

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **24<sup>TH</sup> JUNE 2015**

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

**SUBJECT:** **FULL APPLICATION – REPLAN TO 3 NO. PLOTS (201 – 203) WITHIN NORTHERN PARCEL OF FORMER BUCKLEY BRICKWORKS, DRURY LANE, BUCKLEY.**

**APPLICATION NUMBER:** **053308**

**APPLICANT:** **REDROW HOMES NW LTD**

**SITE:** **FORMER LANE END BRICKWORKS, DRURY LANE, BUCKLEY**

**APPLICATION VALID DATE:** **23<sup>RD</sup> FEBRUARY 2015**

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

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

**REASON FOR COMMITTEE:** **THE APPLICATION REQUIRES A SUPPLEMENTAL PLANNING OBLIGATION LINKING DEVELOPMENT TO THAT PREVIOUSLY PERMITTED**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This full application proposes amendments to 3 No. plots (201 – 203) within the northern parcel of a previously approved layout for residential development on land at the former Lane End Brickworks, Drury Lane, Buckley. Amended plans have been received in progression of the application with a further round of consultation being undertaken.

1.02 The changes primarily incorporate the substitution of house types with associated modifications to the curtilage areas. In accordance with the Council's delegation scheme, the application is being reported for planning committee determination 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:-

- a. The provisions of the Section 106 Obligation entered into under Code Nos 050333 and 050874 on the site, in respect of highway, ecological, affordable housing and open space requirements.
- b. The introduction of additional parking restrictions to ensure that the main estate road is kept free from casual parking/obstructions.

Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Details of external materials to be submitted and approved.
4. Scheme for restriction of parking of vehicles on existing highway network to be submitted and approved.
5. Removal of permitted development rights to allow further extensions of properties without the further grant of permission.
6. Permission to be subject to remaining conditions imposed on 050333 and 050874.

2.02 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 Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor D. Hutchinson  
Original Submission  
No response received.

Amended Proposal  
Awaiting response at time of preparing report.

Councillor M.J. Peers

Original Submission

Express preliminary concerns that the proposed driveways associated with the re-configured plots, will result in vehicular conflict at the entrance of the development with Drury Lane.

Amended Proposal

Awaiting response at time of preparing report.

Buckley Town Council

Original Submission

Concur with the views expressed by Councillor M.J. Peers in relation to this application, the observations were endorsed by this committee as the observations of Buckley Town Council.

Amended Proposal

Awaiting response at time of preparing report.

Welsh Water/Dwr Cymru

Request that any permission includes conditions in respect of foul, surface and land drainage.

Highway Development Control Manager

Original Submission

Recommend refusal of the application as the position of the proposed driveways to serve the plots is likely to lead to an obstruction to vehicular movements at the junction between the estate road and Drury Lane.

Amended Proposal

No objection in principle subject to the completion of a legal obligation to secure imposition of parking restrictions to avoid vehicular conflict given the proximity of the plots to the junction with Drury Lane.

Natural Resources Wales

Do not consider that the proposed development will affect the Great Crested Newt habitat at this location.

Head of Pollution Control

No adverse comments subject to compliance with conditions in respect land contamination imposed on previous permissions.

#### **4.00 PUBLICITY**

##### **4.01 Site Notice, Neighbour Notification**

No responses received at time of preparing report.

#### **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 Public Inquiry in respect of application Code No. 037558 was allowed on 9<sup>th</sup> 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 – 29<sup>th</sup> March 2007.

**044109**

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

**046665**

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

**048632**

Full Application – Substitution of house types on plots 112-116 – Permitted 12<sup>th</sup> 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 28<sup>th</sup> 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 28<sup>th</sup> 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 20<sup>th</sup> December 2013.

**050874**

Substitution of house types on plots 295-302 & 337-339 of northern parcel – Permitted 22<sup>nd</sup> May 2014.

**052589**

Full Application – Re-plan to 3 No. plots (235-237) within northern parcel of former Lane End Brickworks. Resolution to grant permission made at the Planning & Development Control Committee 12<sup>th</sup> November 2014. Section 106 Obligation currently being progressed.

**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 general complies with the above policies.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This application proposes the substitution of house types on 3 No. plots within the northern parcel of a previously approved residential development currently under construction on land at the former Lane End Brickworks which is accessed off Drury Lane, Buckley. There is no increase in the overall number of dwellings proposed within the site as part of this application.

7.02 Proposed Development

This application seeks the substitution of house types with associated modifications to the associated curtilage areas in respect of 3 No. plots (201 – 203) within the development. The changes incorporate an amendment to the site layout substituting a previously approved terrace of 3 No. properties by a pair of semi-detached dwellings and 1 No. detached property at the junction of the site entrance with Drury Lane.

7.03 The applicants have advised that the amendments are proposed on these plots to:-

- i. replace the originally approved house type by the new Heritage Range of properties.
- ii. Change the orientation of the properties to allow for an improved layout at the entrance into the site with more favourable rear gardens to be provided.

7.04 Principle of Development

The principle of residential development at this location has been established following the appeal decision in respect of outline application 037558 which was allowed on 9th October 2006. Subsequent reserved matters and proposals for the substitution of house types have been allowed as part of the development, as referred to in paragraph 5.00 of this report. The principle of residential development on the site is therefore well established, subject to ensuring a satisfactory well balanced layout and the safeguarding of relevant amenity considerations.

- 7.05 Design/Appearance  
The plans submitted propose the substitution of house types with associated modifications to the defined curtilage areas of the proposed dwellings, the pattern and orientation/relationship of dwellings to each other being acceptable to provide for a well balanced site layout.
- 7.06 The house types/designs are considered to be reflective of the character of development already permitted and would be sympathetic to the character of the site/surroundings providing for a consistency in terms of design and use of materials.
- 7.07 The dwellings are orientated so that they have their frontages onto the main estate road and Drury Lane and it is considered that this will provide an attractive entrance into the estate development. As a result however associated rear curtilage areas would be parallel to Drury Lane, it is considered that permitted development rights be removed to allow extensions to these properties and other buildings to be erected within the curtilages without the further grant of planning permission. This would allow control to be given to the impact of development at this prominent location to ensure that the character of the main site entrance is retained. This can be controlled by condition if Members are mindful to grant planning permission.
- 7.08 Adequacy of Highways  
For Members information, consultation on the application has been undertaken with the Highway Development Control Manager, who on the basis of the originally submitted plans recommended refusal of the application having regard to, the respective positions of the driveways to serve the dwellings and the potential for conflict with existing movements into the northern parcel of the site given the proximity of the plots to the junction with Drury Lane.
- 7.09 As a result of these concerns an amended site layout has been submitted which proposes that access to serve these dwellings, is obtained from a secondary estate road within the development. A further consultation on this amended access arrangement has been undertaken with the Highway Development Control Manager who raises no objection to the principle of this amendment to the site layout, subject to the completion of a supplemental legal obligation to ensure the introduction of parking restrictions in proximity to the main site entrance in order to avoid casual parking which would conflict with existing vehicular movements into/from the site.
- 8.00 CONCLUSION**
- 8.01 It is considered that the proposed modifications to the northern parcel of the site layout principally involving the substitution of house types and associated modifications to the respective curtilages of plots 201

– 203 are acceptable having regard to the character of the site and surroundings. The house types proposed have already been introduced within the development, providing for a high quality scheme and balanced layout. Subject to the completion of a supplemental legal Obligation, I recommend that the application 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.

#### **LIST OF BACKGROUND DOCUMENTS**

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

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