

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND FEBRUARY 2017**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 43 NO. DWELLINGS AND ASSOCIATED WORKS AT Ffordd Eldon, Sychdyn**

APPLICATION NUMBER: **054548**

APPLICANT: **STEWART MILNE HOMES**

SITE: **Ffordd Eldon, Sychdyn.**

APPLICATION VALID DATE: **12TH FEBRUARY 2016**

LOCAL MEMBERS: **COUNCILLOR M. BATEMAN**

TOWN/COMMUNITY COUNCIL: **NORTHOP COMMUNITY COUNCIL**

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the erection of 43 No. dwellings and associated works on land at Ffordd Eldon, Sychdyn, Mold.
- 1.02 The site the subject of this application is allocated for residential development in the Flintshire Unitary Development Plan by virtue of Policy HSG1 (38). A Development Brief for the site has previously been produced and adopted as Supplementary Planning Guidance in 2012.
- 1.03 Amended plans 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 in to a Section 106 Obligation:-

- a) Control the provision and occupation of 4 No bungalows within the development which are proposed to be gifted to the Council to meet affordable housing needs.
- b) Ensure the payment of an educational contribution of £24,514 towards school places at Sychdyn Primary School and £129,283 towards improving facilities to increase capacity at Argoed Secondary School.

Conditions

- 1. Time limit on commencement.
- 2. In accordance with approved plans.
- 3. Materials to be submitted and approved.
- 4. Siting/design of the access to be submitted and approved.
- 5. No construction to commence on access until detailed design has been approved.
- 6. Access to be kerbed and completed to carriageway base course layer prior to any other building operations.
- 7. Details of design, traffic calming, signing, surface water drainage, street lighting to be submitted and approved prior to commencement of other site works.
- 8. Garages to be set back minimum 5.5 m behind the back of footway or 7.3 m from carriageway if crossing a service margin.
- 9. Positive means to prevent run-off of surface water onto highway to be submitted and approved.
- 10. Construction Management Plan to be submitted and approved.
- 11. Travel Plan to be submitted and approved prior to bringing into use the development.
- 12. Hard /soft landscaping to be submitted and approved.
- 13. Implementation of landscaping scheme.
- 14. Protection of trees/hedgerows during construction.
- 15. No development to commence until site investigation for land contamination undertaken/approved.
- 16. Scheme for integrated drainage of the site to be submitted and approved.
- 17. Details of site/finished floor levels of buildings to be submitted and approved.
- 18. 25 m exclusion zone along southern boundary to protect sub-surface remains of Wat's Dyke monument to be provided/retained. No works to be undertaken within the excluded area without further consent.
- 19. Details of archaeological interpretation board to be submitted and approved with timescale for its provision.
- 20. Details of specification for equipped childrens play area to be

submitted with timescale for its provision.

21. Detail of maintenance/management of open space/play area to be submitted.
22. Public Footpath 33 to be retained.

3.00 CONSULTATIONS

3.01 Local Member

Councillor M. Bateman

Requests planning committee determination. Preliminary concerns relate to:-

- Need for compliance with the Development Brief which should be afforded considerable weight as a material planning consideration.
- Bungalows primarily surround the site and should be introduced within the development where the site interfaces with existing development.
- Density of development proposed is high to the detriment of the play area.
- Public Open Space is on the edge of the development and should be more centrally located within the layout.
- Adequacy of access and impact of vehicular movements on Ffordd Eldon which is an adjacent unadopted road in a poor physical condition.

Northop Community Council

Object to the proposed development for the following reasons:-

- The proposed development does not comply with the adopted Development Brief prepared for the site.
- Impact on highway safety and amenity of occupiers of existing Old Age Pensioners bungalows from increased traffic flow and narrow site entrance.
- Density of development proposed would have a detrimental impact on the character and appearance of the area.
- Reduction in affordable housing from 13 No. dwellings to 4 No. bungalows is unacceptable.
- Public Open Space should be more centrally located within the development.
- Adequacy of drainage.

Highway Development Control Manager

Recommend that any permission includes conditions in respect of access, detailed design/layout and the submission of both a Construction Traffic Management and a Travel Plan.

