

## **FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** WEDNESDAY, 20 JUNE 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** OUTLINE – ERECTION OF UP TO 24 NO.  
DWELLINGS TOGETHER WITH MEANS OF  
ACCESS FROM SHOPPING PARK LINK ROAD AND  
REMOVAL OF PART OF EXISTING EARTH BUND  
AND CHANGE OF USE OF LAND TO DOMESTIC  
GARDENS ON LAND WEST OF BROUGHTON  
SHOPPING PARK, BROUGHTON

**APPLICATION  
NUMBER:** 049488

**APPLICANT:** DEVELOPMENT SECURITIES

**SITE:** LAND WEST OF SHOPPING PARK LINK ROAD

**APPLICATION  
VALID DATE:** 28.02.12

**LOCAL MEMBERS:** COUNCILLOR MULLIN

**TOWN/COMMUNITY  
COUNCIL:** BROUGHTON AND BRETTON COMMUNITY  
COUNCIL

**REASON FOR  
COMMITTEE:** SCALE OF DEVELOPMENT AND COUNCILLOR  
REQUEST

**SITE VISIT:** MAJOR APPLICATION AND COUNCILLOR  
REQUEST

### **1.00 SUMMARY**

1.01 This is an outline application for the erection of up to 24 dwellings together with creation of a new means of access from shopping park link road and removal of part of existing earth bund involving change of use of land to domestic gardens. All matters except access are reserved for later approval. The vacant site amounts to almost 0.9hectares, having last been used as the compound whilst the Broughton Shopping centre was under construction. The site is part of a larger allocation for residential development in the Flintshire Unitary Development Plan.

1.02 The main issues are considered to be the fact that the application site is only part of the allocation in the UDP; the provision of affordable housing; the provision of a safe footpath link to the nearest area of public open space and the partial loss of the bund.

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

2.01 The proposal is recommended for approval subject to the completion of a Section 106 legal agreement requiring the following:

1. Affordable Housing – the provision of 6 units to be sold on a shared equity basis.
2. Education provision – £21,000 financial contribution for improvements to local education facilities at Broughton Primary School.
3. Public Open Space – £1,100 per dwelling to enhance existing recreation facilities in the community in lieu of on site provision.
4. Public Footpath Link – the provision of a footpath link between roundabouts R2 and R3 linking the existing footway along the Shopping Park Link Road with the pedestrian link to Church Road to the north west of R3.

2.02 Conditions

1. Outline – submission of reserved matters applications.
2. Outline – time limit on commencement.
3. Outline – details of reserved matters.
4. Foul and surface water to be drained separately.
5. No surface water to connect to public sewerage system.
6. Land drainage runoff not to drain to public sewerage system.
7. Comprehensive and integrated drainage scheme to be submitted.
8. In accordance with approved plans.
9. Code for Sustainable Homes ‘Interim Certificate’ to be submitted before work commences.
10. Code for Sustainable Homes ‘Final Certificate’ to be submitted before dwellings occupied.
11. Landscape implementation.
12. Restriction in hours of working
13. Means of dust suppression during construction works.
14. Provision of wheel washing facilities for construction works.
15. Enhanced glazing scheme to be submitted and agreed.
16. Submission of scheme of Reasonable Avoidance Measures for great crested newt population and their restoration.
17. Site clearance to avoid bird breeding season.

**3.00 CONSULTATIONS**

### 3.01 Local Member – Councillor Mullin

Has concerns regarding access and egress and other highway issues, the part removal of bund, lack of affordable housing. A site visit is requested to give the Committee a full understanding of the issues regarding this application and future development of the compound site.

#### Broughton and Bretton Community Council

Objects to this application on the grounds that:

- The bunding should remain in position as a noise and visual barrier.
- It is not a development of the whole site as was envisaged at the time it was included in the Flintshire Unitary Development Plan for housing.
- The highway in front of the proposed development is extremely busy and it is considered that it will cause a traffic hazard.

#### Head of Assets and Transportation

No objections subject to conditions and S106 agreement for footpath link.

#### Head of Public Protection

No response at time of writing report.

#### Head of Lifelong Learning

The proposed 24 dwellings will result in an additional 6 primary and 4 secondary school pupils.

Broughton Primary School has capacity for 450 and numbers on register of 439. An education contribution figure has been identified which would allow the Local Authority to make provision for the estimated additional 6 pupils in this school, which has less than 2.50% surplus places. A financial contribution is requested of £21,000 for that school.

St David's High School, Saltney has capacity for 687 and numbers on register of 620. A contribution is not requested for this school as it has surplus spaces.

#### Public Open Spaces Manager

An off site commuted sum payment of £1,100 per unit is required. The payment would be in lieu of on site public open space provision and would be used to improve existing recreation provision in the community.

#### Head of Housing Strategy

The development of 24 units requires 6 affordable dwellings to be sold on a shared equity basis. The developer would sell at 70% of the market value and the council would retain 30% equity in each of the affordable units. To be achieved through a S106 Agreement to ensure the local need is met on initial sale. Proposed occupants must be registered on the council's Affordable Homeownership Register which is administered by Cymdeithas Tai Clwyd.

