

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **24<sup>th</sup> FEBRUARY 2016**

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

**SUBJECT:** **FULL APPLICATION – CHANGES TO AND SUBSTITUTIONS OF HOUSETYPES ON 15 NO PLOTS AT LAND OFF OLD HALL ROAD/GREENHILL AVENUE, HAWARDEN**

**APPLICATION NUMBER:** **054641**

**APPLICANT:** **ANWYL CONSTRUCTION COMPANY LTD**

**SITE:** **LAND OFF OLD HALL ROAD/GREENHILL AVENUE, HAWARDEN**

**APPLICATION VALID DATE:** **10.12.15**

**LOCAL MEMBERS:** **COUNCILLOR ALISON HALFORD**  
**COUNCILLOR DAVID MACKIE**

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

**REASON FOR COMMITTEE:** **SUPPLEMENTARY S106 AGREEMENT REQUIRED**

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

**1.00 SUMMARY**

1.01 This is an application to amend 15 plots on permission 051613 for erection of 41no. dwellings, open space and access works at land off old hall road/Greenhill avenue, Hawarden, which was allowed on appeal. The proposed changes are acceptable and would be in accordance with Local Planning Guidance Note 2. Space Around Dwellings.

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

2.01 To enter into a supplementary S106 agreement or unilateral undertaking to link this development with the unilateral undertaking on 051613, which requires the payment of an education contribution of £129,283 towards Hawarden High School and £122,570 to Ysgol Penarlag, Ewloe, the provision of 4 gifted units to NEW Homes and secures the provision of and the maintenance of the public open space.

1. Time commencement
2. In accordance with plans
3. Other conditions relevant on 051613

If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 (as outlined above) is not completed within three 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 Alison Halford  
No response received at time of writing.

Councillor David Mackie  
No response received at time of writing.

Hawarden Community Council  
No objection.

Highways Development Control Manager  
No objection. Conditions relating to 051613 still apply.

Public Protection Manager  
No adverse comments to make.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification  
None.

**5.00 SITE HISTORY**

5.01 051613 - Erection of 41 no dwellings, open space and access works.  
Refused 12.06.14. Allowed on appeal 09.03.16

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN1 - General Requirements for New Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated within settlement boundaries

SR5 - Outdoor Play Space and New Residential Development

Local Planning Guidance Note 2 : Space Around Dwellings

Local Planning Guidance Note 11: Parking spaces

Local Planning Guidance Note 13: Open Space

Local Planning Guidance Note 23 : Education Contributions

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This is an application to amend 15 plots on permission 051613 for erection of 41no. dwellings, open space and access works at land off old hall road/Greenhill avenue, Hawarden, which was allowed on appeal.

### 7.02 Site description

The application site is 1.9 hectares of agricultural land situated to the south of an existing residential estate made up of Old Hall Road, Kearsley Avenue, Greenhill Avenue and Sandy Way accessed from Wood Lane. To the south west is further residential development on Marlborough Avenue and Springdale which are accessed a separate access from Wood Lane. The site is situated to the south east of Ewloe and to the west of Hawarden.

7.03 The site is agricultural land, bounded to the north, east and west by existing residential development and to the south by agricultural land. The surrounding residential development is a mixture of two storey properties to the west and predominately single storey and dormer bungalow properties to the north dating from circa 1960/1970. The application site is relatively flat but is slightly elevated above the existing residential estate. The site is bounded by an existing hedgerow along parts of its north western and north eastern boundary with the existing residential development. There are a small number of hedgerow trees along this boundary.

#### 7.04 Proposed development

The reason of the changes are to reflect and adapt to market conditions and to reflect and adapt to changing customer requirements and preferences. The changes are;

- Substitution of house type on plot 10 and 11 from a Penarth to a Kimmel and moved to the north and to the east back from the road (plot 10) moved east from the POS (plot 11)
- Substitution of house type on plot 12 from an Alwyn to an Abersoch and rotated to the north and moved east from the POS
- Plots 9, 24, 25, 28, 29, 30, 31, 32, 33, 35, 36 and 38 are all the same house types but are re-sited

#### 7.05 Issues

Planning permission was granted on appeal for 41 dwellings on land at Greenhill Avenue/Old Hall Road (051613) 9<sup>th</sup> March 2015.

7.06 The changes are relatively minor and relate to the re-siting of dwellings or house type substitutions. Plots 28-32 abut existing properties on Marlborough Avenue. The proposed changes to plots 28-31 move these dwellings approximately 1 metre to the west reducing the garden length from 15 metres to 14 metres. The extra space is at the frontage of the properties for the parking and turning areas. Similarly for Plot 32 but the garden depth remains the same. In terms of the separation distances from habitable rooms of existing and proposed properties these are still in excess of 22 metres and the proposed garden areas also are in accordance with Local Planning Guidance Note 2. Space Around Dwellings.

7.07 Plots 33, 35 and 36 are adjacent to 12 and 15 Springdale and the turning head at the end of this road. Plot 36 has been rotated slightly to the east and the double garage has been moved away from the boundary with 15 Springdale. It was previously 2 metres from the boundary and is now 5 metres away from the boundary of 15 Springdale. The re-siting of this dwelling and the relocation of the garage does not have any detrimental impacts on residential amenity.

7.08 Plot 33 has been rotated slightly to the west moving it slightly away from the boundary of the property and its driveway. Similarly Plot 35 has been rotated slightly to the east. There are no impacts on residential amenity from these changes in terms of the existing or proposed dwellings.

7.09 The other plot changes are internal to the site and only affect proposed dwellings. The dwelling on Plot 38 has been slightly west by 1m closer to the internal access road and away from its boundary with plot 39. This makes the garden and parking area 1 metre longer. Both dwellings on plots 24 and 25 have been moved by 0.5 metre to the north within the plots very slightly to the north. The dwelling on

plot 9 has been moved 1 metre to the north away from the boundary with the adjacent field. Plots 10, 11 and 12 are house type's substitutions. On plots 10 and 11 the consented Penarth house types are changed to a Kimmel, moved to the north and to the east back from the road (plot 10) moved east from the POS (plot 11). Plot 12 is changed from an Alwyn to an Abersoch, rotated to the north and moved east from the POS. The proposed changes are in accordance with Local Planning Guidance Note 2. Space Around Dwellings.

7.10 S106 agreement

A Unilateral undertaking was submitted at the Inquiry into application 051613. This covers the payment of an education contribution of £129,283 towards Hawarden High School and £122,570 to Ysgol Penarlag, Ewloe, and the provision of 4 gifted units to NEW Homes and secures the provision of and the maintenance of the public open space. The application has come before committee as a supplementary S106 agreement is required to tie this application to the triggers and requirements of the original agreement.

**8.00 CONCLUSION**

8.01 The proposed changes are acceptable and would be in accordance with Local Planning Guidance Note 2. Space Around Dwellings.

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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