

FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD JULY 2014**

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

SUBJECT: **FULL APPLICATION – RESIDENTIAL DEVELOPMENT OF A TOTAL OF 45 ONE AND TWO STOREY DWELLINGS INCLUDING ANCILLARY PARKING, OPEN SPACE AND NEW ACCESS FROM HALKYN ROAD AT LAND ADJACENT TO BRIGNANT, HALKYN ROAD, HOLYWELL.**

APPLICATION NUMBER: **052156**

APPLICANT: **WALES AND WEST HOUSING ASSOCIATION**

SITE: **LAND ADJACENT TO BRIGNANT, HALKYN ROAD, HOLYWELL.**

APPLICATION VALID DATE: **30.05.14**

LOCAL MEMBERS: **COUNCILLOR P J CURTIS**
COUNCILLOR H G ROBERTS

TOWN/COMMUNITY COUNCIL: **HOLYWELLTOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT AND S106 AGREEMENT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full planning application for the erection of 45 dwellings on land to the west of Brignant, Halkyn Road, Holywell. Full planning permission was previously granted for 44 dwellings (048264) on 21.11.12. This is a revised application following the sale of the site to Wales and West Housing Association, which amends the layout and house types on the site. The site is allocated for residential development in the Flintshire UDP. Issues relating to access and

egress, land contamination and drainage were resolved during the consideration of the previous application. The amended application raises no significant issues and it recommended that planning permission is granted subject to a S106 agreement and conditions.

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 to provide the following:-

- a) The provision of 16 No. affordable homes in accordance with an agreed letting policy
- b) Maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into).
- c) Commuted sum for maintenance of play area/ open space for a period of 10 years, upon its adoption by the Authority

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

1. Time limit on commencement
2. Development in accordance with plans
3. Surface water drainage scheme to be agreed, including on site attenuation to greenfield run-off rate
4. Implementation of surface water drainage scheme
5. Approval of the design, equipment, landscaping and fencing of the open space
6. Implementation of open space details/play area equipment in relation to first occupation of 50% of dwellings
7. Land remediation strategy - agreement of details and implementation including material management plan
8. Delivery times and numbers in relation to importation and removal of materials
9. Site levels and dwelling finished floor levels (f.f.l) to be approved.
10. Boundary treatment and landscaping - scheme and implementation
11. Retention of trees and hedges.
12. Materials to be approved
13. All dwellings to achieve minimum Code 3 (Sustainable Homes)
14. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
15. The siting layout and design of the means of the site access and off-site works to include a 1.8 metre wide footway along the site frontage.
16. Scheme to provide a 90m unobstructed Stopping Sight Distance (SSD) on southern side of Halkyn Road, prior to

- formation of site access
17. Access formation kerbed and completed to carriageway base course prior to commencement of other site works
 18. Visibility splay of 4.5m x 120m along nearside channel lines. No obstruction to visibility in excess of 0.6m
 19. Proposed access off A5026 shall have a 90m forward visibility stopping sight distance between 1.05m and 2.00m to an object height of between 0.26m and 2.00m both above the road surface
 20. No obstructions to visibility during construction of site works
 21. Provision of parking, turning and loading and unloading space
 22. Positive means to prevent surface run-off onto the highway
 23. Grampian condition - foul drainage improvements prior to occupation
 24. Foul/surface water to be drained separately
 25. No surface water to connect to foul/combined sewerage system
 26. No land drainage into public sewerage system
 27. Details of location and design of pumping station
 28. No removal of hedgerow within bird breeding season unless agreed in writing

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 G Roberts

Preliminary views are the application is acceptable in principle.

Councillor P Curtis

Agrees to the determination of the application under delegated powers.

Holywell Town Council

No objection however the Council wishes to reiterate its concerns made at the time of application ref 048264 by the former owners of the site, regarding the;

- Perceived access difficulties in relation to traffic using the A5026
- Compounding of drainage/flooding problems due to lack of capacity of the existing sewerage system
- Potentially inadequate infrastructure within the community at present to deal with the impact of a development of this size

Highway Development Control Manager

The previous planning consent was conditional upon works to improve the visibility towards vehicles waiting to turn right into the proposed

site entrance. As yet these works have not been undertaken. No objection following submission of revised information subject to a Section 106 Obligation/Grampian style covering the provision and maintenance of the required visibility splay on the southern side of Halkyn Road and for this to be implemented before any other site works and conditions:

