

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **14<sup>TH</sup> MAY 2014**

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

**SUBJECT:** **ERECTION OF 54 NO. HOUSES AT 142 HIGH STREET, SALTNEY**

**APPLICATION NUMBER:** **051840**

**APPLICANT:** **EDWARDS HOMES SALTNEY LTD**

**SITE:** **142 HIGH STREET,  
SALTNEY, CH4 8SQ**

**APPLICATION VALID DATE:** **5<sup>TH</sup> MARCH 2014**

**LOCAL MEMBERS:** **COUNCILLOR R. LLOYD**

**TOWN/COMMUNITY COUNCIL:** **SALTNEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SIZE & SCALE OF DEVELOPMENT & MEMBER REQUEST**

**SITE VISIT:** **YES.**

**1.00 SUMMARY**

- 1.01 This full application proposes the erection of 54 houses, of which 4 will be 'gifted' affordable, public open space, new vehicular access and all associated works on land at 142 High Street, Saltney. Members may recall that a similar application, but for 58 units of which 17 were to meet affordable needs was granted planning permission subject to a Section 106 Obligation on 23<sup>rd</sup> April 2013 under Ref: 046381. The main issues to consider within the determination of this planning application are the principle of development in planning policy terms, the provision of educational contributions, public open space and affordable housing, the effects of the development upon the visual appearance and character of the area together with the effects upon proposed/existing occupiers in terms of privacy, loss of light etc, the

highway and wildlife implications and the effects upon trees. All these matters have been resolved and are considered acceptable in planning terms.

**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 Section 106 Obligation/Unilateral Undertaking to provide the following:-

- a. Payment of (sum to be confirmed) towards educational provision/improvements at St. Anthony's RC Primary School. The timing of such payment to be agreed with the Director of Lifelong Learning.
- b. Payment of a 10 year maintenance commuted sum to be agreed by the Public Open Spaces Manager.
- c. The provision of 4 No. homes to be presented to the Council as gifted units and allocated in accordance with a local lettings policy.

The proposal is recommended for approval subject to the following conditions:-

Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. Details of all external materials of dwellings to be submitted and approved.
4. Submission and approval of existing and proposed finished floor levels.
5. Landscaping scheme to be further submitted and agreed.
6. Finished floor levels set no lower 6.08 AOD.
7. No development commenced until scheme for provision of surface water drainage works has been approved by Local Planning Authority. Scheme implemented before construction of impermeable surfaces draining to system.
8. Land drainage run-off not be permitted to discharge, either directly or indirectly, into public sewerage system.
9. Surface water only allowed to connect to the public sewerage system at a rate of 20.151/S or less.
10. Foul water and surface water discharges drainage separately from the site.
11. No building permitted within 3 m either side of centreline of the public sewer.
12. No commencement of development until developer prepared a scheme for comprehensive and integrated drainage of the site showing how foul water, surface water

and land drainage will be dealt with and approved by the Local Planning Authority.

13. Prior to commencement of development details of ground levels, earthworks and excavations near to the railway boundary to be submitted and approved by Local Planning Authority and Network Rail.
14. Prior to any vibro-impact works on site, risk assessment and method statement to be submitted and approved by Local Planning Authority and Network Rail.
15. Siting, layout and design of the means of site access shall be in accordance with details to be submitted to and approved prior to the commencement of any site works.
16. The forming and construction of the means of site access not commence unless and until the detailed design thereof has been submitted to and approved.
17. Works associated with forming the means of site access shall be kerbed and completed to carriageway base course layer up to the internal tangent point of the entrance radii prior to the commencement of any other site building operations.
18. Proposed access shall have a visibility splay of 2.4 m x 43 m in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the applicant and/or Highway Authority and within which there shall be no significant obstruction to visibility.
19. The stated visibility splays at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
20. The front of the garage shall be set back a minimum distance of 5.5 m behind the back of footway line or 7.3 m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
21. The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads shall be submitted to and approved.
22. Positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved.
23. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted to, and approved in writing.
24. Details of boundary to rear of open space including type, height and materials to be further submitted and agreed.
25. Specification of type, location and amount of play equipment to be submitted and agreed.
26. Solid barrier at least 2 m high erected between proposed properties and social club.
27. Double/secondary glazing to achieve minimum of 34 dB(A) to be installed on properties facing High Street and Railway.

