

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH MARCH 2019**

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

SUBJECT: **FULL APPLICATION - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 13 NO. HOUSES AND 4 NO. APARTMENTS AT MILL LODGE, MILL LANE, BUCKLEY.**

APPLICATION NUMBER: **057165**

SITE: **LAND ADJACENT MILL LODGE, MILL LANE, BUCKLEY**

APPLICANT: **BLUEOAK ESTATES LIMITED**

APPLICATION VALID DATE: **19TH MAY 2018**

LOCAL MEMBERS: **COUNCILLOR MRS C.A. ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY TOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME – AND LOCAL MEMBER REQUEST TO ASSESS SCALE AND IMPACT OF DEVELOPMENT ON HIGHWAYS**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the demolition of existing buildings and the erection of 13 No. houses and 4 No. apartments on land at Mill Lodge, Mill Lane, Buckley.
- 1.02 For Members information progression of the application has been delayed in order to enable a feasibility study to be undertaken to assess the capacity of the Buckley Waste Water Treatment Works to accommodate foul flows from the development. In addition, amended

plans have been received in progression of the application, with the scale of the building and proposed number of units within the apartment block having been reduced from 3 to 2 storeys in height, and number of units within it reduced from 6 – 4 apartments. As a result further consultation has been undertaken on the application.

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 or advance payment of £1,100 per dwelling in lieu of onsite recreational provision. The commuted sum payment would be used to improve facilities at Hawkesbury Bowling Club, Buckley.

If the Obligation pursuant to Section 106 of the Town & Country Planning Act (as outlined above, if not completed within six months of the Committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to **REFUSE** the application.

1. Time limit on commencement of development
2. In accordance with approved plans
3. Samples of materials to be submitted and approved
4. Siting layout design of site access to be submitted/approved.
5. Forming/construction of means of site access not to commence until details approved.
6. Access to be kerbed/completed to base course.
7. No vehicular access to the site from Mill Lane with existing access points to be restated as footway.
8. Facilities to be retained/retained within the site for parking.
9. Detailed layout, design, means of traffic calming street lighting and construction of internal estate roads to be submitted/approved.
10. Construction Traffic Management Plan to be submitted and approved.
11. Travel Plan and Transport Implementation Strategy to be submitted and approved.
12. Foul water to discharge into public sewerage system at manhole Ry SJ27648105.
13. Surface water to discharge into sewer at a rate not exceeding 5l/s.
14. Scheme for archaeological investigation/recording to be submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Mrs C.A. Ellis
Request site visit and planning committee determination due to the

size of the development and impact on highways.

Buckley Town Council

Awaiting response at time of preparing report.

Highway Development Control Manager

No objection. Recommend that any permission includes conditions in respect of access, and the submission of a Construction Traffic Management Plan, Travel Plan and Transport Implementation Strategy (TIS).

Head of Public Protection

No adverse comments.

Dwy Cymru/Welsh Water

Following the developer commissioning a feasibility Study it is confirmed that the Buckley Waste Water Treatment Works has adequate capacity to accept additional foul flows from the development. Recommend that any permission includes a conditions to control discharge of foul/surface water.

Natural Resources Wales

No objection.

Clwyd-Powys Archaeological Trust

Recommend the imposition of a condition to secure a scheme of investigation for the recording of the former windmill foundations located within the development area.

Airbus

No aerodrome safeguarding objection.

Public Open Spaces Manager

Request the payment of a commuted sum of £1,100 per dwelling in lieu of on-site recreational permission. The monies would be used to enhance community parking facilities at Hawkesbury Bowling Club, Buckley.

Capital Projects & Planning

Do not request an educational contribution given adequate capacity at existing primary/secondary schools.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

One letter of objection received which expresses concerns about the impact of development on privacy/amenity.

5.00 SITE HISTORY

5.01 034528
Outline – Residential Development - Approved 6th November 2002.

036241
Reserved Matters – Erection of 14 No. 3 & 4 bedroom semi and detached two storey houses and garages – Approved 28th November 2003.

048492
Demolition of 3 No. terraced houses and adjacent outbuildings and erection of 6 No. dwellings – Refused 19th December 2013.

052683
Demolition of 3 No. terraced dwellings and adjacent outbuildings and erection of 6 No. bungalows – Permitted 30th October 2015.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development
Policy ST4 – Housing
Policy GEN1 – General Requirements for Development
Policy GEN2 – Development Inside Settlement Boundaries
Policy D1 – Design Quality
Policy D2 – Location and Layout
Policy D3 – Landscaping
Policy WB1 – Protected Species
Policy HE6 – Scheduled Ancient Monuments and other Nationally Important Archaeological Sites
Policy HE7 – Other Sites of Lesser Archaeological Significance
Policy HE8 – Recording of Historic Features
Policy AC13 - Access and Traffic Impact
Policy AC18 – Parking Provision & New Development
Policy HSG3 – Housing on Unallocated Sites
Policy HSG8 – Density of Development
Policy HSG9 – Housing Mix and Type
Policy SR5 – Outdoor Playing Space & New Residential Development

Additional Guidance
Planning Policy Wales (PPW) – Edition 10.
Local Planning Guidance Note 13 – Open Spaces Requirements.
Supplementary Planning Guidance Note 2 – Space About Dwellings.
Supplementary Planning Guidance Note 11 – Parking Standards

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes the erection of 13 No. dwellings and a separate block accommodating 4 No. apartments and associated works on land adjacent to existing residential development at Mill Lodge, Mill Lane, Buckley. The site the subject of this application amounts to approximately 0.3 hectares in area and comprises vacant land which is located between Windmill Close and Mill Lane. Vehicular access to serve the development is proposed as an extension into the site from Windmill Close. This existing development in proximity to the site predominantly comprises a mix of detached/semi-detached dwellings and bungalows.

