

FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH JULY 2016**

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

SUBJECT: **FULL APPLICATION - ERECTION OF 23 DWELLINGS WITH ADOPTABLE HIGHWAY ACCESS AT RHEWL FAWR ROAD, PENYFFORDD, HOLYWELL**

APPLICATION NUMBER: **055398**

APPLICANT: **MR & MRS J. ROBERTS**

SITE: **LAND NORTH OF COED MOR RHEWL FAWR ROAD PEN-Y-FFORDD NR. HOLYWELL**

APPLICATION VALID DATE: **27TH MAY 2016**

LOCAL MEMBERS: **COUNCILLOR G. BANKS**

TOWN/COMMUNITY COUNCIL: **LLANASA COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCALE OF THE PROPOSAL EXCEEDS THAT FOR WHICH POWERS TO DETERMINE ARE DELEGATED TO THE CHIEF OFFICER**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This full planning application seeks approval for the development of this 1 hectare site for 23No. dwellings together with associated highway and access works.

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

2.01 That conditional permission be granted, subject to the applicant entering either into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment which provides for the following;

1. Ensure the payment of a commuted sum of £23,300 in lieu of on site play and recreation provisions. Such sum to be paid to be used to enhance existing play facilities at Coed Mor Play Area, Pen-y-Ffordd. Such sum to be paid prior to the occupation of 50% of the approved dwellings.

2.02 Conditions

1. Time limit
2. In accord with approved plans
3. Materials to be submitted and agreed
4. Finished floor and site levels to be submitted and agreed
5. Submission of landscaping scheme.
6. Implementation of landscaping scheme.
7. External lighting scheme to be submitted and agreed.
8. No development until a construction traffic management plan is submitted and agreed.
9. Scheme for comprehensive integrated drainage system to be submitted and agreed.
10. Submission of Ecological Mitigation Strategy and Reasonable Avoidance Measures.
11. No tree works unless qualified ecologist present to ensure no adverse impacts upon nesting birds or roosting bats.
12. Tree and hedgerow protection to be submitted, agreed and implemented prior to works commencement.
13. Removal of Permitted Development Rights to Plots 1 – 9 inclusive and Plots 22 and 23.
14. Parking facilities to be provided as per approved details.
15. Layout, design, traffic calming, signing, surface water drainage, street lighting and construction of internal estate roads to be submitted and agreed.
16. Scheme to prevent run off of surface water onto highway.
17. Construction traffic management plan to be submitted and agreed.

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 G. Banks
No response at time of writing.

Llanasa Community Council
No response at time of writing.

Highways DC
No objection subject to the imposition of conditions.

Pollution Control Officer
No response at time of writing.

Education - Capital Projects and Planning Unit (CPPU)
Advises that the nearest schools are Ysgol Bryn Garth (primary) and Ysgol Treffynnon (secondary). Advises that in each case, the schools would not be affected by the proposals.

Public Open Spaces Manager
Advises that an on-site play facility would not be required. Advises that a commuted sum of £1100 per dwelling should be sought to contribute to the provision of recreational facilities within the locality at Coed Mor play area, Pen-y-Ffordd.

Natural Resources Wales
Requests that a condition be imposed requiring the submission and agreement of the proposed surface water drainage scheme.

Dwr Cymru/Welsh Water
No adverse comments. Requests the imposition of a conditions requiring the submissions and agreement of the proposed site drainage scheme. Also notes that a public sewer crosses the site and requests that an advisory note prohibiting development within 3m of the sewer be imposed upon any subsequent grant of permission.

The Coal Authority
No adverse comments. Standard advice applies.

Airbus
No adverse comments.

4.00 PUBLICITY

4.01 The application has been publicised by way of the publication of a press notice, display of a site notice and neighbour notification letters. At the time of writing this report, 2No. letters have been received in response raising objections on the following grounds;

- The proposals will result in adverse overlooking of existing dwellings to the detriment of amenity;
- The proposals will result in increased noise to the detriment of amenity
- The access point for the wider site onto Rhewl Fawr road is dangerous, especially during winter weather. Increased use will be detrimental to highway safety;
- The site is rich in wildlife which would be adversely affected by the proposal
- The wider highway network is not adequate to accommodate further development.