- Windows not in direct line to achieve minimum of 25 dB\*A).  
Acoustic ventilation provided in all rooms with glazing.
28. Desk top study and site investigation report to be submitted and approved.
  29. Boundary treatments to be submitted and approved.
  30. Protection of boundary hedgerows and trees.
  31. Felling of trees take place outside bird nesting season or otherwise agreed in writing by Local Planning Authority.
  32. Minimum code requirement.
  33. Design stage assessment.
  34. Post construction stage assessment.
  35. Removal of permitted development rights – extensions, outbuildings etc.

If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### **Councillor R. Lloyd**

Requests application be referred to Planning Committee due to size of the development.

##### **Adjoining Local Member**

##### **Councillor V. Gay**

Verbal response received of a request for a committee site visit in order for new Members to view the site.

##### **Saltney Town Council**

Whilst in favour of, and unanimously support the development object to the departure from the County's own policy of 30% affordable housing and also the difficult access to the development from High Street in view of the close proximity of the entrance to Park Avenue and bus route. In the original application, Town Council asked for road layout to be one way with the entrance on the High Street and the exit onto the road at the rear of Ableworld etc and hence onto Bridge Street and traffic lights.

##### **Head of Assets and Transportation**

Recommends any permission include suggested conditions.

##### **Head of Public Protection**

No objections in principle. Long history of industrial and commercial use within the site. Also some potential noise issues relating to the proximity of the High Street and mainline railway affecting the residential zone of the application.

Looked at the proximity of the social club to the development as there may have been some potential for disturbance etc from the venue affecting residents.

Given the above, recommends suggested conditions are attached to any approval with a requirement for a contaminated land investigation and noise mitigation measures.

#### Open Spaces Manager

No objections to the proposed location and size of P.O.S. shown within the application. P.O.S. should be completed upon 50% sale or occupation of the development and should the developers require the Council to adopt the P.O.S. a 10 year maintenance commuted sum payment would be required.

#### Director of Lifelong Learning

A Section 106 Contribution is not requested for St. David's High School, as it has significant surplus places. However, this proposed development will increase the pressure on St. Anthony's RC Primary. Therefore, the financial contribution initially requested for that school is £159,341.

#### Housing Strategy Manager

Recommends that 4 gifted houses are applied to this development to provide a better housing choice for local people.

#### Network Rail

Suggests conditions and advisory notes are placed upon any planning permission granted.

#### Natural Resources Wales

In terms of flood Risk, the FCA has proposed finished floor levels of 6.08 AOD, 300 mm above the modelled outputs. Consider approach to be reasonable no objection to the development subject to inclusion of suggested conditions.

Proposal will not affect the features, ecological integrity or functionality of any sites of ecological, geological and/or geomorphologic interest.

The proposed scheme will not affect the character or integrity of any statutory protected or naturally important landscapes.

Appears that site has not been subject to survey and assessment in respect of protected species.

Proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any populations of European protected species that may be present at the application site.

Advise consultation with the Authority's ecologist in respect of surveys

and assessments.

Not considered possible effects on all local or regional interests including those relating to the upkeep, management and creation for wild birds, including their nesting sites. Decision should take account of possible adverse effects on such interests. Advise seeking advice from your Ecologist.

#### Welsh Water/Dwr Cymru

Suggest any planning permission granted should include suggested conditions and advisory notes.

#### Wales & West Utilities

No apparatus in the area.

#### SP Energy Networks

Have plant and apparatus in the area. Developer needs to be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to electrical apparatus.

#### Airbus

Proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria.

Any cranes used during construction phase should have a crane permit issued by Airbus. Therefore no aerodrome safeguarding objection to the proposal.

### **4.00 PUBLICITY**

#### 4.01 Press Notice, Site Notice, Neighbour Notification

Two letters of objection received. The grounds of objection being:-

- Overlooking onto neighbouring properties.
- Too many houses.
- In an area at risk of flooding.
- Additional noise and traffic will detrimentally affect adjoining residents.
- Add to traffic congestion along High Street to the detriment of highway safety.
- Very large and very old trees have been felled. No reason for this as they went down each side of the site. Trees help to keep the air clear and should be protected.
- Both roads and houses are suffering because of the increased weight of HGV's travelling along High Street.

### **5.00 SITE HISTORY**

5.01 **051847** – Discharge of condition Nos 3, 4, 7, 8, 11, 12, 15, 20 & 22 attached to planning permission ref: 46381 – Current.

