

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **21st July, 2021**

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

SUBJECT: **OUTLINE APPLICATION – PROPOSED
ERECTION OF UP TO 18 NO DWELLINGS WITH
ASSOCIATED WORKS**

**APPLICATION
NUMBER:** **060699**

APPLICANT: **MR & MRS N WALLACE**

SITE: **TAN Y BRYN, BRYN ROAD,
FLINT, FLINTSHIRE, CH5 5HU**

**APPLICATION
VALID DATE:** **12th NOVEMBER 2019**

LOCAL MEMBERS: **COUNCILLOR MS M PERFECT
COUNCILLOR D COX**

**TOWN/COMMUNITY
COUNCIL:** **FLINT TOWN COUNCIL**

**REASON FOR
COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO
DELEGATION SCHEME**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This outline application with all matters reserved for subsequent approval, proposes the erection of a total of 18 No dwellings on land at Tan y Bryn, Bryn Road, Flint. Amended plans and further details have been received in progression of the application on which further consultation has been undertaken.

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 for :-
- a) the payment of £1100 per dwelling, the monies being used to improve toddler play provision at The Nurseries, Play Area, Flint.
 - B) the payment of a Secondary School Educational Contribution towards Flint High School of up to £55,407 to accommodate the increase in pupil numbers.

Conditions

- 1. Outline – Time Limit
- 2 Outline – Reserved Matters
- 3 No development to commence until a scheme for the widening of the frontage of the site along Bryn Road has been submitted and approved
- 4 No dwelling to be occupied until frontage has been widened
- 5 Siting, layout and design of access to be as submitted and approved
- 6 Access to have a visibility splay of 2.4m x 43m in both directions
- 7 Stated visibility to be kept free from obstruction during construction phase
- 8 Details of construction of internal estate road to be submitted and approved
- 9 Gradient of access for 10m from edge of carriageway to be 1:15 and a maximum of 1:12 thereafter
- 10 Positive means to prevent run off of surface water onto highway to be submitted and approved
- 11 Scheme for 1.8m wide footway along site frontage to be submitted and approved
- 12 Scheme for improved connectivity to existing footpath network to be submitted for consideration and approval.
- 13 No development to commence until a Construction Traffic Management Plan has been submitted and approved.
- 14 Level 2 Survey of World War II Air Raid Shelter within the site to be submitted and approved
- 15 Site / Finished Floor Levels (FFL) to be submitted and approved.
- 16 Emergence Bat and reptile surveys to be undertaken with appropriate mitigation where required
- 17 No development to commence including site clearance until foul drainage scheme has been submitted and approved.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor D Cox
No response received

Councillor Ms M Perfect

Given the scale of the application and area in which it is located, express reservations over the appropriateness of the development given that the only access to the site is via a small lane with limited links to the main roads.

Councillor P Cunningham (Adjacent Ward)

Register a conflict of interest as reside in proximity to the site

Flint Town Council

It is the view of the Town Council that this development was entirely out of keeping with the area. Particular concerns were raised in relation to i) highway safety and traffic management in what is a busy and congested series of roads (ii) the scale and number of properties proposed raise real concerns as both to the environmental and practical impact on the amenity in the area (iii) the present infrastructure services etc are unlikely to be able to cope with the proposal and access for new services will be problematical.

Highways Development Control

Recommend that any permission includes conditions in respect of: - road widening along the site frontage, access detail, visibility, gradients, surface water run - off and the submission of a Construction Traffic Management Plan.

Community and Business Protection

No adverse comments

Clwyd Powys Archaeological Trust (CPAT)

As this is an outline application with all matters reserved for subsequent approval – support the imposition of a condition which secures the survey and if appropriate preservation of a former World War II Air Raid Shelter within the site.

Education

Advises that the schools affected by the proposed development are as follows:-

Gwynedd Primary School

Capacity (at January 2020) 492 (excluding nursery)
Current NOR (at January 2020) 455 (excluding nursery).
Number of Surplus Places 37.
Percentage of Surplus Places 7.5%.

Flint High School

Capacity (at January 2020) 797
Current NOR (at January 2020) 850.
Number of Surplus Places = 53.
Percentage of Surplus Places -6.65%

Primary School Calculation

School Capacity $492 \times 5\% = 24.6$ (25)

Trigger for Contributions $492 - 25 = 467$

Number of units $18 \times$ Primary Multiplier $0.24 =$ Child Yield 4.32 (4 pupils)

Does not exceed the trigger for contributions

Secondary School Calculation

School Capacity $797 \times 5\% = 39.85$ (40)

Trigger for Contributions $797 - 40 = 757$

Number of units $18 \times$ Secondary Multiplier $0.174 =$ Child Yield 3.13 (3)

Child Yield $3 \times$ Cost Multiplier $\pounds 18,469.00 =$ Developer Contribution $\pounds 55,407$

Actual Pupils $850 + 3$

Does exceed trigger for Contributions

Welsh Water/Dwr Cymru

No objection subject to the imposition of a condition requiring the submission of a foul drainage scheme.

