

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5.5

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**
DATE : **02 NOVEMBER 2011**
REPORT BY: **HEAD OF PLANNING**
SUBJECT : **FULL APPLICATION - ERECTION OF 45 NO. DWELLINGS,
ASSOCIATED GARAGES AND PARKING AND DEMOLITION
OF EXISTING BUILDINGS AT OVERLEA DRIVE,
HAWARDEN**

APPLICATION NO: **048032**
APPLICANT: **REDROW HOMES NW LTD & MR &
MRS DUTTON**
SITE: **LAND AT OVERLEA DRIVE,
HAWARDEN,
DEESIDE**
APPLICATION VALID DATE: **23/11/2010**
LOCAL MEMBERS: **COUNCILLOR C. CARVER**
TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY
COUNCIL**
REASON FOR COMMITTEE: **DEVELOPMENT PROPOSAL IS OF
SCALE FOR WHICH DELEGATED
POWERS TO DETERMINE DO NOT
EXIST**
SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application for the erection of 45 No. dwellings and associated works on land at Overlea Drive, Hawarden. The site measures 3.11 hectares in area. The proposed development is detailed as follows:-

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- 45 No. dwellings which vary in design and make provision for a range of 2, 3 and 4 bed accommodation in a variety of plan form.
- access derived via the northernmost extent of Overlea Drive.
- the provision of 4 affordable housing units, comprising 2 x 2 bed units and 2 x 3 bed units.

- 1.02 The issues for consideration are the principle of development, design/appearance, visual/residential impacts, affordable housing, recreation and educational contributions and highway impacts.

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) The provision of 4 No. affordable homes by means of gifting the units to Flintshire County Council to be made available to people registered upon its Affordable Home Ownership Register.
 - b) Ensure the payment of an educational contribution of £38,500 towards primary educational provision/improvements to local education facilities and £28,000 towards similar secondary education level provision. The contributions shall be paid prior to occupation of the first dwelling.
 - c) Ensure payment of a commuted sum payment in lieu of on site recreation/open space provision of £49,500.

Conditions

- 1. 5 year time limit
- 2. In accordance with approved plans
- 3. Approval of external materials to roofs and walls
- 4. Detailed layout, design, traffic calming, signing, surface water drainage, street lighting of the internal estate road to be submitted and approved prior to commencement.
- 5. Detailed design of means of access to be submitted and approved prior to commencement.
- 6. Siting layout and design of access as per approved plans.
- 7. Access formation to base layer prior to commencement of any other site works.
- 8. No works to commence until off site highway works under 048146 and 048147 have been completed.
- 9. Visibility splays to be as stated. Splays to be kept free from obstruction.
- 10. Public Rights of Way to be safeguarded during course of site development.
- 11. Notwithstanding submitted details, any garage shall be set back a minimum of 5.5 metres behind the back of footway or 7.3 metres from edge of carriageway.
- 12. Provision of facilities for the parking/turning/loading/unloading of vehicles associated with proposal including bin storage/collection.
- 13. Scheme for prevention of surface water run off onto highway to be submitted and approved prior to commencement.

14. Prior to commencement the precise construction and arrangement of the balancing pond to be submitted and agreed.
15. No development to commenced until developer has proposed a scheme for comprehensive and integrated drainage of site, had been approved in writing by the Local Planning Authority.
16. No part of building permitted within 3 metres either side of centre line of public sewer.
17. Site Investigation Contamination Report to be submitted and approved.
18. Remediation measures to be undertaken in accordance with scheme agreed and prior to occupation of dwellings.
19. Submission for approval of landscaping scheme, including boundary treatments.
20. Implementation of landscaping scheme.
21. Root protection area for trees and hedging to site boundaries during construction works.
22. No site clearance works during bird nesting season.
23. Scheme for hours of working to be agreed.
24. Construction traffic management scheme to be agreed. To include facility for wheel wash and measures to keep road free from mud arising from development site.
25. Code for Sustainable Homes - Code 3 "Interim Certificate" to be submitted before work commences.
26. Code for Sustainable Homes - Code 3 "Final Certificate" to be submitted before houses occupied.
27. Scheme for 10% reduction of carbon outputs.
28. No commencement until off site drainage improvements in Mancot Lane undertaken.
29. No lopping, topping or felling of hedgerows/trees within prior written consent of Local Planning Authority.
30. Removal of Permitted Development Rights for future extensions on plots 1,5 - 12 and 16 - 21 inc.
31. Removal of Permitted Development Rights for future openings in walls and roofs on plots 1,5 - 12 and 16 - 21 inc.
32. Enhanced glazing scheme.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C. Carver

