

FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH MARCH 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 8 NO. DWELLINGS AT FORMER CHURCH HALL SITE, WELL STREET, HOLYWELL.**

APPLICATION NUMBER: **052679**

APPLICANT: **PADSTONE HOMES**

SITE: **FORMER CHURCH HALL SITE, WELL STREET, HOLYWELL**

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

LOCAL MEMBERS: **COUNCILLOR P. J. CURTIS**

TOWN/COMMUNITY COUNCIL: **HOLYWELL TOWN COUNCIL**

REASON FOR COMMITTEE: **THE PROPOSALS ARE RECOMMENDED FOR APPROVAL SUBJECT TO A S.106 AGREEMENT, THE SUBSTANCE OF WHICH GO BEYOND THE SCHEME OF DELEGATION**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application seeks approval of a scheme for the re-development of the site of the former Church Hall building and dwelling known as 'The Close', now both demolished, and re-develop the site with a residential development proposal consisting of 8No. dwellings.

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. Ensure the payment of a contribution of £8,800 to the Council in lieu of on site play and recreation provision. Such sum to be paid to the Council prior to the occupation of any dwelling hereby approved and to be used to upgrade existing facilities within the community.
- b. Secure a scheme detailing the measures and means of ensuring the future management and maintenance of the proposed estate highway. Such measures to be agreed prior to the commencement of the development hereby approved.

2.02 Conditions

1. Time limit.
2. Archaeological Watching brief.
3. Boundary treatments submitted and agreed.
4. Materials, colours and finishes to be agreed.
5. Schedule of works to existing walls. Implementation prior to commencement of any other site works.
6. Removal of Permitted Development Rights.
7. Windows and doors to be timber construction and painted finish. Details to be agreed.
8. Implementation of landscaping works in first planting season following works commencement.
9. Car parking facilities to be retained in perpetuity.
10. Tree protection fencing to be erected prior to commencement of development.
11. Details of all foul, surface and land drainage to be submitted and agreed prior to commencement.
12. Development to be undertaken in strict accord with recommendations of ecology and archaeology reports.
13. Notwithstanding the ecology and tree reports, no works to trees without an ecologist present.

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor P.J. Curtis

No objection to a delegated determination.

Holywell Town Council

No objection. Offers a general observation that members of the Town Council are concerned in respect of:

1. the future capacity of the drainage system,
2. increases in traffic along Well Street,
3. Impacts upon historical environment, and
4. impact upon trees.

Head of Highways (DC)

Notes that the principle of an un-adopted highway has been established via a previous grant of planning permission (047933) as a consequence of the constrained nature of the site as a result of the proximity of Scheduled Ancient Monuments, listed buildings, protected trees and the location of the site within a Conservation Area. Considers that the long term maintenance of the estate road should be safeguarded via a S.106 agreement requiring maintenance in perpetuity by a management company.

Pollution Control Officer

No adverse comments.

Public Open Spaces Manager

Advises that on site play facilities are not required but the Council should seek a commuted sum equivalent to not less than £1100 per dwelling. Such Monies would be used to enhance existing play provisions within the community.

Dwr Cymru/Welsh Water

No adverse comments. Requests the imposition of conditions in respect of foul, surface and land drainage.

Natural Resources Wales

No objections. Requests the imposition of conditions in relation to:

1. the need for an ecologist to be present during tree works to ensure no bat roosts are affected; and
2. a surface water regulation system to be submitted and agreed.

Advises that should bats be found within any trees to be removed, a licence will be required and should be acquired before any further works are undertaken.

CADW

No adverse comments.

Clwyd Powys Archaeological Trust

Considers that an archaeological watching brief condition should be imposed upon any subsequent grant of planning permission.

Wales & West Utilities

No adverse comments.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters.

4.02 At the time of writing, no letters have been received in response to the above consultation.

5.00 SITE HISTORY

5.01 05/039111

Erection of 24 apartments with parking and access.

Withdrawn 24.2.2006.

05/039117

Conservation Area Consent Application - Demolition of buildings.

Withdrawn 24.2.2006.

06/042653

Demolition of church hall and construction of 3 blocks of 6 apartments and refurbishment and extension to existing dwelling.

Withdrawn 01.3.2007.

07/044049

Demolition of existing former church hall and dwelling known as 'The Close' and erection of 6no. semi-detached and 3no. detached dwellings.

Permitted subject to S.106 agreement. 27.4.2010.

10/047933

Erection of 9No. detached dwellings.

