments.
- Policy HE7 – Other Sites of Lesser Archaeological Significance.
- Policy AC2 – Pedestrian Provision & Public Rights of Way.
- Policy AC3 – Cycling Provision.
- Policy AC4 – Major Traffic Generating Developments.
- Policy AC13 – Access & Traffic Impact
- Policy AC14 – Traffic Calming.
- Policy AC15 – Traffic Management.
- Policy AC18 – Parking Provision & New Development.
- Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.
- Policy HSG8 – Density on Development.
- Policy HSG9 – Housing Mix & Type.
- Policy HSG10 – Affordable Housing Within Settlement Boundaries.
- Policy SR5 – Play Areas & New Housing Development.
- Policy MIN4 – Mineral Restoration & Aftercare.
- Policy EWP2 – Energy Efficiency in New Development.
- Policy EWP11 – Pollution.
- Policy EWP12 – Nuisance.
- Policy EWP13 – Derelict & Contaminated Land.
- Policy EWP14 – Development & Unstable Land.
- Policy EWP15 – Water Resources.
- Policy EWP16 – Flood Risk.

Local Planning Guidance Note 2 – Space Around Dwellings.

It is considered that the proposal generally complies with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

The site the subject of this application forms part of the former Lane End Brickworks and associated quarry located on the north eastern periphery of Buckley, the northern boundary defined by Drury Lane and the western boundary by Church Road. The area of land to the east of the development site comprises an area of former mining/quarrying activity which has subsequently colonized over time with vegetation and scrub ground cover and is now of high ecological value. This area of land is designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) which is a European designation primarily due to its importance as a Great Crested Newt habitat.

### **7.02 Background**

By way of the background of planning history at this location the National Assembly for Wales allowed an appeal following a Public Inquiry under Code No. 037558 on 9th October 2006, for outline permission (subject to conditions and a Section 106 Obligation in respect of highway works, ecological requirements, affordable housing and open space provision) for the restoration of the former brickworks and quarry development of up to 300 dwellings, creation of open space, woodland and area of habitat creation and landscaping and the construction of new and improved vehicular and pedestrian accesses.

7.03 A subsequent full application for earth moving operations, site restoration and habitat creation in order to enable a commencement of preparatory ground engineering ground works, given the significant differences in site levels characterised by two steeply sided lagoons was permitted under Code No. 041630 on 11th June 2007.

7.04 A reserved matters application for the erection of a total of 296 No. dwellings comprising 264 No. dwellings and 32 No. apartments together with the creation of open space, woodland area of habitat creation and landscaping was permitted under Code No. 044109 on 8th December 2009.

7.05 This originally approved site layout has been the subject of recent applications for the substitution of house types within the development permitted under Code Nos 046778, 048632, 049064 and 049605 as referred to in paragraph 5.00 of this report.

7.06 For Members information a significant proportion of the development permitted on the southern parcel of the site which is accessed off Church Road has been undertaken, in accordance with the above permissions.

### **7.07 Proposed Development**

This application which has been amended since initial submission

proposes revisions to the house types and curtilage areas of the plots within the northern parcel of the previously approved development. For Members information the northern parcel amounts to approximately 6 hectares with a wider site area of 19.9 hectares and is located to the east of properties on the eastern side of Church Road near to its junction with Drury Lane. Vehicular access to serve the development is proposed off Drury Lane, although there are no significant changes proposed to the internal road layout, open space and habitat creation areas.

- 7.08 The applicants have advised that the proposed revisions are partly in response to market demand and the desire to incorporate a new housing range within the scheme. Amended plans received in progression of the application propose the omission of 2 No. apartment blocks previously granted to the rear of properties at Church Road in favour of more traditional family housing units. Consequently this application proposes 140 dwelling units within the northern parcel and with 158 dwelling units within the southern parcel provides for a total of 298 dwellings within the development.

