

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **REMOVAL OF CONDITION NO. 6 ATTACHED TO PLANNING PERMISSION REF: 048032 AS AMENDED BY PLANNING PERMISSION REF: 050805 AT OVERLEA DRIVE, HAWARDEN.**

APPLICATION NUMBER: **052429**

APPLICANT: **REDROW HOMES NORTH WEST**

SITE: **OVERLEA DRIVE, HAWARDEN**

APPLICATION VALID DATE: **6th AUGUST 2014**

LOCAL MEMBERS: **COUNCILLOR C. S. CARVER**

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This Section 73 application seeks permission to remove condition 6 attached to planning permission reference 048032 (as amended by permission reference 050805) and thereby remove the restriction upon the occupation of dwellings in advance of the completion of off site drainage improvements. The proposal would not result in any alteration to the appearance of the development as approved.

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

- 2.01 That planning permission 048032, as amended by permission 050805 be amended by the deletion of Condition 6 in its entirety.

In all other respects, the permission remains unaltered.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor C. S. Carver
Objects and requests Committee Determination.

Considers the proposed deletion of the condition is based upon commercial factors and not in the interests of sound drainage of the site.

Hawarden Community Council
Objects to the removal of the condition. Considers the condition essential to prevent further drainage problems in Mancot and Pentre.

Welsh Water/Dwr Cymru
No Objection. Advises that a flood mitigation scheme is to be undertaken in the area, including the works originally intended to be secured via this condition. This scheme will be complete by end March 2015 and it's advised that the flows from this development can be managed as part of these works during the course of the same.

4.00 PUBLICITY

- 4.01 The application has been publicised by way of the display of a site notices and via neighbour notification letters.
- 4.02 At the time of writing, no letters have been received in connection with this matter.

5.00 SITE HISTORY

- 5.01 **4/1/20795**
Outline - Residential Development.
Refused 3.12.1991
- 02/1/00549**
Outline - Residential Development.
Refused 19.2.2003. Dismissed on Appeal 22.4.2004.
- 048032**
Full application – Erection of 45 dwellings.
Refused 28.11.2011. Allowed on Appeal 17.08.2012.

050805

Re-Plan of 16 No. dwellings

Permitted 11.06.2014

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy GEN1 - General Requirements for Development
Policy HSG1(51) - New Housing Development Proposals
Policy EWP16 – Water Resources

7.00 PLANNING APPRAISAL

7.01 Introduction

This application is submitted under S.73 of the Act and seeks permission for the removal of Condition 6 imposed upon the approved and amended scheme. No other modifications are sought via this application.

7.02 The Proposal

The proposal seeks to remove condition 6 from the permission such that it permits the occupation of the approved dwellings entirely independently of off site drainage improvement works. (such works being the subject of Condition 6 as imposed).

7.03 Drainage Context and Implications

Members will recall that permission for the development of this site was granted by a Planning Inspector following an appeal by way of a Public Inquiry. At this inquiry, amongst other matters, evidence was heard in relation to the drainage system serving the site. The Inspector heard how a hydraulic modelling exercise had been undertaken which revealed the need for off site drainage infrastructure improvement works. The Inspector noted that the statutory drainage body, Dwr Cymru had no objection to the proposals but requested that a Grampian style condition be imposed in relation to these off site works. The Inspector acceded to that request and, in granting planning permission, imposed the following condition;

No development shall commence until a scheme of improvement to the off-site drainage in Mancot Lane has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to occupation of the first dwelling unless otherwise approved in writing by the local planning authority.

- 7.04 Since the appeal decision, a scheme of works pursuant to this condition had been agreed between the developer and Dwr Cymru and the applicant had paid a sum of money to have the necessary improvement works undertaken. The scheme of works required would result in improvements being carried out to a length of the combined

sewer in Mancot Lane further to the north where there is a pinch point at present.

- 7.05 Despite previous agreements between the developer and Dwr Cymru for this work to be done in advance of the commencement of the development of the site, Dwr Cymru have programmed this part of the upgrade scheme to be undertaken alongside another, unrelated, piece of system upgrade works which is planned to be complete by March 31st 2015. However, I am advised that the outstanding upgrade works which are the subject of the condition are intended to be the first part of that larger scheme of works and are therefore anticipated to be completed earlier.
- 7.06 Consultation has been undertaken with Dwr Cymru/Welsh Water who advise that there is no objection to the removal of this condition as the need for the condition which had presently existed is now longer in existence. They have advised that they are satisfied that flows arising from the site can be adequately managed within the current system and as part of the system upgrade works which are being undertaken.
- 7.07 Whilst Dwr Cymru would normally request no further occupations during the course of such a scheme, they are satisfied that their management of the scheme and existing flows is such that there is no risk to existing residents. Accordingly, they advised in response to consultation, that the initially submitted application to vary the condition be amended to one seeking removal of the condition as the need for the same no longer exists.
- 7.08 Accordingly, and for the reasons set out above, I recommend the deletion of condition 6.

8.00 CONCLUSION

- 8.01 Notwithstanding the representations made raising concerns, I consider the views of the statutory drainage undertaker to be the view to which the greatest weight must be attached in the determination of this application. Accordingly, I consider the proposed deletion of the condition to be 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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation

Responses to Publicity

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