Permitted subject to S.106 agreement. 23.11.2011

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR4 - Housing

Policy STR7 - Natural Environment

Policy STR8 - Built Environment

Policy STR11 -	Sport, Leisure & Recreation.
Policy GEN1 -	General requirements for development.
Policy GEN2 -	Development inside settlement boundaries.
Policy D1 -	Design Quality, Location & Layout.
Policy D2 -	Design
Policy TWH1 -	Development affecting trees & woodlands.
Policy HE1 -	Development affecting Conservation Areas.
Policy HE2 -	Development affecting listed buildings & their settings.
Policy HE3 -	Demolition in Conservation Areas.
Policy HE6 -	Scheduled Ancient Monuments.
Policy HE8 -	Recording of historic features.
Policy AC13 -	Access and traffic impact.
Policy HSG3 -	Housing on unallocated sites within settlement boundaries.
Policy SR5 -	Outdoor Playing Space & New Residential Development.

- 6.02 The above policies broadly identify the criteria against which development proposals of this type will be assessed having regard to issues of historical sensitivity, safeguarding and enhancement of Conservation Areas, tree protection and the broader design and development criteria. I consider that the proposals would comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Site Description and the Proposed Development

The application site was latterly occupied by 2 vacant and dilapidated buildings, namely the former Church Hall and a dwelling known as 'The Close', both of which have now been demolished. Demolition rubble remains upon site upon the footprints of the former buildings.

- 7.02 The site lies at the northern extreme of Well Street. Development along this street exists in a variety of forms, predominantly residential, but including a catholic Church and its ancillary buildings. The site occupies a position along a heavily wooded and prominent ridge of land which runs along and north - south axis. The site is largely overgrown given that the uses upon the site have ceased. The site boundary to the west is formed by the stone and brick retaining wall to the adjacent burial ground at St. James' Church. There is no formal demarcation of the northern and eastern boundaries of the site other than a prominent change of levels from the ridge top plateau of the site. The boundary to the south is a brick wall which forms a common boundary with the Listed Building, 46 Well Street. The area of the site proposed for development is relatively flat with a slight slope across the site in a northerly direction. This slope is reflective of the general slope of the surrounding landform although the raised ridge is such that there is a marked levels difference between the site and land to the east and west. Access to the site is derived from the existing

highway, Well Street which runs along part of the western boundary of the site, with the point of access existing at the south western corner of the site.

7.03 Principle of Development

Within the UDP Holywell is classified as a Category A town where most housing growth is expected to occur. The site is sustainably located with access to bus services and the other local services. In addition, Members are reminded that this site benefits from an extant planning permission under Reference 047933, which permits the erection of 9No. dwellings.

7.04 Accordingly, the principle of the development of this site is established not only through a policy presumption in favour of development of this type in this location, but also via an extant planning permission.

7.05 The Proposed Development

The proposed scheme seeks permission to erect 8No. 2 storey dwellings, each of which provides 4 bed accommodation. The scheme includes the provision of an estate highway to serve the dwellings together with additional landscaping works.

7.06 Design and Appearance

The proposals represent an amendment from that which previously approved under application reference 047933. However, the nature of the amendment produces little difference other than to change the format of the approved layout and the composition and number of the proposed dwellings. The total effect is to reduce the number of dwellings sought from the approved level of 9 to 8.

7.07 The design of the units retain the previously achieved and agreed contemporary interpretation of a Georgian/Victorian style of dwelling, reflective of the historic character of the Holywell Conservation Area in the vicinity of the site. The proposed finishes relate well to properties upon Well Street in particular.

7.08 The design evolution of the layout of the proposed dwellings respects the tight constraints which the extensive tree cover of the wider area imposes upon the site. This has resulted in a scheme which reflects the linear character of development along Well Street as a historical pattern and also ensures that the footprint of the buildings can be accommodated upon the site without the need for unacceptable and damaging encroachment into the tree areas. It is not considered the design and layout of the proposed dwellings would have a detrimental impact on the residential amenity of existing residential properties nor on the residential amenities of future occupants of the dwellings. The proposed separation distances from adjacent properties are compliant with the Council's standards and furthermore, the well established tree and vegetation cover upon the periphery of the site is such that visual interaction between the site and the surroundings is limited and

serves to reinforce the view that there is no adverse impact upon residential amenity.

7.09 Access and Car Parking

The proposed development will be accessed from one point onto Well Street at the same point from which vehicular access to site is currently derived. The Head of Highways (DC) has advised that whilst neither the proposed access nor the internal estate road would be compliant with the Council's highway adoption standards, the proposals are reflective of the guidance offered in the Department of Transport publication 'Manual for Streets'. It should be noted that this document has been adopted as a national guideline by the Welsh Government. As such, the future maintenance of the estate road should be the responsibility of a duly appointed management company. I consider that this requirement should be secured by an appropriately worded S.106 agreement.