Requests Committee determination and a Committee Site Visit. Advises of his possession of a dispensation granted by the Standards Committee enabling him to speak and vote in respect of these proposals.

Objects to the proposals upon the following grounds;

1. The proposals would be overbearing to existing properties;
2. Inadequate visibility at the junction of Fieldside with Gladstone Way;

3. Considers existing foul drainage system has insufficient capacity to accommodate the development;
4. Considers proposed surface water drainage methods are imprecise;
5. Inadequacy of existing local highway network to accommodate additional traffic;
6. Concerns in respect of natural features within the site and effects upon ecology;
7. Absence of on site play facility;
8. Insufficient capacity within local infrastructure i.e schools, to accommodate more development; and
9. Loss of amenity and enjoyment when using footpaths.

Hawarden Community Council

Objects on the following grounds;

1. Overbearing impacts upon adjacent dwellings;
2. Inadequate highway infrastructure to accommodate the additional traffic;
3. Inadequate visibility at proposed access points on Fieldside;
4. Insufficient drainage infrastructure.

Head of Assets and Transportation

No objection subject to the imposition of conditions in respect of detailing access and estate road layout, formation, signage and drainage, together with Grampian style conditions relating to off site access improvements under separate but related permissions.

Advises that the site is crossed by footpaths 33 and 34 and that these should be safeguarded.

Head of Public Protection

Considers that the findings of the Phase 1 Land Contamination Assessment as undertaken area acceptable. Advises of the need for further investigation of areas to be the subject of demolition but advises these can be conditioned.

Also requests the imposition of conditions in respect of noise attenuation glazing scheme to be agreed and implemented.

Dwr Cymru/Welsh Water

No objection subject to the imposition of a condition requiring agreement of site drainage proposals and protection of sewer in vicinity

Environment Agency Wales

No objection subject to a condition requiring surface water scheme to be agreed.

Countryside Council for Wales

Considers ecological reports to be acceptable and raises no objection.

Airbus

No objection subject to a condition in respect of the balancing pond.

Coal Authority

No adverse comments. Standing advice applies.

Clwyd Powys Archaeological Trust

Has examined the archaeological report undertaken in February 2011 and advises that the site has no known features which would be affected by these proposals.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters posted published an sent out on 3 occasions, most recently in August 2011

4.02 At the time of writing this report, the publicity exercise has resulted in the submission of 55 No. letters of objection from third parties in respect of the proposals. These representations raise objections upon the following grounds:-

1. Increased traffic generation resulting in adverse impacts upon highway and pedestrian safety due to inadequate visibility at proposed points of access;
2. Insufficient variety of housing provided and not reflective of the locality;
3. Adverse impact upon visual amenity of area;
4. Adverse impacts upon wildlife interests of the site;
5. Insufficient drainage capacity to accommodate further development;
6. Adverse impacts upon residential amenity arising from overbearing, over dense and overlooking development.
7. Concerns in respect of impact of development upon enjoyment of footpaths.
8. Objection to any diversions of the footpaths.
9. Insufficient space about dwellings.
10. Concerns in respect of the impact upon local schools and their capacity to accommodate additional pupils.