Welsh Water  
Recommends conditions.

Airbus  
No objections.

Countryside Council for Wales  
No objection. The proposal is not likely to adversely affect any protected sites or species or other natural heritage interests. Ponds within 500m of the application site have had recordings of the great crested newt and it is advisable for the implementation of the scheme to have a licence from the Welsh Government. Suggest a condition for the applicant to propose and deliver appropriate species avoidance, mitigation and conservation (restoration) schemes and Reasonable Avoidance Measures to facilitate the implementation of great crested newt population restoration proposals.

#### **4.00 PUBLICITY**

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

The application has been publicised by way of site notice and neighbour consultation letters.

Responses have been received from two local residents commenting as summarised below:

1. The land was originally Green Barrier and marked for parkland when the Tesco store was built.
2. The proposed housing is only acceptable if the whole tree bank remains as it is a noise barrier and wildlife corridor.
3. 24 units seems too many.

#### **5.00 SITE HISTORY**

5.01 046564 – Outline – erection of a budget hotel of up to 70 rooms and a separate restaurant/public house together with car parking, landscaping and other associated works. Withdrawn 2009.

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
GEN1 - General requirements for development  
GEN2 - Development within settlement boundaries  
D1 - Design quality, location and layout  
D2 - Design  
AC13 - Access and traffic impact  
AC18 - Parking provision  
HSG1 - New housing development proposals  
HSG10 - Affordable housing within settlement boundaries

SR5 - Outdoor playing space and new residential development  
EWP2 - Energy efficiency in new development.  
D3 - Landscaping  
L3 - Green Spaces  
IMP1 – Planning conditions and obligations.

Development Brief for Housing at The Compound Site, West of Broughton Retail Park, Broughton – adopted March 2012.

Local Planning Guidance Notes:

2 – Space around dwellings  
3 – Landscaping  
9 – Affordable Housing  
11 – Parking standards  
13 – Open space requirements  
22 – Planning Obligations

Technical Advice Notes:

TAN2 Planning and affordable housing  
TAN12 Design  
TAN18 Transport

Planning Policy Wales 2011

**7.00 PLANNING APPRAISAL**

Introduction

7.01 This outline application proposes the development of this 0.89ha site for the residential development of up to 24 dwellings. All matters except access are reserved for later approval. An indicative layout has been submitted showing a new access.

Site Description

7.02 The site is roughly rectangular, generally level and bounded to west and south by a bund, constructed to give visual and noise protection to nearby dwellings during construction of the retail park. The bund is between 2.5 and 3 metres high and comprises self seeded trees. There is currently no vehicular access to this site as the access is in the northern part of the UDP allocation. Land to the north was previously owned by the applicant and sold to Aldi in 2009.

7.03 The site is located within the settlement of Broughton, in the north eastern corner. The application site forms roughly half of the residential allocation in the UDP and is currently vacant and fenced off from public view. It was last used as a compound. It is located to the west of the main Shopping Park Link Road, opposite McDonalds and Carphone Warehouse. Shopping Park Link Road links Bretton Road to the south with Chester Road to the north and roundabouts R1, R2 and R3. To the north is vacant land forming the other part of the allocation and there is no formal demarcation of this northern boundary. Further north is Chester

Road and Airbus. To the west and south is residential development along Simonstone Road and Larne Drive.

#### The Application

7.04 The outline application seeks to establish the principle of residential development for:

- up to 24 dwellings;
- new access;
- internal roads;
- 48 car parking spaces;
- reduction in the size of the landscaped earth bund by about 50%; provision a footpath link beyond the site;
- change of use of land to domestic gardens for the part of the bund nearest to dwellings on the west and south sides of the site.

The application is accompanied by an illustrative layout plan, Design and Access Statement, Planning Statement, Transport Statement, Ecological Assessment, Noise Assessment, Energy and Sustainability Report including Code for Sustainable Homes Pre-assessment.

The Design and Access Statement includes a Masterplan showing a layout of 51 units for this site together with the one to the north, with 2 access points.

#### Principle of Development

7.04 The application relates to part of an adopted UDP housing allocation, HSG1 (19) which allocates the whole 1.8ha site for 54 units. There is an adopted Development Brief for the whole of the allocated site, therefore the principle of residential development has been established and is acceptable.

#### Education Contributions

7.05 The application proposes up to 24 dwellings which would generate 6 primary school places. The nearest primary school is at Broughton. This requires a S106 Agreement to pay a financial contribution of £21,000 which would allow the Local Authority to make provision for the additional pupils.

#### Public Open Space Provision

7.06 Policy SR5 of the UDP and LPG13 state that for developments of less than 25 dwellings, on-site public open space will not be sought, but instead a financial contribution in lieu of on-site provision. The Development Brief says:

'New development is generally required to provide open space and appropriate play facilities in accordance with the relevant policies and guidance, although in some cases an off-site payment is appropriate. Although there is an existing recreation facility at Broughton Hall Road which caters for the play requirements of the proposed development, this cannot currently be accessed by a safe, continuous footpath from the site

and therefore the provision of a new facility on this site will be required unless a safe footway is provided'.