7.10 In view of the constraints upon the site which arise from protected trees and the requirement for the existing stone wall and gateway off Well Street, the Head of Highways (DC) accepts that an access and road to adoptable standards cannot be provided without compromising these constraints which would be unacceptable in view of the sites location with the Conservation Area.

7.11 The proposal would provide for 16 on site car parking spaces. These spaces can be conditioned to be retained in the interests of preventing an increase in on - street parking.

7.12 Scheduled Ancient Monuments, Listed Buildings & their Settings & the Holywell Conservation Area

The site sits in close proximity to a number of Scheduled Ancient Monuments (Holywell Castle Mound to the north and St. Winifrede's Well and Chapel to the north west) and listed buildings (No's 44 & 46 Well Street and St. James Church Vicarage to the south). The site is also located entirely within the defined Holywell Conservation Area. In considering the proposal regard has been had to ensuring that there are no direct impacts upon either the fabric or the settings of these historically important monuments and buildings or the character and appearance of the Conservation Area as a whole.

7.13 It should be noted that whilst Scheduled Ancient Monuments (SAM) are located in the vicinity of the site, they are not located within the boundaries of the application site. It has been identified therefore that the only impacts arising from the proposals which ought to be guarded against are of a visual nature. In this regard the existing tree cover upon the boundaries to the SAM are important as they act as an effective visual screen between the monuments and the site and the wooded slope to the west of the site has identified previously as an integral part of the setting of the Well and Chapel and as such, should protected to preserve this setting. In this respect, whilst some tree

management is required due to adverse impacts upon the structural integrity of the burial ground retaining wall, a scheme of replacement planting has been identified in parts and I propose to condition the implementation of this scheme within the first planting following the commencement of the development in order to maximise the time for this planting to take and reinforce the wooded screen.

- 7.14 In respect of the potential for the site to contain any archaeological remains which do not appear in the National Record, I propose to impose a condition in accordance with the request from the Clwyd Powys Archaeological Trust for an archaeological watching brief during the course of development. This will ensure that any remains which exist upon site which were previously unrecorded or unknown will be correctly excavated and recorded.
- 7.15 The nearby listed buildings are also located outside of the site and for similar reasons to those outlined above, no adverse impacts are considered likely to arise to their settings. The closest property, 46 Well Street sits adjacent to the southern boundary of the site and the only works of any potential impact to this property and its setting relate to the structural works identified to the boundary wall (within the application site). In order to ensure that these works do not detract visually from the setting of 46 Well Street, I suggest the imposition of a condition requiring the submission, agreement and implementation of a schedule of works to both this wall and the wall abutting the burial ground, prior to the commencement of any other site works.
- 7.16 As discussed in previous paragraphs under other headings, the location of the site within the Conservation Area has been key in driving the design approach to this proposal. I consider that the scheme with which Committee is now presented represents a considered response to the particular design constraints which apply to this site. I consider that the visual character of the Conservation Area is reflected and portrayed through the proposed linear layout and the style and proposed finishes of the dwellings. I am satisfied that the application of appropriately worded conditions in respect of the agreement of detailed matters such as materials, finishes and colours will ensure that the finished scheme will complement the visual character of the Conservation Area.
- 7.17 Infrastructure and other matters
Neither Natural Resources Wales, Welsh Water nor the Pollution Control Officer has raised objections to the proposal. Welsh Water have requested that conditions be imposed with regard to the submission and agreement of the precise methods and means of site drainage. I propose to impose a condition to that effect. NRW have requested conditions in relation to a surface water regulations system. I consider the purpose of this condition is addressed within the proposed wider drainage condition. In addition NRW have sought a condition for an ecologist overview whilst tree works are undertaken to

safeguard against impacts upon bats. I propose to condition accordingly.

- 7.18 The site constraints are such that the actual provision of open space and play facilities on site is not practical. Accordingly, and in line with the identified policies and LPGN advice, the developer is required to enter into an agreement to secure the payment of a commuted sum in lieu of such on site provisions. The applicant should enter into a Section 106 Agreement or issue an advanced voluntary payment to provide for £1100 per dwelling in lieu of on site open space. All monies received shall be used to enhance play and recreation facilities in the community.

8.00 CONCLUSION

- 8.01 I am satisfied that following the satisfactory investigation in reports submitted in support of the application, and via the imposition of appropriate conditions, this proposal would not give rise to any adverse impacts upon the historically sensitive nature of the site surroundings.
- 8.02 The proposed development is therefore considered acceptable in principle and detail subject to a S.106 agreement of the form outlined in paragraph 2.01 above.
- 8.03 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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