4.02 1No. response has been received from North Wales Police Architectural Liaison advising that the scheme should accord with the principles of Secured by Design.

5.00 SITE HISTORY

5.01 There is no directly relevant planning history to this site. However, the history relevant to the development at Cwrt y Glowyr are material in my consideration of this application and I set them out below for ease of reference.

1022/88

O/L Residential development
Refused 13.1.1989

040205

O/L Residential development
Withdrawn 10.4.2006

041456

O/L Residential development
Approved 30.10.2006

046888

Renewal of 41456
Approved 11.2.2010

048489

Variation of condition to allow further time to submit Reserved Matters
Approved 15.6.2011

051212

Reserved Matters – Erection of 11 dwellings
Approved 5.8.2014

053683

Erection of 8 dwellings and 1 special needs bungalow
Recommended permission. S.106 awaits signing to date.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy STR4 - Housing
- Policy GEN1 - General Requirements for Development
- Policy GEN2 - Development inside settlement boundaries
- Policy HSG3 - Housing on unallocated sites within Settlement boundaries
- Policy HSG8 - Density of Development
- Policy HSG9 - Housing Type and Mix
- Policy HSG10 - Affordable Housing within Settlement Boundaries
- Policy D1 - Design Quality, Location and Layout
- Policy D2 - Design
- Policy D3 - Landscaping
- Policy TWH1 - Development Affecting Trees and Woodlands
- Policy TWH2 - Protection of Hedgerows
- Policy AC13 - Access and Traffic Impacts
- Policy AC18 - Parking Provision and New Development
- Policy SR5 - Outdoor Playing Space and New Residential Development

The proposals would comply with the requirements of the above policies.

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

The site is a 1ha area of land, roughly trapezoidal in shape and occupies a position within the settlement of Pen-y-ffordd as defined within the FUDP. The site slopes gently downhill from a high point in the north west to south eastern boundaries with the newly constructed properties at Cwrt-y-Glowyr. The site is presently vacant, semi improved pasture land with access derived via a field gate from Cwrt-y-Glowyr.

7.02 The site is surrounded on 3 sides by existing residential development. The linear form of development to the north follows Ffordd Picton and comprises a mix of single and 2 storey dwellings. The aforementioned dwellings at Cwrt-y-Glowyr abut the application site to the south east. The dwellings and garden areas at the northern end of Coed Mor, along with a communal garage area, form the southern boundary. Boundaries to the west abut further areas of agricultural land which are within open countryside. Boundaries are formed by hedgerows which have developed into expanses of scrub projecting in to the site. A small stream is in evidence within the area of the north western boundary.

- 7.03 The character of built form in the area varies, comprising mainly detached and semi-detached 2 storey and single storey dwellings to the north and east, where as terraces and semi-detached properties dominate built form to the south.
- 7.04 The Proposal
It is proposed to erect 23No. dwellings comprising a mix of 2 and 3 bed accommodation, comprising:

18No. 2 bed dwellings, and
5o. 3 bed dwellings.
- 7.05 The proposed dwellings are a mix of house types including detached (3bed) and semi-detached (2 bed) dwellings with both brick finishes beneath tile roofs. There is a central spine road running south to north across the site from Cwrt-y-Glowyr with houses on both sides.
- 7.06 The Main Issues
The main issues for consideration are:
- The principle of development;
 - Highway and access considerations;
 - Design and impact upon amenities;
 - Ecological issues;
 - P.O.S and play provisions; and
 - Infrastructure impacts.
- 7.07 Principle of Development
The site is located within the settlement boundary of Pen-y-Ffordd which is defined as a Category C settlement within the adopted FUDP. Policy GEN2 identifies a presumption in favour of the development of such sites but identifies that in the case of unallocated 'windfall sites' there are limitation imposed via policy HSG3.
- 7.08 Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development will be permitted in Category C where it is designed to meet proven local needs, where it does not conflict with the planned housing provision for the County, as set out in the FUDP, and does not conflict with Policy GEN1. The bringing forward of such windfall sites is consistent with the strategic aims of the FUDP.
- 7.09 Members will recall that the development approved upon that parcel of land to the south west of the site also formed a parcel of unallocated land within the settlement boundary. Permissions granted in respect of this land provide for 19No. dwellings and one special needs bungalow. The developer of the site is Tai Clwyd. Accordingly, these dwellings will be affordable via the suite of affordability options available to an RSL. The development of this site has therefore provided for 100% affordable housing.