- 7.07 The agents have identified that guidance in LPG13 points to off site provision on smaller sites. The amended proposal includes a footway link to provide a safe and continuous footpath between the site and Broughton Hall Road. This satisfies the concerns expressed in the Brief above and a contribution of £26,400 is supported (£1,100 per dwelling).

#### Footway Link and New Access

- 7.08 The proposed 1.8m wide footway takes a route through the structural planting forming part of the L3 Green Spaces UDP designation between R2 and R3. It links with the existing pedestrian paths connecting the residential areas (via Church Road), the retail park and Broughton Hall Road.

The Head of Assets and Transportation comments that a 3.8m wide strip of land must be dedicated to the council so that the footpath remains in perpetuity and any maintenance/renewal works are within the council's control. The footpath is to be constructed and lit to the council's standards. It will offer a safe route with good connectivity to the existing highway network.

Provided the proposed new link is laid out and maintained in a manner that ensures it provides a safe link then it is considered that a walking distance of approx 630m between the edge of the application site and the existing play facility is acceptable.

Amended plans show a new access constructed to Local Authority standards almost opposite an entrance to the retail park. The Head of Assets and Transportation considers the proposed access to be acceptable.

#### Affordable Housing

- 7.09 The applicant is willing to provide 6 affordable units to be sold on a shared equity basis. Although it strictly speaking falls below the 30% numerical provision by 1 unit, it is considered acceptable.

The agent says that on the basis of the scale of development and established planning policies, there is no justification for seeking an element of affordable housing because the proposal is for only 24 units which is below the affordable housing threshold and therefore does not trigger a requirement. The Compound site has been in two different ownerships since 2008, before the UDP Inspector's Report was published which recommended the site be allocated for housing. Therefore it cannot be argued that there has been a deliberate attempt to subdivide the site to avoid an affordable housing requirement. Should the site receive planning permission it will be sold later this year to a house builder. By contrast, it is unlikely the remainder of the allocation will come forward for residential development in the near future as it is currently

owned by Aldi.

### The Bund

- 7.10 The bund was introduced to visually screen the residential properties to the west and south of the application site from Broughton Shopping Park. The agent says its purpose was not as noise mitigation in relation to the shopping park. The construction of houses on the application site removes the need for the bund as they will screen existing dwellings from the shopping park.

The Development Brief says the landscaped bund afforded protection to the amenity of existing residents when the site was in use as a construction compound. In bringing the site forward for residential development it is considered unnecessary for the bund to be retained in its entirety as there is no inherent amenity conflict between existing and proposed housing development, subject to satisfactory separation distances. Over time the bund has developed in terms of vegetation to now form an extension of the present strategic landscaped buffer along the eastern edge of properties of Larne Drive. Whilst the bund can be narrowed to increase the developable area of the site, it should be retained in some form to ensure adequate screening and continued amenity for the residents of Larne drive and continue to provide a landscape feature, visual relief and green corridor.

It is considered acceptable to reduce the width of the bund along the southern boundary by 50% and to remove the bund along the western boundary, transferring the land to adjacent occupiers.

### Amenity Impacts

- 7.11 Local residents have raised concerns about the density of development. The illustrative layout plan shows 24 dwellings laid out in a manner which meets the council's standards for space around dwellings and privacy. The density is therefore considered to be acceptable.

Concern is also raised about the reduction in the bund. However, as stated above, this has been established as an acceptable way forward in the development of this site.

### Other Matters

- 7.12 The other main points are:
- Building height – as stated in the Development Brief, the majority of the buildings should be 2 storeys and if the developer wishes to provide some dwelling of 2.5 storeys as proposed, then they will have to be carefully considered.
  - Mix of development – a mix of dwelling sizes and types is proposed in line with the relevant guidance and policies.
  - Site appearance / character – the dwellings are set back from the road to reduce the noise levels and ensure an attractive frontage.
  - Energy efficiency and renewable energy. As required the CSH pre-assessment indicates that Code Level 3 can be achieved. The



Energy Statement indicates that the most suitable form of renewable energy technology for this proposal is solar PV. It should be ensured that this is incorporated in line with policy EWP3.

- 7.13 During the processing of the planning application the agent has been asked to make changes to the proposals to ensure that they comply with the Development Brief and with the UDP. As a result of these negotiations amended plans have been received and the proposal amended to include:
- a) Provision of a 1.8m wide footway, on land owned by the applicant, to link with the existing roadside footways between roundabouts 2 and 3.
  - b) Revised access to comply with the council's standards.
  - c) Financial contribution of £21,000 towards education – for the local primary school.
  - d) Financial contribution of £26,400 towards improvement of local public open space.
  - e) Provision of 6 affordable housing units to be sold on a shared equity basis.

## **8.00 CONCLUSION**

- 8.01 The amended proposal is considered acceptable, in line with UDP policies and the Development Brief.
- 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.

**Contact Officer:** Sally Cunliffe  
**Telephone:** 01352 703254  
**Email:** [sally.cunliffe@flintshire.gov.uk](mailto:sally.cunliffe@flintshire.gov.uk)