5.00 SITE HISTORY

5.01 **4/1/20795**

Outline - Residential Development.
Refused 3.12.1991

02/1/00549

Outline - Residential Development.
Refused 19.2.2003. Dismissed on Appeal 22.4.2004.

6.00 PLANNING POLICIES

6.01 Clwyd Structure Plan First Alteration

Policy B8 - New Dwellings in the Countryside
Policy B16 - Low Cost Housing in Rural Areas
Policy H3 - Protection of the Countryside

Structure Plan Second Alteration: Flintshire Edition

Policy HSG7 - New Dwellings in the Countryside
Policy HSG13 - Affordable Housing
Policy CONS5 - Open Countryside

Alyn and Deeside Local Plan

Policy G1 - General Requirements for Development
Policy H6 - New Dwellings in the Open Countryside
Policy H15 - Affordable Housing in Rural Areas
Policy CF1 - Outdoor Playspace for Children

Emerging Flintshire Unitary Development Plan

Policy STR1 - New Development
Policy GEN1 - General Requirements for Development
Policy GEN2 - Development inside settlement boundaries
Policy HSG1 - New Housing Development Proposals
Policy HSG8 - Density of Development
Policy HSG9 - Housing Type and Mix
Policy D1 - Design Quality
Policy D2 - Location and Layout
Policy D3 - Building design
Policy D4 - Landscaping policy
Policy AC2 - Pedestrian Provision and Public Rights of Way
Policy AC13 - Access and Traffic Impacts
Policy AC18 - Parking Provision and New Development
Policy SR5 - Outdoor Playing Space and New Residential Development
Policy EPW2 - Energy Efficiency in New Development
Policy HSG10 - Affordable Housing within Settlement Boundaries
Policy EWP3 - Renewable Energy in New Development

- 6.02 The application site is located outside the settlement boundary of Hawarden as defined within the Alyn and Deeside Local Plan. However, it is within the settlement boundary and allocated for residential development within the Unitary Development Plan for residential development.

7.00 PLANNING APPRAISAL

7.01 Site Description

The site comprises a large field parcel to the southern limits of the current built up area within which Overlea Drive is situated. The site is bounded to the north and east by existing built form. The southern boundary is formed by a railway embankment of the Wrexham – Bidston Railway line. The site is bounded to the west by other agricultural fields. Boundaries in each direction are formed principally by existing

hedgerows and vegetation, although parts of the northern and eastern boundary also comprise domestic style cartilage fences.

- 7.02 The site amounts to 3.11 hectares in area and is located within the settlement boundary of Hawarden as defined in the emerging Flintshire Unitary Development Plan. In addition, the site is allocated for residential development. The site is relatively flat across its east to west axis but slopes from its most southerly points downhill towards the northern boundary and is reflective of the surrounding landform. .
- 7.03 This full application seeks approval for the development of this site with 45 dwellings together with associated highway infrastructure. The proposed units are all 2 storey in height with pitched roofs and are proposed to be constructed with slate/tile roofs and a combination of brick/render external walls. The housing provides a range of 2, 3 and 4 bedroom accommodation. The scheme includes the provision of 4 dwellings to cater for affordable housing needs in the area.
- 7.04 Principle of Residential Development
The principle of the development of this site for residential purposes is established via the allocation of the site specifically for this purpose in the emerging Flintshire Unitary Development Plan. The principle has been considered via the examination in public of the UDP and the site remains as an allocation without modification following this process and this must be afforded considerable weight. The proposal is therefore considered acceptable in principle.
- 7.05 Site Layout, Design and Materials
The site layout is conventional in style principally providing for units which front onto the main estate road and private driveways, and would provide for adequate separation distances between the existing/proposed dwellings to safeguard privacy and amenity. The curtilage areas are in accordance with the guidelines specified in the Council's Space About Dwellings standards and provide acceptable standards of amenity.
- 7.06 Concerns have been raised in respect of the relationship of 2 storey dwellings with bungalows, especially along the northern boundary of the site. However, I would advise that the layout has been the subject of discussion between the applicant and Officers and has been amended in response to these concerns such that separation distances accord with those required in situations of elevated proximity and also to ensure that where a side elevation to principal elevation exists, requiring only 12 metres of separation, there are no overlooking windows at first floor level. Where a bathroom window exists I propose to condition this to be obscurely glazed. In addition, in the interests of safeguarding future amenity further, I propose to remove the Permitted Development Rights which would normally be afforded to plots 1, 5 – 12 and 16 – 21 inclusive in order to ensure that future extensions are considered via the planning process. I also intend to remove the right to make any further window and door openings in the walls or roofs of the same plots for the same reasons.