Planning & Environment (Rights of Way)

Public Footpath 33 crosses the site, the surface of which, must not be

disturbed without lawful permission and development over its line must not commence until any necessary division or extinguishment has been authorised under the appropriate legislation.

Pollution Control

No objection in principle, but as the development area lies immediately adjacent to a former municipal landfill site, with the potential for the presence of contamination, recommend that any permission be the subject of a condition requiring site investigation to be undertaken.

Clwyd-Powys Archaeological Trust

The 25 m exclusion zone along the southern boundary of the application site will protect the sub-surface remains of the former Wat's Dyke monument. The exclusion zone must be maintained in its current form as a grass field and fenced off during construction works to prevent storage and damage by machinery. Recommend the imposition of a condition to facilitate the preservation of archaeological remains.

Housing Strategy Officer

There is an identified need for affordable housing provision in Sychdyn and supports the proposed on site provision of 4 No. bungalows to be gifted to the Council to meet an identified affordable/social housing need.

Natural Resources Wales

Following the submission of a Revised Flood Consequences Assessment (FCA) do not raise any objection subject to the composition of a condition to control site and finished floor levels of the proposed dwellings.

Dwr Cymru/Welsh Water

Request that any permission includes conditions in respect of foul, surface and land drainage.

Capital Projects & Programme

Due to limited surplus places at Sychdyn Primary School (Post September 2016) request an educational contribution of £24,514, and an educational contribution of £129,283 will be required to fund improvements to the support capacity at Argoed Secondary School.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

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

- Detrimental impact on the character and appearance of the area.

- Detrimental impact on highway safety.
- Site is outside village boundary and is open countryside.
- Site is not a brownfield site and should not have been allocated for residential development.

5.00 SITE HISTORY

5.01 054048

Erection of 43 No. dwellings and associated works – Withdrawn 15th February 2016.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for New Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy L1 – Landscape Character.

Policy WB1 – Species Protection.

Policy WE6 – Scheduled Ancient Monuments & Other Nationally Important Archaeological Sites.

Policy AC13 – Access & Traffic Impacts.

Policy AC18 – Parking Provision & New Development.

Policy HSG1 (38) – New Housing Development Proposals.

Policy HSG8 – Density of Development.

Policy HSG10 – Affordable Housing Within Settlement Boundaries.

Policy SR5 – Outdoor Playing Space & New Residential Development.

Policy EWP12 – Pollution.

Policy EWP14 – Derelict & Contaminated Land.

Policy EWP17 – Flood Risk.

Policy IMP1 – Planning Conditions & Planning Obligations.

Additional Guidance

Planning Policy Wales (PPW)

Technical Advice Note 5 – Nature Conservation & Planning.

Technical Advice Note 12 – Design.

Technical Advice Note 15 – Development & Flood Risk.

Technical Advice Note 18 – Transport.

Local Planning Guidance Note 2 – Space Around Dwellings.

Local Planning Guidance Note 09 – Affordable Housing.

Local Planning Guidance Note 11 – Parking Standards.

Local Planning Guidance Note 23 – Developer Contributions to Education.

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes the erection of 43 No. dwellings and associated works on an allocated housing site on land at Ffordd Eldon, Sychdyn, Mold. Amended plans have been received in progression of the application on which further consultation has been undertaken.

7.02 Site Description

The site the subject of this application amounts to approximately 1.99 hectares in area and is located on the northern edge of the settlement of Sychdyn. The topography of the site is generally flat and is currently vacant.

7.03 The north east and south-eastern boundaries of the site are defined by mature hedgerows with open fields beyond. The western boundary is defined by the line of Wat's Dyke along which are a number of existing bungalows at Ffordd Eldon. The south-western boundary is defined by the rear of existing properties which front onto Wat's Dyke Way a private unadopted road where adjoining the common site boundary there is a bungalow, dormer bungalow and a 2 storey dwelling. Direct vehicular access into the site is gained from Ffordd Eldon.

7.04 Proposed Development

The amended plans submitted as part of this application propose the erection of a total of 43 No. dwellings which includes 2 pairs of semi-detached bungalows which are intended to meet affordable housing needs.

7.05 For Members information the application is accompanied by:-

- A Design & Access Statement.
- A Flood Consequences Assessment.
- An Archaeological Assessment.
- An Ecological Report.
- A Sustainability Statement.