- detailed layout, design, means of traffic calming and signing, surface water
- drainage, street lighting and construction of the internal estate roads
- the siting layout and design of the means of the site access along with the external improvement works to include a 1.8 metre wide footway along the site frontage and a scheme to achieve a 90m unobstructed Stopping Sight Distance (SSD)
- access formation shall be kerbed and completed to carriageway base course prior to commencement of other site works
- the gradient of the access from the edge of the existing carriageway shall be 1 in 24 for a minimum distance of 10m
- visibility splay of 2.4m x 120m along nearside channel lines in both directions. No obstruction to visibility in excess of 0.6m
- proposed access off A5026 shall have a 90m forward visibility stopping sight distance between 1.05m and 2.00m to an object height of between 0.26m and 2.00m both above the road surface
- no obstructions to visibility during construction of site works
- Construction Management plan
- provision of parking, turning and loading and unloading
- positive means to prevent surface run-off on the highway

Head of Public Protection

A land contamination assessment report was submitted with the previous application and a site investigation was carried out, with more investigations undertaken following initial comments. The methodology of this was acceptable and the previously proposed remediation has been discussed and agreed subject to further conditions over the detailed remediation, including a material management plan and amounts of materials. These matters can be dealt with by condition.

Welsh Water/Dwr Cymru

Hydraulic modelling was undertaken by the previous developer that confirmed that further improvements were required to upgrade the network to accept foul flows. Conditions required to account for this.

Natural Resources Wales

No response received at time to writing.

Chief Officer (Education and Youth)

No requirement for a contribution as there are already 5 S106 agreements for Ysgol Perth y Terfyn and due to Holywell new school project.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

4 objections on the grounds of;

- additional traffic and impact on highway safety, tuning right out of the development, poor visibility
- concern over lack of street lights and pavements
- conflict with access from this development and the private drive accessing a number of properties opposite the site which has restricted visibility, along with the accesses from the Stamford gate and Shell garage
- potential for pedestrian conflict crossing the road near the site access, no footways
- where there are footways the vegetation is overgrown making it difficult to walk along them
- traffic calming required
- the access is close to the junction with the B5432
- what provisions are in place for dealing with copper and lead contamination
- previous application for larger private dwellings was more in keeping with the local area
- lack of regular maintenance of highway areas and road drains which are blocked and may lead to flooding to some properties

Holywell Town Football Club

No objections to the plans but insist that a 2 metre high fence is erected along the boundary of the proposed site and the football ground. The fence is required to keep the football ground secure as it is private land and to ensure no access can be had from the new houses which will back onto the car park of the ground behind the main stand.

5.00 SITE HISTORY

5.01 048264

Erection of 44no. two storey and three storey dwellings including associated parking, open space and formation of new access. Approved 21.11.12

98/623

Outline - retail food supermarket, petrol filling station and other commercial with associated parking. Refused 21.02.01.

99/13119

Outline - retail food supermarket, petrol filling station and other

commercial with associated parking and construction of new roundabout. Withdrawn 22.12.99.

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 (13) - New Housing Development Proposals
Policy HSG8 - Density of Development
Policy HSG9 - Housing Type and Mix
Policy D1 - Design Quality
Policy D2 - Location and Layout
Policy D3 - Building design
Policy D4 - Landscaping policy
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 HSG10 - Affordable Housing within Settlement Boundaries
Policy EWP3 - Renewable Energy in New Development
Policy EWP14 – Derelict and Contaminated Land
Policy EWP16 - Water Resources

The application site is located within the settlement boundary and allocated for residential development within the Unitary Development Plan for residential development under policy HSG1(13). The application is in accordance with the above relevant policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of 45 dwellings, new access and the provision of a play area/ open space on 1.66 hectares of land to the west of Brignant, Halkyn Road, Holywell.

7.02 Site Description

The 1.66 hectare site is situated to the south east of the settlement of Holywell on the A5026 and forms the extent of the settlement boundary to the south east. The site is bounded by the new Holywell Community Hospital to the north west, Holywell Town Football Club to the north east and agricultural land to the south. The residential property of Brignant is to the south west of the site. The site has a frontage on to Halkyn Road and there is residential development opposite the site on the other side of Halkyn Road. The site slopes in a northerly direction from the main road and is currently used for grazing. The site has a number of mature trees to its perimeter boundaries.

7.03 Proposed Development

It is proposed to erect 45 dwellings; 28 two bed, 14 three bed, 2 two bedroom bungalows, and 1 three bedroom bungalow. These are predominately all semi-detached properties with the exception of the detached three bed wheel chair accessible bungalow with a variety in the house types. The majority of the dwellings are two storey with some split level dwellings of single and two storeys to accommodate the sloping nature of the site. Each house would have two parking spaces Plots 1 – 16 would be affordable dwellings and would be managed by Wales and West Housing Association. The remaining dwellings would be sold on the open market.

7.04 It is proposed to provide a public open space to the north east of the site and a pumping station to deal with foul flows due to the topography of the site. A new access to adoptable standard would be created off Halkyn Road. All the dwellings would achieve Level 3 of the Code for Sustainable Homes and would be built to Lifetime Homes. The houses are a mixture of brick and render with tiled roofs.