- 7.07 Whilst concerns relating to the impact of development on existing natural features are noted, it is proposed that existing trees and hedgerows upon the site boundaries are proposed to be retained and utilised as part of the boundaries to the garden areas of the properties. However, in the interests of securing the retention of these existing features, I propose to add conditions requiring the provision of hedgerow and tree protection measures and a condition requiring any future lopping, topping or felling to be the subject of permission from the Local Planning Authority. A condition will also be imposed requiring the submission of a detailed landscaping scheme.
- 7.08 A significant mix of 2, 3 and 4 bedroom house types is proposed within the site layout these being 2 storey in height. Despite representations in respect of the area being characterised by single storey development, it is clear from an appraisal of the area that the character of existing development in proximity to the site is a mixture of both single and 2 storey dwellings. I consider therefore that the proposals are reflective of and consistent with this character. This mix of house types reflects the basis of Policy HSG9 of the emerging Flintshire Unitary Development Plan and National Policy contained in the Ministerial Planning Policy Statement 01/2006 which in paragraph 9.2.14 states that "it is desirable in planning terms that new housing development should incorporate a reasonable mix and balance of house types and size to cater for a range of housing needs and contribute to the development of sustainable communities.
- 7.09 Elevational plans and street scene elevations which have been provided illustrate a mix in the use of traditional materials for the proposed dwellings. It is considered would help the development to relate sympathetically to the character of existing development in proximity to the site and would also serve to relate the development to the wider vernacular. The use of materials can be covered by way of the imposition of a condition if Members are mindful to grant permission for the proposed development.
- 7.10 Drainage
Concerns have been expressed in relation to the capacity of the existing drainage and sewerage systems to accommodate the proposed development of this site. In response to consultation, Dwr Cymru/Welsh Water have not objected upon this basis. The developer has undertaken a hydraulic modelling assessment of the existing capacity within the current system. This has revealed the potential for flows arising from the development proposal to increase surcharge levels and predicted flooding volumes downstream. Accordingly, the developer has agreed to upgrade the foul water drainage provision for the area by funding an upgrade of the existing sewer from 225mm in diameter to 375mm for a length of approximately 30m in Mancot Lane. This proposal is acceptable to Dwr Cymru and I propose to attach a Grampian style condition to the permission prohibiting the commencement of development until such time as these improvements have been undertaken.
- 7.11 In respect of the proposals for foul and surface water drainage from the proposed development, I am advised in response to consultation by both Dwr Cymru and The Environment Agency Wales that subject to conditions requiring the final agreement of the precise details of the proposals being imposed, no objection is raised.

