

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **14<sup>TH</sup> OCTOBER 2015**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF A PAIR OF SEMI DETACHED BUNGALOWS AT HEATHERDENE, VICARAGE ROAD, RHYDYMWYN**

**APPLICATION NUMBER:** **053534**

**APPLICANT:** **MR ROBERT DRILLSMA**

**SITE:** **HEATHERDENE, VICARAGE ROAD, RHYDYMWYN**

**APPLICATION VALID DATE:** **13.04.15**

**LOCAL MEMBERS:** **COUNCILLOR OWEN THOMAS**

**TOWN/COMMUNITY COUNCIL:** **CILCAIN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **S106 AGREEMENT TO ENSURE THE DWELLINGS ARE AFFORDABLE**

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

**1.00 SUMMARY**

1.01 This is a full application for the erection of a pair of semi-detached bungalows with access parking and private amenity spaces off Dolfechlas Road, Rhydymwyn. The application site is within Rhydymwyn which is Category C settlement within the Flintshire Unitary Development Plan. Any development therefore needs to meet an identified local housing need. The applicant is willing to enter into a S106 to ensure that the dwellings are affordable by either affordable rent or sale.

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

2.01 The applicant entering into a S106 agreement/unilateral undertaking or earlier payment for the following contributions;

- £733 per unit for recreation enhancements in lieu of on-site provision towards teenager play provision at 'Donkey field' Rhydymwyn; and
- Ensuring that the properties are sold at 70% of the market value at time of sale; or
- The properties are rented at an affordable rent at the Local Housing Allowance (LHA) rate for the area

2.02

1. Time Commencement
2. Plans
3. Surface water drainage method
4. Foul drainage
5. Land drainage
6. The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.
7. Materials
8. Final site levels to be 150mm above existing ground levels
9. Visibility splay of 2.4m x 43m
10. Provision and retention of parking spaces
11. Provision of a 1.8m wide footway along the sites frontage
12. Positive means to prevent surface water run off
13. Finished floor levels are 150mm are above existing ground levels.

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 O Thomas  
Agrees to the determination of the application under delegated powers.

Cilcain Community Council  
No response received at time of writing.

#### Highways Development Control

No objection in principle subject to conditions covering;

- Visibility splay of 2.4m x 43m
- Provision and retention of parking spaces
- Provision of a 1.8m wide footway along the sites frontage
- Positive means to prevent surface water run off

#### Head of Public Protection

No adverse comments to make.

#### Housing Strategy

Given that there is limited opportunity for development in this areas as per the current UDP, I am satisfied that demand exists for this type of accommodation and would support it subject to an appropriate S.106 agreement being in place.

#### Welsh Water/Dwr Cymru

No objection subject to standard conditions relation to foul and surface water drainage. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

#### Play Unit

£733 per unit for recreation enhancements in lieu of on-site provision towards teenager play provision at 'Donkey field' Rhydymwyn.

#### Natural Resources Wales

Have reviewed the Flood Consequences Assessment and updated blockage modelling report. In terms of the River Alyn, we are satisfied that the proposed development site has been shown to be flood-free in the 1% AEP plus climate change event allowing for possible failures occurring on components of the River Alyn food alleviation scheme.

We have received additional outputs from the applicant's consultant Waterco showing that the site is expected to be flood free during the 1% AEP plus climate change event with 100% blockage at the Nant Road culvert on Dolfechlas Brook.

We are therefore satisfied that the risks and consequences of flooding to the proposed development can be acceptably managed in line with TAN 15 Development & Flood Risk (2004).

### **4.00 PUBLICITY**

#### **4.01 Site Notice and Neighbour Notification**

No responses received.

## **5.00 SITE HISTORY**

5.01 **050037** – Outline erection of a dwelling. Refused 12.06.14

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 - New development

STR4 - Housing

GEN2 - General Requirements for Development

GEN2 - Development Inside Settlement boundaries

D1 - Design Quality, Location and Layout

D2 - Design

HSG3 - Housing on Unallocated Sites Within Settlement boundaries

HSG8 - Density of Development

EWP - 17 Flood risk

The development is in accordance with the above policies.

## **7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full application for the erection of a pair of semi-detached bungalows with access parking and private amenity spaces off Dolfechlas Road, Rhydymwyn.

Site Description

7.02 The application site is a parcel of land between two existing residential properties off Dolfechlas Road, Rhydymwyn. The site is surrounded by residential development to the north, east and south with Dolfechlas Road bounding the site to the south west. The application site is in a predominately residential area of bungalows and two storey properties. Heatherdene to the north west is a bungalow while the development to the southeast and east are two storey houses.

7.03 The site gently slopes from the road to the rear of the site by 0.80m. The site is currently vacant and is surrounded by boundary fences.

7.04 Proposal

It is proposed to erect a pair of two bedroom semi-detached bungalows. The dwellings would be rendered with concrete tiled roofs and solar panels. The proposed dwellings would have a shared parking and turning area to the front of the properties. Each dwelling would have a private amenity space to the rear. The proposed dwellings would have ridge height of 5 metres.

7.05 Issues

Principle of development

The application site is within Rhydymwyn which is Category C settlement within the Flintshire Unitary Development Plan. Any development therefore needs to meet an identified local housing need. The previous application on this site by a different applicant failed to demonstrate that the affordable housing need could be met and led to a recommendation of refusal.

7.06 There are 5 applicants on the affordable housing register for affordable ownership and 10 applicants on the register for affordable rental. These are a mixture of single people and couples. People on the register have been through a full assessment in terms of their eligibility. Further demand likely to exist not but not formally on the register. In addition to this there are also people on the Council Housing Register.

