

FLINTSHIRE COUNTY COUNCIL

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

DATE: **18TH JUNE 2014**

REPORT BY: **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

SUBJECT: **FULL APPLICATION – RE-PLAN TO PLOTS 124 – 127, 136 – 139 AND ADDITION OF PLOTS 173 – 180 USING TYPES PREVIOUSLY APPROVED ON APPLICATION 049605 AT LANE END BRICKWORKS, CHURCH ROAD, BUCKLEY**

APPLICATION NUMBER: **052000**

APPLICANT: **REDROW HOMES NW**

SITE: **LAND AT LANE END BRICKWORKS, CHURCH ROAD, BUCKLEY.**

APPLICATION VALID DATE: **10TH APRIL 2014**

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

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

REASON FOR COMMITTEE: **REQUIREMENT FOR SUPPLEMENTAL PLANNING OBLIGATION AND NEED TO ASSESS DEVELOPMENT RELATIVE TO EXISTING PERMISSION DUE TO RESIDENTS OBJECTIONS AND PARTLY RETROSPECTIVE NATURE OF APPLICATION**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This full application which is partly retrospective proposes amendments to the southern parcel of a previously approved residential development currently under construction at the former Lane End Brickworks, Buckley. The changes principally incorporate

the substitution of house types on 8 No. plots and addition of a further 8 No. dwellings with associated modifications to the curtilage areas and access arrangements.

1.02 For Members information the application has been resubmitted following the refusal of a previous application under 051066 on 27th February 2014, following consideration at the Planning & Development Control Committee on 12th February 2014. Although the proposed site layout has not changed from that previously considered by Members in respect of application 051066, in support of this current application, the applicant has submitted additional information within the Design and Access Statement setting out the design principles adopted in order to seek to address the previous reasons for refusal. The application is being reported to the planning committee for determination at the request of the local Members and in accordance with the Council's delegation scheme as a supplemental planning obligation is required.

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 planning obligation re-enforcing the provisions entered into in respect of highway, ecological, and open space requirements, together with the need to increase the number of affordable housing units required to be provided within the site from 44 - 46. 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.

Conditions

1. In accordance with approved plans.
2. Materials to be submitted and approved.
3. Positive means to prevent run-off of surface water from any part of the site onto highway to be provided.
4. Detailed layout, design, means of street lighting and construction of internal estate roads to be submitted and approved.
5. Development to remain subject to conditions imposed on planning permission reference 049605.

3.00 CONSULTATIONS

3.01 Local Member
Councillor D. Hutchinson

Request planning committee determination and question the re-submission of an application for a site layout previously refused under application 051066.

Councillor M.J. Peers

Request planning committee determination and question the re-submission of an application for a site layout previously refused under application 051066.

Buckley Town Council

No observations save that enquiries have been requested to identify the changes between the previous and current application.

Head of Assets & Transportation

Following receipt of amended plan, no objection subject to the imposition of conditions to prevent run-off of surface water onto highway and design of internal estate road.

Head of Public Protection

No adverse comments.

Welsh Water/Dwr Cymru

No objection given previous planning history.

Natural Resources Wales

No response received.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

19 letters of objection received, the main points of which can be summarised as follows:-

- Increase in number of dwellings from that previously approved would result in overdevelopment.
- Impact on privacy/amenity by way of overlooking.
- Increase in vehicular movements.
- Introduction of affordable housing in this area of the site will impact on make up of existing development and result in increased noise and change of environment.
- Previously approved site layout was more characteristic and reflective of sites surroundings.

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 9th 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 – 29th March 2007.

044109

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

046665

Reserved Matters – Re-plan to Plots 1-11, 131-136, 137-139 and 147-169 (33 plots in total) – Permitted 1st 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 11th February 2011.

048632

Full Application – Substitution of house types on plots 112–116 – Permitted 12th July 2011.

049064

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

049605

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

050333

Full Application – Re-plan to the northern parcel of former brickworks with mix of 2, 3 & 4 bedroom detached, semi-detached and terraced dwellings with associated parking and amenity spaces (partly retrospective) – Permitted 28th January 2014.

051066

Full Application – Re-plan to plots 124 – 127, 136 – 139 and addition of plots 172 – 180 as amendments to layout previously permitted under application ref: 049605 – Refused 27th February 2014.

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.

Additional Guidance

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

This full application relates to a proposed re-plan on approximately 0.28 hectares (0.71 acres) of land within the southern parcel of a wider residential development of 19.9 hectares (49 acres) currently under construction at the former Lane End Brickworks, Buckley. The development has two distinct inter-related phases namely the southern parcel of the development which is accessed from Church Road in contrast to the northern parcel which has a separate access into the site from Drury Lane.

7.02 Proposed Development

The plans submitted as part of this application propose modifications and amendments to the site layout on an area of the southern parcel of the site which currently has planning permission for the erection of a total of 8 No. dwellings. This comprises 7 No. detached dwellings fronting onto a central courtyard with one dwelling facing onto an existing approved estate road.