Public Open Spaces Manager (AURA)

Request the payment of a commuted sum of $\pounds 1100$ per dwelling, the monies being used to enhance toddler play provision at The Nurseries Play Area, Flint.

Rights of Way

Public footpath 78 & 79 abut the site but appear unaffected by the development. The paths must be protected and free from interference from the construction.

Council Ecologist

No objection in principle subject to the completion of Bat Emergence / Reptile Surveys with appropriate mitigation where required.

Tree Officer

Note that the application has been submitted in outline with all matters reserved for subsequent approval. Consider that the layout would need to be revisited to ensure the retention of trees within the site which are of amenity value.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

54 letters of objection received, the main points of which can be summarised as follows:-

- Inadequacy of access /detriment to highway safety

- Overdevelopment which would be detrimental to existing character.
- Detrimental Impact on living conditions of occupiers of existing/ proposed dwellings
- Inadequacy of drainage system
- Impact on Wildlife /Ecology
- Impact on remains of former World War 2 Air Raid Shelter.
- Re-instatement of former footpath link to A5119 Northop Road.

Letter received from Hannah Blythyn MS which supports the basis of objections received from residents in the locality.

5.00 SITE HISTORY

5.01 None relevant

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 Policy STR1 – New Development
 Policy GEN1 – General Requirements for Development
 Policy GEN2 – Development Inside Settlement Boundaries
 Policy D1 – Design Quality, Location and Layout
 Policy D2 – Design
 Policy D3 – Landscaping
 Policy TWH – Development Affecting Trees and Woodlands
 Policy WB1 – Wildlife Species Protection.
 Policy AC13 – Access and Traffic Impact
 Policy AC18 – Parking Provision and New Development
 Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries
 Policy HSG8 – Density of Development
 Policy SR5 – Outdoor Playing Space and New Development
 Policy IMP1 – Planning Conditions and Planning Obligations

Supplementary Planning Guidance

Supplementary Guidance Note 2 – Space Around Dwellings
 Supplementary Planning Guidance Note 2 – Landscaping
 Supplementary Guidance Note 4 – Trees and Development
 Supplementary Planning Guidance Note 8 – Nature Conservation and Development
 Supplementary Planning Guidance Note 11 – Parking Standards
 Supplementary Planning Guidance Note 23 – Developer Contributions to Education
 Planning Guidance Note 13 – Open Space Requirements

Additional Guidance

Planning Policy Wales (PPW) – Edition 11

Future Wales Development Plan 2020-2040

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 12 – Design

Technical Advice Note 15 – Transport

Technical Advice Note 24 – The Historic Environment

7.00 PLANNING APPRAISAL

7.01 Introduction / Site Description

This outline application with all matters reserved for subsequent approval, proposes the erection of up to 18 No dwellings on land at Tan y Bryn, Bryn Road, Flint. The sloping site which amounts to approximately 0.8 hectares in area is located on the eastern side of The Bryn. It occupies a central position to the east of Nos 16-26 The Bryn, north of 15-31 Bryn Road and west of properties on the A5119 Northop Road.

Proposed Development

7.02 Although submitted in outline, an illustrative site layout and accompanying sectional details have been submitted to show how the site could potentially be developed, given its sloping topography.

7.03 The indicative site layout shows the proposed erection of 18 No dwellings, and whilst this carries limited weight in the overall planning balance, it is useful to understand how the site could be developed. The precise details for development of the site would however need to be secured as part of any reserved matters application, as it is only the principle of development for up to 18 No dwellings that is being sought at this stage.

Main Planning Considerations

7.04 The main planning considerations to be taken into account in determination of this application include:-

- Principle of development
- Character and appearance
- Living conditions
- Play provision
- Education
- Access
- Trees / Ecology
- Other Matters

Principle of Development

7.05 The site is approximately 0.8 hectares in area and is located within the settlement boundary of Flint, a Category A settlement in the Flintshire Unitary Development Plan. The principle of

residential development for general and specific housing need in such locations is generally supported in accordance with national /local planning policy subject to the safeguarding of relevant development management considerations.

Character and appearance

- 7.06 The proposed site amounts to approximately 0.80 hectares in area. The potential erection of 18 dwellings would represent a density of 23 dwellings per hectare (dph) which is below the 30 dph specified as a minimum referenced in Policy HSG8 that is sought to be achieved on unallocated sites within settlement boundaries. This proposed scale of development takes into account the site constraints in particular its topography, and the density of existing development at this location which amounts to approximately 21dph.
- 7.07 The application which has been amended since its initial submission deletes specific reference to all the dwellings being 2 No storey in height. This recognises that as part of any reserved matters application that it will be necessary to consider a mix of house types on the site given its topography and relationship to existing dwellings at this location. The parameters of scale provided indicate that the dwellings are proposed to be 8-16m wide, 8 -11m in depth and 5 – 8m in height. This range in the scale of the proposed units would it is considered be acceptable and help to assimilate the development into the site and wider surroundings.
- #### Living Conditions
- 7.08 Of particular importance in consideration of this application, is ensuring that the privacy of the occupiers of the proposed dwellings and those existing dwellings adjacent to the site are safeguarded as part of the proposed development. Whilst recognising that the site layout submitted carries limited weight in the assessment process, it does take into account the relationship of proposed dwellings to existing development confirming that it is possible to design a layout meeting adequate interface separation distances having regard to Supplementary Planning Guidance Note 2 – Space About Dwellings.
- #### Play Provision
- 7.09 Planning policy SR5 and Supplementary Planning Guidance note 13 seek to ensure that any new residential development schemes of two or more units take into account the need for the provision of sufficient open space or if the scheme is below 25 No units that there is a contribution secured to facilitate the provision /enhancement of existing recreational facilities in the locality.