7.09 Principle of Development

The principle of residential development at this location has been established following the appeal decision in respect of outline application 037558 which was allowed on 9<sup>th</sup> October 2006. Subsequent reserved matters applications and proposals for the substitution of house types have been allowed as part of the development as referred to in paragraph 5.00 of this report. The principle of residential development on this site is therefore well established subject to ensuring a satisfactory well balanced layout and the safeguarding of residential amenity.

7.10 Design/Appearance

The plans submitted propose the substitution of house types with associated modifications to the defined curtilage areas of the proposed dwellings, the pattern and orientation/relationship of dwellings to each other being acceptable to provide for a well-balanced site layout.

- 7.11 The house types/designs are considered to be reflective of the character of development already permitted and would be sympathetic to the character of the site/surroundings providing for a consistency in terms of design and use of materials.

7.12 Impact on Privacy/Amenity

Of particular importance in consideration of this application, given the extent of the changes to the initially approved layout is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those on the periphery of the application site are safeguarded. For Member's information the distances, orientation and fenestration details between dwellings would be in accord with the Council's Space

Around Dwellings and privacy/amenity safeguarded as part of the proposed development.

7.13 Affordable Housing Provision

In allowing the appeal for the development of up to 300 dwellings at this location under Code No 037558 on 9<sup>th</sup> October 2006, provision was made for 15% affordable housing within the site given abnormal site restoration costs. This was addressed by way of a planning condition and Section 106 obligation. As part of the subsequent reserved matters application for 296 dwellings within the sites, this required 43 plots to be provided as affordable dwellings, the terms of the initial and subsequent occupancy being controlled by the terms of the legal obligation.

7.14 The plans submitted as part of this application propose 23 No. affordable units within this northern parcel, dispersed within the site layout to provide for a mix of housing types/styles. This in combination with the 21 No affordable units currently being developed/proposed within the southern parcel will provide for a level of provision of 15% (44 units) given that the total number of units within the site has been increased from 296 – 298.

7.15 Impact on Protected Wildlife Habitats

As previously highlighted the proposed development at this former Lane End Brickworks encompasses an area that is adjacent to and within the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and the Buckley and Newts Special Area of Conservation (SAC). As part of the outline planning permission for the development of the site allowed on appeal under Code No. 037558 a Section 106 Obligation and planning conditions have been imposed to provide mitigation measures and appointment of a warden to secure the long term management of the Great Crested Newt habitat.

7.16 It has been confirmed by the Countryside Council for Wales that the proposed development the subject of this application would not have any direct impact on those features of ecological interest. It is my view that provided the terms of the initial Section 106 Obligation relating to the wardening of the site are included as part of this full application that this aspect of the development can be adequately safeguarded.

7.17 Adequacy of Highways

For Members information the principle of the development on the scale proposed has been established on appeal to the Planning Inspectorate. There are no significant changes to the road layout for the site which was previously permitted under Code No. 044109 and as the roads are to be offered for adoption by the Council, the Head of Highways therefore has no objection to the proposed development. Minor modifications are however required to some of the private drive



arrangements to serve a number of the dwelling units. At the time of preparing this report amended plans were being prepared and Members will be advised of their receipt and acceptability at the Planning and Development Control Committee.

- 7.18 The site layout also proposes an alternative area of car parking to the rear properties on Church Road to compensate for the future loss of existing on-street parking at this location. This car parking area would provide for 15 No. vehicle spaces accessed off a 4.5m wide road which it is proposed be brought up to adoptable standards incorporating street lighting.

## **8.00 CONCLUSION**

- 8.01 It is considered that the proposed modifications to the northern parcel of the site layout including an increase in the overall total number of dwellings from 296–298 and substitution of house types is acceptable at this location having regard to the character of the site and surroundings. The house types proposed provide for a high quality scheme providing a well balanced layout which, subject to the imposition of a Section 106 Obligation to address highway, ecological affordable housing and open space issues can be supported.
- 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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