7.02 Proposed Development

The plans submitted as part of this application propose:-

- a) The erection of 3 No. pairs of semi-detached dwellings as a continuation of the existing form of development on the northern side of Windmill Close.
- b) The erection of 2 No. blocks of terraced mews type housing on the southern side of the proposed access into the site.
- c) The erection of an apartment block to accommodate 4 No. units which has its frontage onto Mill Lane. The building would measure approximately 9 m x 16 m x 7 m (high).

7.03 Main Planning Issues

It is considered that the main planning issues in relation to this application are as follows:-

- a) Principle of development having regard to the planning policy framework.
- b) Proposed scale of development and impact on character of site/surroundings.
- c) Adequacy of drainage
- d) Adequacy of access.
- e) Impact on privacy/amenity.
- f) Leisure Contributions.

7.04 Planning Policy

The site is located within the settlement boundary of Buckley as defined in the Flintshire Unitary Development Plan which is classified as a Category A settlement. The principle of development for general housing market demand, is considered to be acceptable at this location subject to the safeguarding of relevant amenity considerations. In addition the site has previously had the benefit of planning permission for residential development as referred to in paragraph 5.00 of this report.

7.05 Scale of Development/Impact on Character of Site/Surroundings

The character of existing development in proximity to the site as previously outlined, is defined by a mix of detached and semidetached properties and bungalows set within a range of different depths of residential curtilages. The proposed density of development equates to approximately 51 dwellings per hectare (dph) which is greater than the 30dph specified in Policy HSG8 that developers should aim to achieve on unallocated sites within category A settlements. It is also greater than the approximate density of 41 dph within this part of Buckley which is close proximity to the town centre. When considered in the context of the sites location and in combination with the form/design of the development proposed including changes to the height of the apartment block it would be reflective of and sympathetic to this existing character and would not represent overdevelopment at this location having regard to the principles of good place making in accord with Planning Policy Wales – Edition 10

7.06 Adequacy of Drainage

The adequacy of the drainage system to serve the scale of development proposed has been the subject of consultation with Dwr Cymru/Welsh Water. For Members information progression of the application has been affected given the need for a Feasibility Study to be undertaken to confirm adequate capacity within the Buckley Waste Water Treatment Works for the accommodation of foul flows from the development. This has now been completed to the satisfaction of Dwr Cymru/Welsh Water who raise no objection to the development subject to the imposition of conditions to secure the implementation of a satisfactory drainage scheme.

7.07 Adequacy of Access

Consultation on the proposed access arrangements to serve the development has been undertaken with the Highway Development Control Manager. It has been confirmed that there is no technical objection to the development which proposes access into the site from Windmill Close. This is however subject to the imposition of conditions in respect of access, parking, construction details and need for the submission of a Construction Traffic Management Plan, Travel Plan and Transport Implementation Strategy (TIS).

7.08 Impact on Privacy/Living Conditions

Of particular importance in consideration of this application is ensuring that the privacy and living conditions of the occupiers of the proposed dwellings and those adjacent to the site are safeguarded as part of the development. Having regard to the layout proposed, no direct overlooking of existing properties is proposed and the privacy/living conditions of existing/proposed occupiers would be safeguarded as the separation distances between existing/proposed dwellings are acceptable in accordance with Local Planning Guidance Note 2 – Space About Dwellings.

7.09 Public Open Space Provision

As there would be no on-site recreational provision the development would require the payment of a commuted sum of £1,100 per dwelling the monies used to enhance facilities at Hawkesbury Bowling Club, Buckley.

7.10 Provision of Education Contributions

Given that there is adequate capacity at Westwood Community Primary School and Elfed High School (Secondary) it has been confirmed that an educational contribution(s) would not be required.

7.11 The infrastructure and monetary contributions that can be required from a planning application through a Section 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'.

7.12 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;

- Be necessary to make the development acceptable in planning terms;
- Be directly related to the development; and
- Be fairly and reasonably related in scale and kind to the development.

7.13 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.

7.14 I am advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into regarding Hawksbury Bowling Club and I am satisfied that on application of the tests set out above the contribution to open space provision would satisfy these requirements.

8.00 CONCLUSION

8.01 In conclusion, it is my view that the proposed scale/form of development would be sympathetic to the character of the site and surroundings. Consultation on the application has been undertaken with the Highway Development Control Manager who raises no

technical objection to the proposed development. It is however considered that due to the configuration of the cul-de-sac at and its relationship to existing properties from which their individual access is derived, that controls over vehicular movements to serve the development during construction works and hours of operation are required from a safety and amenity perspective.

8.02 An assessment of the drainage issues in respect of the development has also been undertaken with Dwr/Cymru/Welsh Water who following the undertaking of a feasibility study into the capacity of the Buckley Waste Water Treatment Works raise no objection to the development subject to conditions.

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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