7.03 It is proposed that the site layout be amended at this location by:-

- i. the substitution of the detached house types currently permitted on plots 124 – 127 and 136 – 139 by 8 No. smaller affordable housing units in 2 No. x 4 blocks.
- ii. the addition of plots 172 – 180 as amendments to the layout for a total of 8 No. smaller affordable housing units to be provided within a terrace of 6 No. units and a pair of semi-detached dwellings.

The terraced units would be served by a central courtyard accessed off the main estate road, with the pair of semi-detached dwellings having a direct access from the main estate road.

7.04 This current application has been resubmitted following the refusal of a previous application under Code No. 051066 on 27th February, following consideration at the Planning and Development Control Committee on 12th February 2014. The previous application proposed the same site layout as this current application and was refused for reasons which are summarized as follows:-

- Overdevelopment with the generation of additional vehicular movements and substantial areas of parking of the frontage of the terraced properties.
- A form of development that is out of character with development previously permitted and completed within this part of the site layout.
- Overdevelopment of this part of the site which would be detrimental to the privacy/amenity of the occupiers of existing residential properties.

7.05 In support of the current application and in order to seek to address the previous reasons for refusal, the applicant has advised in the accompanying Design and Access Statement that the reason for the proposed replan of this part of the site with substitution of house types is based on:-

- (i) the proposal to make more efficient use of the site which is borne from requests from prospective purchasers for smaller more affordable dwellings.
- (ii) the consideration that the design will sit comfortably with its location utilizing arts and crafts elements used on other house types within the site.
- (iii) the massing of the development is reflective of various areas of the development already approved and completed. There will be little change to the approved scheme as regards scale and massing.
- (iv) the current proposed layout is similar to previously approved schemes for the site.
- (v) all spatial interface distances are met as set out in the Flintshire County Council Guidelines.
- (vi) elevational treatments will be in keeping with others within the existing approval.
- (vii) the dwellings as proposed each have their own parking bays and driveways providing parking to the front of their properties. All parking is situated within each of the plots own area.

7.06 Consequently as a result of the proposed re-plan, this application proposes 171 dwellings within the southern parcel and with 143 dwellings units within the northern parcel; provides for a total of 314 dwellings within the overall site, as compared to 306 units currently permitted.

7.07 Affordable Housing Provision

In allowing the appeal for the development of up to 300 dwellings at this location under Code No. 037558 on 9th October 2006, provision was made for 15% affordable housing within the site given abnormal restoration costs. This was addressed by way of a planning condition and Section 106 Obligation. As the overall density of development is proposed to be increased to 314 dwellings this now requires 46 affordable units to be provided within the overall development.

7.08 Design/Appearance

The plans submitted propose the substitution of house types and associated modifications to the site curtilages, the pattern and orientation/relationship of the dwellings to each other and existing development being acceptable to provide a well-balanced layout.

7.09 The house types/designs are reflective of the character of development that this has already been permitted, completed and

occupied for both affordable housing and general market purposes within the estate layout. The house types include The Letchworth (semi detached). Broadway/Evesham (terraces). These units are distributed throughout the development with some of these aforementioned units also being occupied and available as general market housing. Within the northern panel there is also a similar form of terraced unit (Kent), which has a different form of elevational treatment. In visual terms is difficult to differentiate when compared to the Broadway/Evesham house type whether it is an affordable or general housing market unit and it is possible given the flexibility of affordable housing provision within the site for these to be targeted to meet this requirement should circumstances require. This it is therefore considered would provide for a consistency in terms of design and use of materials.

7.10 Density & Development

The proposed development of 16 units on approximately 0.28 hectares represents a higher density of development (54 dwellings per hectare) than that specified as a minimum requirement (30 dwellings per hectare) as outlined in Policy HSG8 of the Flintshire Unitary Development Plan. It is my view having regard to the mix of house types proposed within the layout that this level of provision within a central area of the southern parcel, would not represent overdevelopment or imbalance the overall site layout within the southern parcel or in combination within the northern parcel of the development.

7.11 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 existing dwellings adjacent to the application site are safeguarded.

7.12 The objections raised in respect of the proposed introduction of additional units in comparison to these as currently permitted within this part of the site layout are duly noted. For Members information however, although the density of development is proposed to be increased within this part of the site, the interface distances between dwellings of approximately 21 m and 15 m are maintained in accordance with that previously permitted having regard to Council's Local Planning Guidance Note 2 - Space Around Dwellings.

7.13 Adequacy of Highways

Consultation on the application has been undertaken with the Head of Assets & Transportation. It has been confirmed that there is no objection to the revisions to the site layout or access/parking arrangements to serve the development subject to conditions.

8.00 CONCLUSION

- 8.01 It is considered that the modifications proposed to the site layout incorporating the introduction of a number of additional housing units is acceptable at this location having regard to the character of the site/surroundings and relationship to existing residential properties. The house types proposed have already been introduced within the development providing for a high quality scheme and balanced layout. My recommendation remains consistent with that previously advanced in respect of application 051066 and subject to the completion of a supplemental legal obligation, I consider the application 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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