7.06 The remaining 39 dwellings are two storey, comprising a mix of detached, semi-detached and terrace units which are accessed off the main estate spine road. There is an area of Public Open Space within the development which is proposed adjacent to the sites eastern boundary adjacent to existing agricultural fields.

7.07 Vehicular access to serve the development is proposed from Ffordd Eldon, although it is also possible for access to be obtained from Wat's Dyke Way which is a private unadopted road to the south-east of the application site.

7.08 It is considered that the main planning issues can be summarised as follows:-

- Principle of development having regard to the planning policy framework and Development Brief for the site.
- Proposed scale of development/house types/site layout.
- Adequacy of existing highways and access arrangements to serve the scale of development proposed.
- Adequacy of foul and surface water drainage.
- Ensuring an adequate provision of affordable housing within the development.
- Impact on the privacy/amenity of residents in proximity to the site.
- Open space requirements.
- Impact on Wat's Dyke.
- Educational contributions.

7.09 Planning Policy Framework

For Members information, the site is allocated for residential purposes in the Flintshire Unitary Development Plan (FUDP) by virtue of Policy HSG1 (38). In addition, a Development Brief for the site has been produced and adopted in 2012 as a guide for its potential development. The principle of residential development on the site is therefore acceptable subject to the safeguarding of relevant amenity considerations.

7.10 Members will be aware that within the parameters of TAN1 the Council is unable to demonstrate a 5 year housing land supply. In such circumstances TAN1 advises that the housing land supply figure should be treated as a material planning consideration in determining planning applications.

7.11 Although the Council can no longer carry out a formal Joint Housing Land Availability Study, it is still required to monitor on an annual basis the supply of land, as this will be an important part of the evidence base for the Local Development Plan (LDP). The last published study (2014) set out a number of ways in which housing land supply can be increased and the first of these is that 'the Council will continue to work with landowners and developers in bringing forward appropriate and sustainable windfall housing sites as well as addressing any difficulties or obstacles preventing the delivery of allocated sites'. In this context the delivery of the site will make an important contribution to the 'commitments' element of the LDP housing balance sheet and housing land supply.

7.12 The concerns regarding the need for full compliance with the parameters set out in the brief and for development to be prescriptive relative to its content, are noted. Whilst it is acknowledged that the brief should be afforded considerable weight as a material planning consideration in support of the framework of policies in the FUDP, the

nature of a brief is to help guide and facilitate development and makes specific reference to “Developers having regard to the brief when preparing a scheme for this site. Any differences must be justified by the developer and agreed with the planning authority”.

7.13 Scale/House Types/Site Layout

As an allocated housing site and in accordance with Policy HSG8 of the Flintshire Unitary Development Plan, it is expected to achieve a minimum density of 30 dwellings per hectare which would result on the basis of the site’s gross area an indicative yield of 60 dwellings.

7.14 The density proposed is however affected by the constraints of the site taking into account archaeological, drainage and open space requirements. As a result the net developable area amounts to approximately 1.5 hectares, which on the basis of the 43 No. dwellings proposed, results in a density of approximately 29 dwellings per hectare.

7.15 It is acknowledged that numbers of proposed dwellings are at a slightly higher level than that referenced in the brief (i.e., 4 additional dwellings proposed). The site layout is however well balanced and attractive given this increase in density from 39 – 43 dwellings and considered to satisfy the requirements of Policy HSG8 to achieve the most appropriate density in terms of making the most efficient use of land in a manner which reflects the character of the site and surroundings. This density of development on the basis of the net developable area is therefore in compliance with both the aims of the brief and Policy HSG8. The density of the scheme would not be harmful to the character and appearance of the area.

7.16 The proposed site layout illustrates the introduction of 2 storey dwellings adjacent to the site’s western boundary at Ffordd Eldon and bungalows/dwellings in proximity to existing development at Wat’s Dyke Way which on the common site boundary comprise a bungalow, dormer bungalow, and a 2 storey dwelling.

7.17 The development brief notes that bungalows primarily surround the site and that it may be appropriate to use this house type at the southern position of the site where it interfaces with existing development, referencing the possible introduction of the affordable element of the scheme at this location.