- 7.10 I am mindful of HSG3 in my consideration of this application but I do not attribute overriding weight to it in this case. The land is identified as vacant land but within the settlement boundary within the FUDP. There is therefore a presumption in favour of development as a matter of principle. Policy HSG3, where it refers to local needs housing, must be read in tandem with Policy HSG10 which sets out the context for affordable housing within the settlement boundaries. This policy is predicated on the basis of an identified need.
- 7.11 I am of the view that the need within Pen-y-ffordd is adequately catered for via the affordable units under development at Cwrt-y-Glowyr. I am also mindful of other historic RSL development further to the west along Rhewl Fawr Road and the large areas of Council housing within the settlement as a whole.
- 7.12 I am also cognisant of the fact that PPW and TAN1 requires each local planning authority to maintain a 5 year supply of housing land. Welsh Government have taken the decision not to pass the Statement of Common Ground for the 2015 Joint Housing Land Availability Study onto the Planning Inspectorate. The 2015 Study will therefore be recorded as 'uncompleted' and in line with the advice in TAN1 Flintshire is 'considered not to have a 5 year supply'.
- 7.13 I consider it is therefore key in making a judgement as to the planning balance in respect of this proposal, to consider the sustainable development aims and principles set out in PPW.
- 7.14 Pen-y-ffordd has certain services and facilities which one would not readily expect of a category C settlement, principally a primary school. It also has a local shop and is served by a local bus route. It also lies in very close proximity to Ffynnongroyw, a Category B settlement which has a greater range of facilities and services including shops and a doctors' surgery. With public transport and road links to nearby settlements and employment centres, it is considered to represent a settlement which is capable of accommodating further development in a sustainable manner.
- 7.15 Members are reminded that as this site located within the settlement boundary, albeit not allocated for residential development, the requirements of developers as set out in the Councils Developer Guidance Note : Speculative Housing Development Proposals, do not apply to this site.
- 7.16 Highways and access
Vehicular access to the site is proposed to be derived via an extension of the newly constructed Cwrt-y-Glowyr, which itself derives access off Rhewl Fawr Road.

- 7.17 Representations have been made that the proposals will give rise to an increase in traffic which in turn will result in an adverse impact upon highway safety and pedestrian safety. The proposals have been considered by colleagues in Highways DC who advise that there is no objection to the proposals from a highway safety perspective, subject to the imposition of conditions.
- 7.18 I am mindful that there is a need for construction traffic to utilise the existing point of access to the site. I am satisfied that the site can be developed without adverse impacts upon highway safety. A condition is proposed to be imposed requiring the submission and agreement of a Construction Traffic Management Plan, prior to the commencement of development. I am satisfied that such a condition will allow the management of any traffic impact upon amenity.
- 7.19 Design and amenity Impacts
The scheme has evolved to respond to the site characteristics and delivers a design where the form and dwellings reflect both the design of the residential areas and buildings in the locality, and provide for the identified mix of accommodation types.
- 7.20 The development of this 1 hectare site for 23 dwellings would equate to a density of development equivalent to 23 dwellings per hectare (d.p.h). I am mindful of the advice within Policy HSG8, that development upon unallocated sites within Category C settlements should seek to achieve 25 d.p.h. However, I am satisfied that the density achieved in this case is appropriate when one considers that the site is crossed by a drainage easement and easement for a public sewer, both of which sterilise a developable area of 3 m either side of the sewer/drain.
- 7.21 The wider area is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form but has no overall dominant local vernacular. The applicant has sought to recognise this within the proposal and seeks to create a development which sits well in its locality.
- 7.22 The layout takes full account of the existing dwellings adjacent to the site by maintaining separation distances which are in line with Council standards on space about dwellings and overlooking to secure privacy and amenity as well as respecting the private gardens of adjacent houses. The layout in this regard has also enabled for measures to be secured via condition for the retention of those existing natural features upon the site boundaries which will add to the measures employed in safeguarding amenity. Furthermore, I propose to remove residential permitted development rights for plots 1 - 9 inclusive and for plots 22 – 23. This reflects that plots 1 – 9 have separations to dwellings to the rear which, whilst acceptable, have the potential to be adversely affected by future extensions and garden area development. Maintaining control of such future development will