**051841** – Erection of 2 No. temporary (for the lifetime of the construction period) stacker signs located within the area of Plot 1 in accordance with details indicated on Dwg. No. 10015.08 – Current.

**046381** – Residential development consisting 58 No. two storey dwellings, open space, roads and all associated works – Granted 23<sup>rd</sup> April 2013.

**042788** – Outline – Mixed use development comprising retail, leisure and residential facilities, off site highway improvements plans associated engineering works – Granted 31<sup>st</sup> December 2008.

**042728** – Prior approval determination for the demolition of 142 High Street, Saltney – Prior approval required 21<sup>st</sup> February 2007.

**4/6/8** – Erection of factory building – Granted 14<sup>th</sup> November 1974.

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR11 – Sport, Leisure & Recreation.

GEN1 – General Requirements for Development.

GEN2 – Development Inside Settlement Boundaries.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

TWH1 – Development Affecting Trees & Woodlands.

TWH2 – Protection of Hedgerows.

WB1 – Species Protection.

AC13 – Access & Traffic Impact.

AC18 – Parking Provision & New Development.

HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

HSG8 – Density of Development.

HSG10 – Affordable Housing within Settlement Boundaries.

SR5 – Outdoor Playing Space & New Residential Development.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP14 – Derelict & Contaminated Land.

EWP16 – Water Resources.

EWP17 – Flood Risk.

Local Planning Guidance Note 2 ‘Space Around Dwellings’.

Local Planning Guidance Note 9 ‘Affordable Housing’.

Local Planning Guidance Note 11 ‘Parking Standards’.

Local Planning Guidance Note 13 ‘Open Space Requirements’.

Local Planning Guidance Note 22 ‘Planning Obligations’.

Adopted Supplementary Planning Guidance 23 ‘Developer

Contributions to Education’.

National Planning Policy

Planning Policy Wales (Edition 6, February 2014).

Technical Advice Note (TAN) 2: ‘Planning & Affordable Housing’ (2006).

Technical Advice Note (TAN) 11: ‘Noise’ (1997).

Technical Advice Note (TAN) 12: ‘Design’ (2009).

Technical Advice Note (TAN) 15: ‘Development & Flood Risk’ (2004).

Technical Advice Note 16: ‘Sport, Recreation & Open Space’ (2009).

As the site is located within the settlement boundary of Saltney as defined by the Flintshire Unitary Development Plan and a current permission exists on the site for residential development, the principle of residential development in planning policy terms is acceptable. What needs to be considered are the detailed matters of the development including the requisite community benefits in terms of educational contributions, affordable and public open space provision.

**7.00 PLANNING APPRAISAL**

**7.01 Site Description & Proposals**

The site comprises an area of 1.48 hectares and is predominantly brownfield in nature having previously contained the large detached property of 142 High Street and its ancillary buildings, together with the large industrial tyre buildings which occupied the far north western corner of the site and formed part of the St. David’s Retail Park. The greenfield part of the site lies to the north east forming an area of under utilised land which was historically used as allotments. The site has now been cleared with the trees within it having been felled.

7.02 It is strongly defined with established boundaries. It is bounded to the north by the existing Chester – Holyhead railway line which runs east-west, to the east and west by existing retail/commercial units, to the south by existing residential development.

7.03 The site is located off the northern side of High Street, Saltney, to the rear of the former property of No. 142 and extends up to the railway line. It essentially forms a ‘T’ shape with its longer side backing onto the railway with its western arm extending up to Sabre House on the St. David’s Retail Park and its eastern arm extending up to Nos 3-5 Cwrt Erwain.

7.04 This is a full application for the erection of 54 two storey dwellings, of which 4 will be gifted to meet affordable needs, public open space, new vehicular access.

7.05 The proposed development is detailed as follows:-

- 54 No. dwellings which will be detached, semi-detached and



terraced 2 storey, 2, 3 and 4 bedroom dwellings achieving a gross density of 36.48 units per hectare. Four will be gifted to the Council for affordable needs and will be located within the north western corner of the site.

- A public open space comprising approximately 1,551 m<sup>2</sup> of a “village green”. In addition, landscaping will be provided throughout the remainder of the site in the form of landscape buffers, new trees/hedges and ornamental planting.
- A new vehicular access to serve the development located off High Street between numbers 140 & 144 High Street.