7.05 The application was accompanied by an Ecological Assessment, Geo-Environmental Investigation, Code for Sustainable Homes Assessment, Tree Survey and Design and Access Statement.

7.06 Principle of Development

The site is allocated for development in the Adopted Flintshire Unitary Development Plan for residential development of 45 dwellings. The principle of development has therefore been accepted and the proposed number of dwellings is in line with the anticipated density achievable on the site. The site also has an extant permission 048264 for 44 dwellings. Ownership of the site has now transferred from Watkin Jones to Wales and West housing Association.

7.07 Design and Layout

This application provides for a greater mix of house types and smaller dwelling units along with 3 wheelchair accessible bungalows. The proposed dwellings are all semi-detached with the exception of the 3 bedroom wheelchair accessible bungalow. Due to the topography of the site the houses would have stepped rear gardens and some of the dwellings are split level single and two storey. The proposed dwellings are a mixture of house types with the use of brick and render treatment to the walls to provide variety.

7.08 The site is adjacent to the residential property of Brignant which lies 10 metres to the south west. There is existing boundary treatment in the form of mature hedgerows on the boundary between the application site and the adjacent dwelling. The property has a side elevation facing the application site, but with no habitable rooms overlooking the site. The nearest property in the proposed development is 12 metres from the boundary and the dwellings are angled so that there is no direct overlooking. There is also the

provision of an agricultural access between the rear of the dwellings and the site boundary within the site leaving a buffer between the adjacent residential property and the new development. There are further residential properties across the road from the application site, however these are situated at a higher level than the application site and would not be adversely affected. It is considered that the design and layout of the site is acceptable and would not have an adverse impact on residential amenity.

7.09 Play Provision

An area of 2516 m² open space is to be provided on the site to the north east of the site. The public open space is located outside the allocated housing site boundary on land to the north east of the site, outside the settlement boundary. This is due to the topography of the application site, which makes it difficult to provide a useable area of formalised play space on site without significant earth moving. The location and size of the proposed area is in accordance with the Council's Local Planning Guidance 13 - Open Space Requirements and is accepted by Leisure Services.

7.10 Affordable Housing

16 of the houses would be affordable and managed by Wales and West Housing Association with the remaining 29 being sold privately. This equates to 36% of the dwellings being made affordable. This will be secured by S106 agreement and therefore in accordance with Policy HSG8 of the UDP.

7.11 Highways

Concerns have been raised from local residents in relation to the proximity of the proposed access to the site in relation to the private drive opposite the application site and the hotel and garage, visibility from the proposed access and the impact in additional traffic and potential pedestrian conflict.

7.12 Highways raise no objection to the proposed development which utilises the same access point as the previous consent. The scheme includes for the provision of a footway from within the site along the entire site frontage within the extent of the applicants land ownership. The provision of the footway will provide a safe pedestrian refuge for site residents, provides alternative/improved locations for pedestrians wishing to cross the A5026, allows for better connectivity for future growth in the area in line with Manual for Streets and will assist with driver visibility when exiting the new junction. The provision of this footway addresses some of the issues raised by local residents in relation to improvements to the pedestrian environment for existing users.

7.13 The previous site owner is to undertake the works to regrade the landscaped bank opposite the application site, to achieve the required highways visibility. This was a condition on the sale of the land and

will be imposed through a planning condition as per the previous consent. These works are programmed to be undertaken imminently by the previous landowner.

7.14 These works will improve visibility of traffic travelling towards Holywell from the proposed new access and help achieve an improved Stopping Site Distance. The developer is also offering to improve visibility for residents exiting the private drive opposite the application site, beyond what is required in terms of the new access, and it is intended to transfer the whole of this area covered by the visibility splay to the Council, to become adopted highway.

7.15 This visibility splay along with other off site items to improve the existing situation would be secured through a S 278 agreement. These include improved signage to make motorists aware of the existing private drive access to the properties opposite the site. Highways development control are therefore satisfied with the proposals subject to the imposition of conditions.

7.16 Land Contamination

A geo-environmental investigation report was undertaken at the time of the previous planning application, which highlighted the proximity of lead mines in the area. This has been submitted in support of this application. This included a desk based assessment and some intrusive investigations. The initial boreholes confirmed the presence of lead and zinc on the site, so further trial pits were undertaken at the request of the then Head of Public Protection to further assess ground conditions on site. This identified concentrations of lead and zinc within near surface soils on site. Lead poses a risk to human health receptors unless the pathway between the identified source and human health receptor is broken and zinc poses a risk to plant life. Remediation of the site is therefore required to make it suitable for residential use. The potential pollutant linkages can be broken down by either the removal and/or capping of the material depending on the end use of each area of the site, hence varying methods of remediation will be appropriate. A remediation strategy to this effect was previously proposed and agreed in principle by the then Head of Public Protection. Appropriate conditions as for the previous application can therefore be imposed.