7.18 As a result of the consultation exercise, objections have been received seeking to ensure the provision of bungalows on the site boundaries where this development interfaces with the existing village and these are duly noted.

7.19 The site layout adjacent to the western site boundary proposes that 2 storey dwellings front onto the area safeguarded from development by the line of Wat’s Dyke, onto which existing bungalows at Ffordd Eldon

are located. Whilst reference is made in objection to the requirement for the introduction of bungalows along this boundary, it is not considered that 2 storey dwellings would be detrimental to this existing character and the separation distances of 35 m between properties would be acceptable and in excess of that referenced to in the Council's Local Planning Guidance Note 2 – Space About Dwellings. The existing bungalows face onto Ffordd Eldon and Ffordd Celyn and do not have their orientation towards the proposed dwellings. Furthermore this part of the development faces towards the village to ensure it is an attractive frontage and well integrated with Wat's Dyke acting as a buffer which delineated the historical pattern between older and current development proposals.

7.20 In line with the brief the development also proposes the introduction of bungalows on the southern boundary at the closest point of the development relative to existing bungalows at the junction of Ffordd Eldon/ Wat's Dyke Way. Along this boundary 2 storey properties are also proposed in relation to those existing properties, comprising a dormer bungalow and a 2 storey dwelling, all of which have higher ridge heights. Their impact would therefore be assimilated in to the existing pattern of development at this location.

7.21 Access/Highways

Vehicular access to serve the development is proposed from Ffordd Eldon and in order to achieve an adequate re-alignment of the carriageway at this location into the application site, acquisition of a frontage strip from an existing property (6 Ffordd Eldon) is required with this being included within the application site boundary.

7.22 It is noted that a number of objections have been received to the development on highway grounds, with specific concerns that the development will generate additional movements on Wat's Dyke Way which is unadopted and in a poor physical condition. Consultation on the acceptability of the existing highway network to serve the development and the internal estate road layout has been undertaken with the Highway Development Control Manager who raises no objections (subject to conditions).

7.23 It is acknowledged that the surface of Wat's Dyke Way is in a poor condition and has been for a number of years. For Members information it is a privately maintained unadopted road which Streetscene have no responsibility to upgrade or maintain. Whilst a number of council properties are accessed off this road, full maintenance responsibilities are outside the jurisdiction of the Council. The development will be accessed off the adopted section of Ffordd Eldon; and based on the existing highway situation, the Highway Development Control Manger raises no objection to the development as proposed and does not require works to be undertaken to improve the condition of Wat's Dyke Way in order to facilitate the proposed development.

- 7.24 Adequacy of Foul/Surface Water Drainage
The adequacy of the drainage system to serve the scale of development proposed has been the subject of consultation with Natural Resources Wales (NRW) Cymru/Welsh Water, and the Council's Drainage Engineer.
- 7.25 Given the site's location within Flood Zone A, a Flood Consequences Assessment (FCA) has been submitted and considered by NRW in order to ensure that the impact of development from flooding can be acceptably managed. As a result NRW have advised that they raise no objection to the development subject to the imposition of a condition to control the site and finished floor levels of the buildings proposed.
- 7.26 In addition consultations have been undertaken with Dwr Cymru/Welsh Water who raise no objections to the development subject to the imposition of conditions to ensure the separation of foul and surface water discharges from the site. The Council's Drainage Engineer has also advised that on the basis of the details submitted regarding capacity for surface water storage that the drainage scheme proposed is acceptable.
- 7.27 Affordable Housing Requirements
For Members information, the plans initially submitted as part of the application, proposed 13 No. units within the site to be targeted to meet affordable housing need by way of sale though shared equity.
- 7.28 Following local representation/concerns that there is greater pressure and limited opportunity within Sychdyn for those persons wishing to downsize from existing properties, the applicants have proposed that 4 No. bungalows be gifted to the Council in order to meet this identified need.
- 7.29 Whilst it is noted that objections have been raised to this approach which sees a reduction in numerical terms in the level of provision, in financial terms it is equitable to that initially proposed, and this has been considered by the Council's Housing Strategy Officer who supports this proposal. This increases the availability of Council Housing stock within the locality to meet a specific need and enables greater control over its occupation to be exercised by the Council.
- 7.30 Impact on Privacy/Amenity
Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those adjacent to the site are safeguarded as part of the development.