#### 7.06 Background

Members may recall that planning permission was granted subject to a Section 106 Agreement on 23<sup>rd</sup> April 2013 for the erection of 58 two storey dwellings (including 17 affordable dwellings), open space, roads and all associated works on this site (046381). This is essentially an amendment to the previous application with the main differences being:-

- A reduction in the number of units from 58 to 54.
- The provision of 4 gifted affordable units within the North Western corner of the site rather than 17 affordable units on a shared equity basis dispersed within the site.
- Substitution of house types.

7.07 Previous to the application mentioned above, Members may recall that the site once formed part of a much larger mixed use scheme comprising retail, leisure, residential and highway improvements which also included the former GT Owen wholesale retail site, the Saltney Social Club and the St. David’s Retail Park. This development was granted outline planning permission under 042788 on 31<sup>st</sup> December 2008. Members will also recall that a separate planning application was later submitted and granted planning permission for the erection of the Morrisons supermarket, petrol filling station on the Old Bramhall Quicks/GT Owen site under 045999 on 20<sup>th</sup> August 2009. These developments have now been constructed.

7.08 The previous outline consent did include this current and the previous application site for residential but with the site including the Saltney Social Club and involved a new vehicular access off High Street, in the location of the existing access into the Club. This current application as did the previous approval (046381) excludes the Social Club and involves a single vehicular access off the High Street in between Nos 140-144 High Street.

#### 7.09 Issues

The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, educational contributions, the provision of open space and affordable housing, the effects of the development upon the visual appearance and character of the area together with the effects upon proposed/existing occupiers in terms of privacy, loss of light etc, the highway and wildlife implications and the effects upon trees.

7.10 Principle of Development

The site is unallocated 'white land' within the Saltney settlement boundary and adjacent to, but, outside of the Saltney Town/District Centre as defined by the Flintshire Unitary Development Plan (FUDP). Within this Policy, the plan also defines Saltney as a Category B settlement which allows residential development up to 15% growth since 2000.

7.11 Planning permission 046381 for the erection of 58 two storey dwellings (including 17 affordable dwellings) exists on the site.

7.12 Given the above, this development for 54 dwellings accords with Policy HSG3 of the FUDP and is therefore acceptable in principle in planning policy terms. What needs to be considered are the detailed matters of the proposals including the level of provision of community benefits.

7.13 Educational Contributions

The Director of Lifelong Learning has advised that the introduction of this development would create an estimated extra 13 primary age pupils and an estimated 9 secondary pupils.

7.14 St. Anthony's RC Primary School has been identified to be the nearest suitable school to the development which has only 4.09% surplus places. St. David's High School is the nearest secondary school which has more than 18% surplus places. Therefore, it is considered that the 13 pupils will have a significant effect on St. Anthony's RC Primary and the Director of Lifelong Learning has initially requested a financial contribution of £159,341 to this school.

7.15 However, given that St. Anthony's is a catholic faith school and in close proximity is another primary school (Wood Memorial), the planning department is currently in discussions with the Director of Lifelong Learning to negotiate a suitable financial contribution as it is considered that not all of the proposed 13 primary age pupils will go to St. Anthony's. This contribution is not known at the time of writing this report but Members will be advised of this sum within the late observations report.

7.16 Public Open Space Provision

The applicant is proposing 1,551 m<sup>2</sup> of public open space on site as a 'village green'. This is located to the north of the site and will be

equipped as a children's play area – the specification of which has been provided for the previous planning application for this location and remains as a condition upon this recommendation to grant planning permission.

7.17 The Public Open Spaces Manager considers that given the size, location and type of development that this is acceptable.

7.18 Affordable Housing Provision

The applicant has indicated that it is intended to provide 4 affordable houses to be given to the Council and allocated in accordance with a local lettings policy to ensure that the properties are used for applicants who can not access the private rental market but do not qualify for social housing. The rent will be set at an affordable rent which means that local people who are working will be able to save for a deposit in the future. These dwellings are to be located within the north west corner of the site and are to be semi detached and two bedroomed. Whilst this type of affordable housing provision does not equate in terms of numbers to the 30% on site provision required by Policy HSG10, it does equate to the provision in monetary terms.

7.19 Members may recall that the previous application proposed 17 affordable units which were dispersed throughout the development.

