

FLINTSHIRE COUNTY COUNCIL

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

DATE: **15TH JANUARY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RESERVED MATTERS APPLICATION : AMENDED LAYOUT TO INCLUDE SUBSTITUTION OF 15 No. HOUSETYPES AND THE ADDITION OF A FURTHER 5 No. DWELLINGS ON LAND TO THE REAR OF 'ADWY DEG', FAGL LANE, HOPE, FLINTSHIRE.**

APPLICATION NUMBER: **051449**

APPLICANT: **TAYLOR WIMPEY HOMES NORTH WEST**

SITE: **LAND TO THE REAR OF 'ADWY DEG', FAGL LANE, HOPE, FLINTSHIRE.**

APPLICATION VALID DATE: **12TH NOVEMBER 2013**

LOCAL MEMBERS: **COUNCILLOR T. NEWHOUSE**

TOWN/COMMUNITY COUNCIL: **HOPE COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCALE OF PROPOSALS EXCEEDS THAT FOR WHICH DELEGATED POWERS TO DETERMINE EXISTS**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This Reserved Matters application seeks approval of details to amend the approved development as follows;
- i) Substitution of 15 house types upon 15 of the previously approved plots.
 - ii) Provision of 5 additional dwellings.

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

2.01 That conditional Reserved Matters Approval be granted, subject to the applicant entering into a supplemental S.106 agreement which links the approval granted under this application to the provisions of the S.106 agreement entered into under Reserved Matters Approval Ref: 048186, providing for the following;

- a) The provision of 16 No. affordable homes, to be made available at 70% of market value with the Council retaining the 30% equity and nomination rights for occupiers being retained by the Council having regard to people registered upon its Affordable Home Ownership Register.
- b) Ensure the payment of an educational contribution of £31,500 towards educational provision/improvements to local education facilities. The contribution shall be paid prior to occupation of the first dwelling.
- c) Ensure payment of a sum of £45,000 towards the maintenance of the play area upon adoption.
- d) Ensure payment of £29,150 in lieu of 50% on site provision of recreation/open space.
- e) Ensure the transfer of wildlife mitigation land to a suitable body in order to secure its future management and funding.

In addition, the Supplemental Agreement shall provide for the additional payment of a £5500 recreation contribution in lieu of further on site provision arising from the additional 5No. new dwellings. Such payment shall be made upon sale or occupation of 50% of the total dwellings approved.

Conditions

1. In accordance with approved plans
2. Approval of external materials to roofs and walls
3. Implementation of landscaping scheme
4. Root protection area for trees and hedging to site boundaries during construction works
5. Submission and approval of details for equipping of public open space including boundary treatment and hard/soft landscaping
6. Play area land not to be used as a compound for construction works or general site storage during construction works
7. Details of a scheme for amphibian mitigation including one way newt/reptile exclusion fence, reptile refugia to boundaries, further ecological surveying of the site prior to construction works.
8. Boundary treatments to be agreed.

9. No culverting of watercourse.

3.00 CONSULTATIONS

3.01 Local Member:

Councillor T. Newhouse

Objects as the proposals result in 58 houses when the site is allocated for 57 dwellings.

Hope Community Council

No response at time of writing.

Head of Assets and Transportation

No objection subject to the imposition of conditions as per the previous grant of Reserved Matters approval.

Head of Public Protection

No response at time of writing.

Dwr Cymru/Welsh Water

No response at time of writing.

Natural Resources Wales

No response at time of writing.

Head of Lifelong Learning

No additional contribution to educational facilities are required as a sum has already been received.

Public Open Spaces Manager

Advises that a further sum of £1100 per dwelling for the additional 5 dwellings will be sought in lieu of on-site recreation provisions.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters. At the time of writing this report, 2No. letters of objection have been received from third parties in response to the consultation exercise in respect of the proposals. These responses raises objection upon the following grounds;

1. Concerns in relation to the adequacy of the drainage system;
2. Increased traffic, noise and disturbance for existing residents which will affect amenity.
3. Overbearing impact upon amenity.
4. Inappropriate and out of character development.

5.00 SITE HISTORY

- 5.01 **13962**
Outline – Residential Development. Refused 6.1.1987
Appeal dismissed 17.9.1987
- 15695**
Residential Development. Withdrawn 12.1.1987
- 16893**
Outline – Residential Development. Refused 5.7.1988
Appeal withdrawn Jan 1989.
- 18582**
Outline – Residential Development. Refused 5.12.1989
- 18961**
Outline - Residential Development. Permitted 2.12.2010.
- 48186**
Reserved Matters – Erection of 53 dwellings. Permitted 19.12.2011.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR1 - New Development
Policy STR2 - Transport and communications.
Policy STR4 - Housing.
Policy STR7 - Natural environment.
Policy GEN1 - General Requirements for Development
Policy GEN2 - Development inside settlement boundaries
Policy HSG1(28) - New housing development proposals.
Policy HSG8 - Density of development.
Policy HSG9 - Housing mix and type.
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 WB1 - Species Protection

The site is within the settlement boundary of Hope (a Category B settlement) and is allocated for residential development within the Unitary Development Plan under policy HSG1(28).

7.00 PLANNING APPRAISAL

7.01 Introduction

This application is submitted following the previous grant of Reserved Matters approval under reference 048186. This application seeks variation of the layout by the substitution of 15No. previously approved house types and the introduction of a further 5No. dwellings. No other modifications are sought via this application.

7.02 The Proposed Development

The proposals seek to substitute the house types approved upon 15 of the plots upon this site. The plots in question are No's 27 – 32 inclusive, 34 – 41 inclusive and plots 49 – 50. These presently provide the following accommodation;

3 x 2 bed terraced dwellings,
8 x 4 bed detached dwellings, and
5 x 5 bed detached dwellings.

7.03 The proposals are such that the provision is amended to provide the following mix of housing. This includes the proposed additional 5No. dwellings;

4 x 2 bed terraced dwellings,
6 x 3 bed semi-detached dwellings, and
11 x 4 bed detached dwellings.

7.04 Principle of Development

The principle of the development of this site is established via the previous grant of both outline planning permission under Reference 018961 and subsequent Reserved Matters approval under 048186. 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.

7.05 Design, Layout, Housing Mix & Affordability

The proposed dwellings to be both substituted and newly introduced onto 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.

7.06 The proposed amendments actually result in a greater on site offer in terms of housing mix at the site such that there are now options for 2, 3, 4 and 5 bed units. The proposals would therefore accord with the applicable policies of the FUDP in this regard.

- 7.07 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.
- 7.08 However, Members will appreciate that an approval granted under this application would have the effect, upon implementation, of rendering this Reserved Matters approval (and the previous outline planning permission) 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 and approval not linked to that agreement.
- 7.09 Members should be reassured that the proposed supplemental S.106 agreement will ensure that such a situation will not arise.
- 7.10 As advised, in the light of the increased numbers of dwellings, and in accord with the advice of the Public Open Spaces Manager, I am proposing that the supplemental agreement make provision for the payment of a further £5500 in lieu of on-site recreation facility provisions.

8.00 CONCLUSION

- 8.01 The proposals are in line with the applicable policy context and accord with the aims of the earlier granted permission and approval 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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