7.17 Due to the site topography cut and fill would be required to develop the site which would involve the movement of material around the site in a phased approach. A materials management plan would be submitted to deal with this matter once more details are known, to quantify the amounts of materials involved. This would include importation of topsoil for the soft landscaping and private gardens. This may lead to amendments to the proposed site levels. These matters can be agreed by condition, along with the detailed methods of remediation as for the previous consent.

7.18 Drainage

It is proposed to deal with surface water via on site attenuation and discharge to the nearby watercourse. The use of soakaways is not possible due to the extent of made up ground, contamination and the topography of the site. Foul water only is to be disposed of via the public sewer system.

7.19 Since the consideration of the previous application a hydraulic modelling exercise was undertaken by the former owners Watkin Jones to determine what improvements to the network to dispose of foul sewerage were required. This exercise has been undertaken and the works required have been identified. Welsh Water therefore request a Grampian style condition requiring these works to be undertaken.

7.20 Boundary treatment

The site is bounded by existing hedgerows which are proposed to be retained as part of the scheme. A tree survey of the site has been undertaken. There are a number of trees within the boundary hedges of the site with a group of trees between the development site and the proposed public open space. No trees are to be removed as part of the development, however measures need to be put in place to safeguard the root protection areas of boundary trees and some pruning and ivy removal is required to some trees. This can be dealt with by condition.

7.21 The football club adjacent to the site state that they require a 2m high fence for security reasons and to prevent future residents accessing the football ground as it is not a public play area. There are existing hedges bounding the site which are proposed to be reinforced as part of the scheme. One boundary of the site with the football club would be the rear gardens of the proposed dwellings and would have respective boundary treatment. It is not considered that a high fence would be appropriate aesthetically or is necessary as a requirement of the development. The proposed public open space also bounds the site and appropriate boundary treatment would be installed as part of this to meet the Council's adoption standards. It would be up to the football club to adequately fence their facility.

7.22 Ecology

An Ecological Report was submitted with this application compiled by Clwydian Ecology. The site is improved grassland with boundary hedgerows and trees within those. The site may be used as foraging for bats, but this would mainly be the hedgerow corridors. There was no evidence of badger activity on the site. There are no ponds or standing water which could provide habitat for great crested newts although common amphibians may use the perimeter areas of the site. The hedgerows will provide habitat for birds. There is no substantial loss of hedgerow proposed by the scheme therefore the ecology implications are not considered significant, along as may

hedge removal is undertaken outside the bird nesting season.

7.23 Education contribution

The Chief Officer (Education and Youth) has estimated that the development would generate 9 primary age pupils and 7 secondary age pupils. At present there are 96 on roll at Perth y Terfyn Infants School, which has a capacity of 110 (10.9% surplus) and 143 at Ysgol y Fron with a 26% surplus. Holywell High School has 474 pupils on roll with a capacity of 1075 (56% surplus).

7.24 During the consideration of the previous application the then Head of Lifelong Learning considered that the generation of the Primary age pupils together with a total of 19 pupils expected from other developments in the area will eliminate the surplus places at Perth y Terfyn Infants school and a contribution of £134,827 was therefore required to meet this shortage of places. A contribution to the Junior and Secondary School was not required due to the surplus of places.

7.25 Under the Community Infrastructure Levy Regulations 2010 local authorities have the power to charge a levy to fund the provision of infrastructure including schools. Local planning authorities are not bound to introduce charging schedules and may chose to continue to rely on planning obligations (S106) to provide necessary infrastructure, however from 6th April 2014 the ability to do so through S106 is limited. Planning obligations designed to collect pooled contributions from 5 or more developments may not be used to provide infrastructure which could be funded from CIL. Only five separate planning obligations can be entered into from 6th April 2010 for a specific infrastructure project or a type of infrastructure. In this case more than 5 agreements have been entered into for Perth y Terfyn School.

7.26 Members will also be aware of the Council's proposals for the new Holywell School project (051719) which encompasses infant, junior and secondary school provision in one new purpose built building This scheme is due to start construction on site in September 2014 with its opening scheduled for September 2016. This makes provision for 315 Primary school places (infants and juniors) and 600 Secondary School places. It is therefore not considered that it is reasonable to ask for a contribution towards education provision in this instance as Perth y Terfyn has more than 5% surplus places at present and by the time this development is ready for occupation there will be adequate provision of places in the new school.

7.27 It is therefore not appropriate to request an education contribution for this development.

8.00 CONCLUSION

8.01 The development of this site for residential use has been accepted in

principle through the allocation of the site in the UDP and the previous consent 048264. The previous application resolved the issues in relation to access and land contamination. This application provides a revised layout with smaller house types and 16 affordable units which is in line with UDP policies.

- 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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