- 7.12 Surface water is proposed to be handled via a SUDs type arrangement whereby the existing reservoir is redesigned into a pond which, together with the wetland habitat formed though the centre of the site, will serve to ensure that surface water is drained into this area and then released at a rate equivalent to greenfield run off rate only.
- 7.13 Highway Matters
Concerns have been raised in respect of the adequacy of the existing highway network to accommodate the proposals without detriment to highway safety. The proposals provide for a single point of vehicular access to the application site to be created at the northern end of Overlea Drive. Also part of the wider highway issue is the need for improvements to highway visibility at the junction of Fieldside with Gladstone Way. These issues have been considered by the Head of assets and Transportation who advises that the flows of traffic generated from the development would, at peak times, amount to 10 vehicles in the morning peak and 5 vehicles in the evening peak. It should also be borne in mind by Members that the area is served by 2 points access, not only Fieldside, but also Blackbrook Avenue and therefore traffic will be spread between the 2 junctions.
- 7.14 The improvements at the Fieldside junction are set out in applications ref: 048146 and 048147. These applications provide for improvements to the front boundary walls of No.s 89 and 91 Gladstone Way to provide visibility of 2.4m x 70m in the critical southerly direction. It is considered that the existing visibility in the northerly direction, being the direction in which traffic approaches on the farthest carriageway from the junction, is acceptable. Consequently, the visibility improvements amount to a betterment for all highways users of this junction. Visibility at Blackbrook Avenue is accepted to be adequate.
- 7.15 Consultation has taken place with the Head of Assets and Transportation in respect of the proposals who advises that there is no concern over highway safety. I am advised that, subject to the off site highway improvement works being undertaken prior to the commencement of the development, there is no objection to the proposals. Precise design and construction details of the estate road layout will be required and these are proposed to be the subject of conditions.
- 7.16 Affordable Housing
Policy HSG10 requires that affordable housing should be provided as part of residential development schemes of this scale. In response to consultation in respect of this issue, the Council's Housing Strategy Unit has advised that the most appropriate way to respond to the need in the locality, with 13 people registered upon the Affordable Home Ownership Register, is to secure the provision of 4no. gifted units to the Council. The intention is to make these 2 and 3 bed units available via the appropriate tenure to meet the needs of appropriate occupiers. This suggested scheme will ensure that homes remain affordable in perpetuity. I recommend that this provision be secured via an appropriately worded S.106 agreement.
- 7.17 Open and Play Space

The Council's Leisure Services department recommend that on site provision of recreational facilities is not required given the close proximity of existing provision at Vicars Close. Accordingly, It is requested that a commuted sum for use in upgrading existing facilities within the community is sought. The sum sought equates to £1100 per dwelling, a total of £49500. This sum will be secured via the proposed S. 106 Agreement.

7.18 Educational Contributions

It is calculated that the development of this site will give rise to 11 children of primary school age 8 children of secondary school age. Existing primary school provision in the locality is at the nearby Hawarden Infants and Rector Drew V.A schools Wepre C.P School, with secondary provision at Hawarden High School. Accordingly, contributions of £38500 and £28000 are sought towards providing the capacity required at the above mentioned primary and secondary schools. These sums will be secured via the S.106 agreement.

7.19 Other Matters

The site layout has been designed in such a fashion that the 2 Public Rights of Way which cross the site are protected upon their current defined routes. Accordingly, there will be no requirement for any Footpath Diversion.