7.20 The Housing Strategy Manager advises that the large development in Broughton by Bellway Homes & Bloor Homes will provide 81 shared equity properties. First priority is given to people who are local to Broughton & Bretton and then Saltney. Given the above, it is considered that to have a further 17 properties (as proposed by the previous application) in close proximity to the Broughton allocation would be difficult to occupy as there are no applicants registered on the Affordable Homeownership Register for homeownership opportunities in Saltney at this time.

7.21 Therefore, the Housing Strategy Manager advises that the proposed number and type of affordability of the houses proposed with this current application are acceptable. In addition, the grouping is also acceptable as it will mean that they are delivered at the same time thus making the hand over easier. Amended details have been received which splits these units up as they were located alongside one another.

7.22 Visual Appearance & Character

The layout of the overall development together with the type and design of the dwellings will be similar to that given planning permission under 046381. The scheme still incorporates a village green, retains existing boundary hedgerows and trees, shrubs etc and the design of the proposed dwellings including simple pitched roofs, detailed brick band courses, bay windows and a unifying palette of materials including brick, render etc. The dwellings will be of a similar

type and design to those on the new developments on Boundary Lane.

7.23 Given the above, it is considered that the development will be in keeping with the existing character and appearance of the area.

7.24 Effect on Existing/Proposed Occupiers

With the proposed development being either located to the rear of the existing properties on High Street or in close proximity to the existing railway line, social club or commercial buildings, the effects upon the amenities of both the existing and proposed occupiers in terms of loss of light, privacy, obtrusiveness, noise etc need to be considered.

7.25 Given, however, that the existing properties on High Street have long rear gardens and the depth of the rear gardens of the proposed dwellings, the separation distances within the Local Planning Guidance Note 2 'Space Around Dwellings' have been met and thus there will be no significant increased detrimental impact upon the amenities of the existing/proposed occupiers in this location. With regard to those proposed dwellings in close proximity to the Social Club, the Council's Public Protection Department have recommended that a 2 m high solid barrier is erected between the proposed properties and the social club to mitigate against any potential disturbance from the use of the car park e.g., vehicle headlamps. A condition to this effect has been placed upon the recommendation. A condition is also placed upon the recommendation to protect the amenities of the proposed occupiers that will be in close proximity to the railway line from noise disturbance. This is in terms of double/secondary glazing to be fitted etc.

7.26 Highway Implications

The development will still be served by a new vehicular access off the High Street in between Nos 140 – 144. The internal access roads serving the proposed dwellings and car parking arrangements have not changed significantly either from the scheme approved under 046381.

7.27 These highway details and car parking arrangements have been assessed by the Head of Assets & Transportation who recommends that any permission should include suggested conditions. These have been placed upon the recommendation.

7.28 The comments of the Town Council are noted, however, it is considered that a proposed exit point from the site through the St. David's Retail Park is not suitable due to the potential conflict with traffic using this road to access and service the units on the Retail Park. In addition, an entry on the High Street and exit point onto the access into St. David's Park could be used as a 'rat run' through the site for traffic wishing to avoid the traffic lights further up the High Street in gaining access to Bridge Street and beyond.

7.29 Wildlife

An ecological report was submitted with the previous application which was assessed by both the Countryside Council for Wales and the Council's Ecologist. The report did not identify the presence of any protected species on the site.

7.30 With the additional landscaping proposed, there is the potential for the establishment of habitats for wildlife. There is a wildlife corridor between the rear boundary of the site and the railway line but this lies outside of the application site. However, the rear boundary hedgerow and some other trees on the site will be retained as part of the development.

7.31 The Council's Ecologist in the assessment of the ecological implications upon the previous application concluded that the site was not of high ecological value. There is scope to enhance the site through the planting of native species and fruit trees around the boundaries of the site and within the 'village green'. Native (hawthorn, holly, backthorn etc) hedge planting around the boundaries of the site would compliment the proposed boundary trees to be planted. Such proposed planting could also provide a barrier against access e.g., into the railway corridor. A condition has been placed upon the recommendation requiring a landscaping plan to be submitted and approved incorporating planting requirements.

7.32 Trees

The majority of the trees within the site have been removed in accordance with details agreed as part of the previous approval.

7.33 The existing trees upon the northern and southern boundaries to the eastern side are to be retained and protected during development.

7.34 Additional planting will be undertaken upon the village green as part of the further landscaping scheme required to be submitted as part of the condition attached to the recommendation.

**8.00 CONCLUSION**

8.01 It is considered that for the above reasons the development is acceptable in planning terms and will also regenerate this particular area and its wider environs.

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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