- 7.31 The amended layout takes into account the relationship of the site to existing development, particularly at Wat's Dyke Way where these dwellings are closest to the application site, and ensures that the separation distances between properties would be acceptable to avoid overlooking having regard to Local Planning Guidance Note 2 – Space About Dwellings.
- 7.32 The applicant in recognising that there is elderly persons accommodation along Ffordd Eldon have advised that whilst this would offer the most direct access to site, they are willing (should the opportunity be available) to access the site during construction works from an alternative direction using the road at the junction with the A5119 to the east of the application site.
- 7.33 The access arrangements can be controlled/addressed through the imposition of a condition requiring the submission of a Construction Traffic Management Plan should Members be mindful to grant planning permission.
- 7.34 Open Space Provision
The layout provides for an open space within the development of approximately 2,485 m², which is proposed to be sited adjacent to existing agricultural land on the site's eastern boundary.
- 7.35 Consultation on this aspect of the development has been undertaken with the Public Open Spaces Manager who has raised no objections to the location, layout or to the level of open space, subject to the imposition of a condition to ensure the submission for a specification for boundary treatment and play equipment provision.
- 7.36 It is acknowledged that the development brief for the site provides an indicative plan suggesting that the Public Open Space could be provided centrally within the layout and objections have been received on the basis that the layout should reflect this. Given the location of an existing ditch adjacent to the eastern boundary of the site, which will receive surface water discharge as in the event of adverse weather conditions which may result in ground conditions being affected, it is more appropriate for open space to abut the ditch rather than the rear curtilage areas of proposed dwellings. It is considered that the open space area would therefore be better located in this area of the site and would be secured through the introduction of boundary enclosure to prevent access into the adjacent field.
- 7.37 In addition the site layout affords the opportunity for surveillance from a number of dwellings and upon completion, its future maintenance would be transferred to a Management Company.
- 7.38 Impact on Wat's Dyke
The western boundary of the site is affected by the sub-surface remains of the former line of Wat's Dyke. Whilst these remains are

not a part of the Scheduled Ancient Monument, it is proposed that it be protected during/after development by the inclusion of a 25 m exclusion zone to prevent any possible damage.

7.39 Consultation on the details submitted to safeguard the remains of the Dyke has been undertaken with Clwyd-Powys Archaeological Trust (CPAT). No objections to the extent of the 25 m exclusion zone have been received from CPAT subject to the imposition of a condition to prevent access onto this part of the site during construction works and that its current form as a grass field remains unaltered. This, together with the introduction of an interpretation panel showing the origins of the Dyke, can be covered by the imposition of conditions if members are mindful to grant planning permission for the development.

7.40 Educational Contributions

Given the scale of development proposed consultations were initially undertaken following submission of the application with the Council's Capital Projects and Planning, to establish the level of financial contribution required for the accommodation of additional primary and secondary school age pupils from the development, in order to ensure adequate education provision.

7.41 At the time of consultation it was confirmed that the existing capacity with Sychdyn Primary School did not require a financial contribution for this school to be made. Given the time period that has elapsed however since submission of the application, further consultation has been undertaken, and it has been confirmed that on the basis of September 2016 figures there is now less than 5% surplus places and a contribution of £24,514 is required. In addition Argoed Secondary School also has less than 5% surplus spaces and therefore a formal contribution of £129,283 will be required to fund an additional 7 places generated by the proposed development. This level of contribution has been updated relative to the advice contained within the Development Brief in line with current circumstances.

8.00 CONCLUSION

8.01 In conclusion the proposal offers 4 gifted bungalows and the fully required education contribution. It is my view that the scale/form of the development proposed would be sympathetic to the character of the site and surroundings. The density of development proposed is in accordance with that contained within the Development Brief proposed for the site and although the layout has been modified from the indicative plans produced at that time, in my view the development remains consistent with the general aims that this sought to achieve when it was produced in 2012.

8.02 There is no objection to the development from the Highway Development Control Manager, or drainage bodies and the impact on Wat's Dyke sub-surface archaeological remains has been safeguarded. I therefore recommend approval.

8.03 **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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