7.10 As in this case and based on the proposed density of development there would be no on-site recreational provision. The development would however require the payment of a commuted sum of £1100 per dwelling, and Leisure Services (AURA) have specified that the monies would be used to enhance toddler play provision at The Nurseries, Play Area, Flint

Education

7.11 Planning policy IMP1 and Supplementary Planning Guidance Note 23 requires the impact of development on any existing school capacity to be taken into account given the potential impact on these existing facilities.

7.12 As a result primary and secondary school formula multipliers have been applied to assess the impact on both Gwynedd Primary School and Flint High School. This confirms that :-
a) there is a requirement for a secondary school educational contribution of £55,407 based on the potential construction of 18 No dwellings

7.13 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.14 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following regulation 122 tests;

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

7.15 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

7.16 I am advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into respect of the leisure / educational contributions requested and am satisfied that on application of the tests set out above the contributions would satisfy these requirements.

Access

7.17 As previously referenced all matters including the proposed access to the site itself, are reserved for subsequent approval. Whilst the objections to the development on highway grounds are noted, consultation on the aspect of the development has been undertaken with the Highway Development Control Manager in order to assess the adequacy of the existing highway network in proximity to the site and acceptability /feasibility of designing a road layout given its topography.

7.18 It has been confirmed that there is no objection to the principle of development from a highway perspective, subject to the imposition of conditions as outlined in paragraph 2.00 of this report.

Trees / Ecology

7.19 Consultation on the application has been undertaken with the Council's Tree Officer on the details submitted as part of the application which includes an Arboricultural Impact Assessment undertaken in accordance with BS5837.

7.20 The Tree Officer acknowledges that the site layout currently submitted is for illustrative purposes only and would need to be revisited as part of any reserved matters application to ensure the retention of a number of trees of amenity value within the site. It is however considered that these trees can be retained whilst achieving the development of up to 18 No units, with the landscaping of the site and retention of key landscape features being secured by the imposition of a condition in the event of outline planning permission being obtained.

7.21 In addition the Council Ecologist raises no fundamental objection to the development having regard to the Ecological Appraisal submitted as part of the application. It is however recommended that any permission be subject to the imposition of a condition requiring the undertaking of bat emergence surveys between April- September and reptile surveys with appropriate mitigation where required.

7.22 Other Matters

Third parties have raised objections regarding the possible impact of development on the remains of a World War II air raid shelter. located within the south eastern corner of the site. The illustrative

site plans shows this to be located/retained within one of the proposed residential curtilage areas –although as previously referenced this carries limited weight in the assessment process. Clwyd Powys Archaeological Trust (CPAT) who have been consulted on the application recognise at this stage of the application process the status of the site layout but do consider that there is a need to undertake a survey of the remains to establish its long term suitability for retention and preservation. This can be secured through the imposition of a condition in the event of outline permission being granted.

- 7.23 In addition to the above, there are 2 No existing definitive footpaths in proximity to the site namely :-
i) Footpath 78 – this runs from Bryn Road to Northop Road, outside but adjacent to the sites northern boundary
ii) Footpath 79 – this runs from Northop Road in an approximate 45 degree south westerly direction, from a spur into the site to an existing cul de - sac head at Bryn Road
- 7.24 A number of concerns have been received from residents regarding the potential linkage of the site to Northop Road, utilising the existing footpaths, the concerns of which are duly noted. Whilst it is considered at officer level that improved pedestrian connectivity to existing facilities is to be welcomed from a sustainability perspective, there are no specific proposals at this stage, as the site layout carries limited weight in assessment process. This would need to be secured through the imposition of a condition and evaluated at reserved matters stage in the event of outline planning permission being obtained.
- 7.25 The adequacy of the drainage system to serve the proposed development has been the subject of consultation with Dwr Cymru/Welsh Water who raise no objection subject to the imposition of a condition to secure a satisfactory scheme of foul drainage at reserved matters stage.

8.00 CONCLUSION

This outline application seeks to establish at this stage the principle of development only of the site for a total of up to 18 No dwellings. Although an illustrative site layout has been submitted, this carries limited weight in the assessment process other than to confirm that it would be possible to develop the site for the scale of development proposed whilst meeting relevant development management considerations.

No objections have been received from a highway, ecological, landscape, or conservation perspective, and it is therefore recommended that permission be granted subject to the completion of a legal obligation and imposition of conditions as referenced in paragraph 2.00 of this report.

8.01 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.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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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