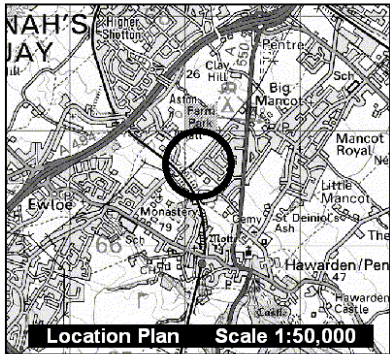
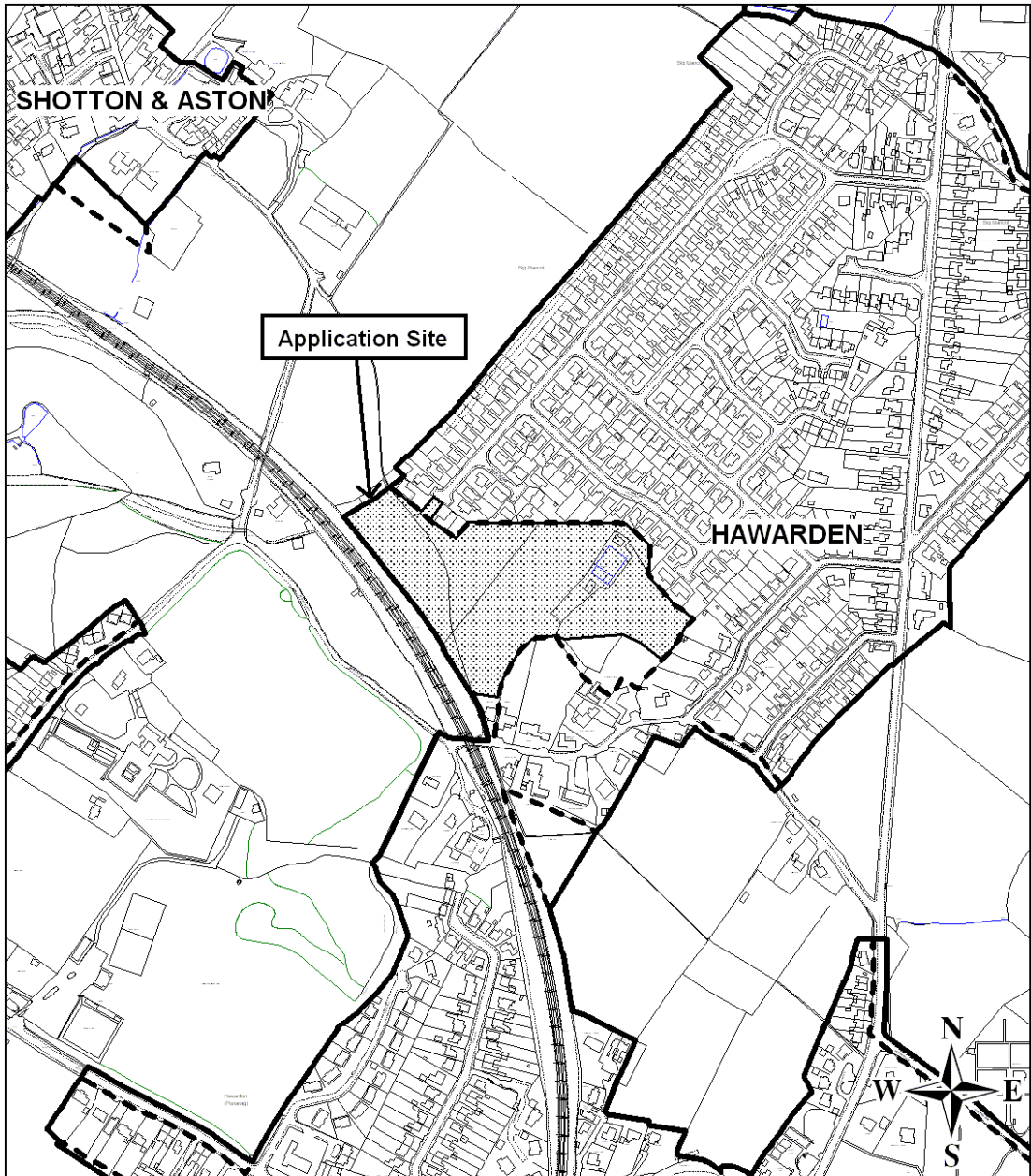
7.20 The Head of Public Protection advises that the site investigations undertaken to date are acceptable but notes an area will require investigation following demolition of the current reservoir structure and its associated buildings. It is suggested that investigation of this area is conditioned. In addition, a condition requiring an enhanced glazing scheme to protect future residents' amenity from noise from the nearby railway line is requested. I propose to impose both conditions.

8.00 CONCLUSION

8.01 In view of the fact that this site is allocated for residential development in the UDP and that all technical issues and matters of detail have been addressed through this application, my recommendation is one of approval subject to the conditions specified above.




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

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Key to Settlement Boundaries

-  Alyn & Deeside Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:5000
Ordnance Survey Sheet	SJ 3166
Planning Application	48032