ensure that development which would erode the residential amenity can be properly controlled. The permitted development rights to Plots 22 and 23 are removed due to the fact that the sewer easement runs through the garden and car parking area for these plots.

7.23 Accordingly and notwithstanding representations made, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.

7.24 Ecological Issues

The application is accompanied by an Extended Phase 1 Habitat Survey which identifies that the hedgerows to the site boundaries are of particular value to nesting birds, invertebrates and commuting bats. There is no evidence of any EPS within the site boundaries although the site itself has potential value for Great Crested Newt (GCN) habitat. The report advises that the hedges are protected and retained for their ecological value.

7.25 The report recommendations form the basis of conditions to be added to the permission. I recommend conditions for tree/hedgerow protective fencing to be erected; a restriction to hedgerow or scrub clearance during the bird nesting season; a requirement for a qualified ecologist to present during site clearance or any tree/hedgerow works/removal. Conditions are sought to control external lighting to avoid light spill into the adjacent hedge and scrubland as this would adversely affect the ability of the bats to utilise this area. I consider that these are appropriate conditions to be added.

7.26 In respect of the potential for the site to offer good terrestrial habitat for GCN I propose to condition the submission of a scheme of Reasonable Avoidance Measures and mitigation to be submitted and agreed prior to the commencement of works.

7.27 P.O.S and play provision

The proposals do not provide for on-site public open space intended for formal recreation and play. Consultation with the Public Open Spaces Manager has revealed that rather than formal provision within the site for play, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community.

7.28 The consultation has established that the sum requested should be used in connection with a project to upgrade existing play facilities at the nearby Coed Mor children's play area to the south of the site. In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

- 7.29 Accordingly and in line with LGPN 13: Open Space Requirements, I recommend that a contribution of £25,300 is sought via a S.106 agreement to satisfy this requirement.
- 7.30 Infrastructure Impact
Having regard to SPG23 : Developer Contributions to Education, the development would not give rise to any contribution requirement at either Primary or Secondary School level as there is sufficient capacity within the schools in question.
- 7.31 The capacity at the nearest primary school (Ysgol Bryn Garth C. P). The current capacity of the school stands at 119. There are presently 90 pupils attending the school. Accordingly the school has 24.37% surplus of spaces for additional pupils. The proposals would give rise to an additional 6 pupils. This would not erode capacity below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, no contribution is sought for primary educational purposes as a consequence of this development.
- 7.32 The capacity at the nearest secondary school (Ysgol Treffynnon). The current capacity of the school stands at 600. There are presently 407 pupils attending the school. Accordingly the school has 39.6% surplus of spaces for additional pupils. The proposals would give rise to an additional 4 pupils. This would not erode capacity below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, no contribution is sought for secondary educational purposes as a consequence of this development.

8.00 CONCLUSION

- 8.01 I am satisfied that, having had regard to the provisions of the applicable policies and all other material considerations, this proposal would accord with the provisions of the same and would, through the suggested conditions and Planning Obligation under Section 106, represent an appropriate and acceptable form of development in this location.
- 8.02 Other Considerations
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.03 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.
- 8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

- 8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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