7.07 The applicant has stated that there is no similar accommodation of this type available in the village. The applicant has also been in discussion with a Housing Association. The applicant would enter into a S106 agreement to ensure that the dwellings remain affordable either through discounted market rented or discount market sale (70%). Affordable rental would be properties rented at the Local Housing Allowance (LHA) rate for the area, which is currently £111.57 – per week for a 2 Bedroom property.

7.08 Flood risk

The application site lies within Zone C2 as defined in TAN 15 Development & Flood Risk (2004) and shown on Welsh Government's Development Advice Map.

7.09 The Zone C2 designation is a result of the site having flooded in November 2000 from the River Alyn and Dolfechlas Brook, and the consequent inclusion of the flooded area in Natural Resources Wales' Flood Zone 2 (areas at risk of flooding in the 0.1% AEP event and areas within recorded flood event outlines), on which the Welsh Government's Development Advice Map is based. Since this flood event, a flood alleviation scheme has reduced the flood risk associated with the River Alyn. As a result, Natural Resources Wales' Rhydymwyn flood risk mapping study (2011) shows that the development site lies outside the 0.1% AEP modelled flood outlines. However, based on local knowledge of the site and the Alyn flood alleviation system, there are a number of possible failure mechanisms (which are kept to a minimum). These include blockage of the gates/screens in the flood bypass channel, failure of the flood defence wall, and failure of the security screen at the weir to lift, and consequently, for the channel at this location to become blocked with debris.

- 7.10 In addition to the residual risks from the River Alyn, NRW's flood risk modelling shows that a key flood flow associated with Dolfechlas Brook results from overtopping of the culvert under The Nant road and water flowing down the A541 towards Rhydymwyn; it is possible that a blockage at this culvert could also result in increased flood risk for the site.
- 7.11 Appendix 1 of TAN 15 (paragraph A1.6) recognises that 'debris can sometimes cause a damming effect on bridges, hedgerows, fence-lines and at the entrance to culverts', and states that 'consideration should be given to the possibility of flooding caused by blockage and particular attention given to the flooding consequences of such blockage on the development'. Paragraph A1.17 point 17 requires that the FCA report should include potential blockages and breaching of defences.
- 7.12 In view of the above, the applicant therefore needs to demonstrate through the submission of a Flood Consequence Assessment (FCA), which considers these residual flood risks to the site and proposes appropriate mitigation measures. This will ensure that all parties are aware of the risks to, and from, the development, and ensure that if practicable, appropriate conditions to manage the risks can be incorporated in any planning permission.
- 7.13 A Flood Consequence Assessment to this end was therefore commissioned by the applicant along with a Hydraulic Modelling Report by WaterCo. The consultants have undertaken hydraulic modelling to determine the flood risk associated with failure mechanism associated with the flood alleviation scheme, and the risk from culvert blockage. This has shown that the site is not at risk during all modelled failure/blockage scenarios coinciding with the 1% AEP+ climate change event. The fluvial risk of flooding to the site is therefore considered to be low. A flood free safe access and egress route is available via Vicarage Road/Dolfechlas Road to comply with sections A1.14 and A1.15 of TAN15. The site falls outside the 0.1% flood extent and is not located in the functional flood plain, therefore the development of this site would not be depriving flood storage space from the floodplain. It is recommended that finished floor levels are 150mm above existing ground levels.
- 7.14 Have reviewed the Flood Consequences Assessment and updated blockage modelling report. In terms of the River Alyn, NRW are satisfied that the proposed development site has been shown to be flood-free in the 1% AEP plus climate change event allowing for possible failures occurring on components of the River Alyn food alleviation scheme.

- 7.15 At the request of NRW additional outputs were undertaken by the applicant's consultant Waterco which demonstrate that the site is expected to be flood free during the 1% AEP plus climate change event with 100% blockage at the Nant Road culvert on Dolfechlas Brook.
- 7.16 NRW are therefore satisfied that the risks and consequences of flooding to the proposed development can be acceptably managed in line with TAN 15 Development & Flood Risk (2004).
- 7.17 Surface water management  
The applicant has indicated that they proposed to dispose of surface water via infiltration if ground conditions allow. Alternatively this will be discharged to the public sewer at an agreed discharge rate. This would be dealt with by condition as no infiltration test have yet been carried out to see if this method is suitable.
- 7.18 Space Around Dwellings and Impact on the Character of the Area  
The surrounding dwellings are a mixture of types and architectural styles, both single storey and two storey. The proposed dwellings would be in keeping with the street scene which is a mixture of brick and render dwellings of one and two storey in height.
- 7.19 The proposed dwellings have in excess of the required 50m<sup>2</sup> rear garden areas for two bedroom dwellings and sufficient parking for 2 cars for each dwelling at the front of the properties. The dwellings have adequate separation distances from surrounding properties, as the proposed dwellings are bungalows and there is 2 metre high boundary fence around the perimeter of the site.
- 7.20 Commuted Sum  
Due to the scale of the development and the nature of the dwellings as affordable units a commuted sum of £733 per unit for recreation enhancements in lieu of on-site provision teenager play provision at 'Donkey field' Rhydymwyn is required.

## **8.00 CONCLUSION**

- 8.01 The proposed dwellings would provide local need housing in a Category C settlement and the risk of flooding have been adequately dealt with. The proposed dwellings would be in character with the surrounding area.
- 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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