

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **3<sup>rd</sup> APRIL 2019**

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

**SUBJECT:** **APPLICATION FOR APPROVAL OF RESERVED  
MATTERS FOR THE ERECTION OF 40  
DWELLINGS FOLLOWING OUTLINE APPROVAL  
REF: 053656 AT RHOS ROAD, PENYFFORDD**

**APPLICATION  
NUMBER:** **057396**

**SITE:** **LAND AT RHOS ROAD, PENYFFORDD**

**APPLICATION  
VALID DATE:** **15<sup>TH</sup> AUGUST 2017**

**LOCAL MEMBERS:** **COUNCILLOR D T M WILLIAMS  
COUNCILLOR C HINDS**

**TOWN/COMMUNITY  
COUNCIL:** **PENYFFORDD COMMUNITY COUNCIL**

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

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This is a reserved matters application for the erection of 40 residential dwellings on a 1.57 hectare site at Land at Rhos Road, Penyffordd. This application follows the granting of outline consent with access on appeal. The reserved matters for which consent is sought are access, appearance, landscaping, layout and scale.

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

2.01 The conditional planning permission be granted subject to the applicant either entering into a Section 106 Obligation or Unilateral Undertaking to provide the following:

The provision of 12 no. affordable homes, namely 6 no. Shared Equity Housing ( 70% Open Market Value with the balance of 30% held by the Council, or other such tenure to be agreed with the Local Planning Authority) and 6 no. Affordable rent, to remain affordable in perpetuity.

1. In accordance with Approved details
2. Materials
3. Acoustic glazing to be provided and retained in perpetuity
4. Erection of acoustic barrier
5. Finished Floor Levels
6. Groundworks and scrub clearance to be carried out using standard GCN RAMs.

If the Obligation pursuant to S106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given the delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member Councillor D Williams

Insufficient affordable housing provision  
More socially acceptable layout required  
School contributions, should ask for contributions for new primary school  
Acceptability of three storey dwellings. Not appropriate

#### Councillor C Hinds

I feel the whole of Penyffordd needs to be taken into consideration highwaywise. A fast by-pass adjoins this site and on entering Rhos Road the entrance is not far off on the left hand side. Potential for a serious accident.

I advocate that on every application a pair of semi bungalows need to be put on for disabled people. Also the lower end of the scale for youngsters to buy or rent should outweigh the higher end.

#### Penyffordd Community Council

Object strongly to this development and wish it to go to Planning committee where a full and detailed response will be provided:

#### Highways Development Control

Conditions 3,5,6,7,8,9,and 10 should be carried forward from Outline consent

Issues that were previously raised in relation to access to Plots 9-16

and parking for plots 39 and 40 have been adequately addressed.

#### Community and Business Protection

Recommends conditions for the erection of an acoustic barrier and enhanced acoustic glazing.

#### Housing Strategy

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. As of March 2019 there is the following level of need for affordable housing (i.e affordable ownership and rent) in Penyffordd:

	Affordable Rent	Affordable Ownership
2bed	4	6
3bed	7	9

The applicants proposal of 6 shared equity units and 6 affordable rent units is acceptable.

#### Welsh Water/Dwr Cymru

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Dwr Cymru Welsh Water has no objection to the proposed development as the site is outside Dwr Cymru Welsh Water water supply area.

## **4.00 PUBLICITY**

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

53 Letters received, raising the following concerns:

- Need for adequate car parking
- Loss of privacy due to playground extension
- Great crested newts have been found previously at entrance to playground
- Affordable housing
- Housing mix not in accordance with policy
- Should not have three storey dwellings- Penyffordd Place plan
- No school places in either primary or secondary for new residents
- Open space inadequate
- Layout not cohesive to community- isolated site disconnected from community
- Social cohesion on site
- Drainage issues

- Traffic issues
- Penyffordd has been overdeveloped
- Premature before LDP process completed and Penyffordd place plan adopted
- Unsustainable given current infrastructure in village
- Land drainage issues
- Loss of light
- Ecological issues
- Loss of Trees

## **5.00 SITE HISTORY**

- 5.01 053656- Outline - Erection of up to 40 no. residential dwellings with associated access. Refused 21<sup>st</sup> January 2016 Allowed on appeal 15<sup>th</sup> August 2016

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
 STR1 - New Development  
 STR4 – Housing  
 STR8 – Built Environment  
 STR10 - Resources  
 GEN1 - General Requirements for Development  
 GEN3 - Development in the Open Countryside  
 D1 - Design Quality, Location and Layout  
 D2 - Design  
 D3 – Landscaping  
 TWH1 – Development Affecting Trees and Woodland  
 WB1 – Species Protection  
 AC13 - Access and Traffic Impact  
 AC18 - Parking Provision and New Development  
 HSG4 – New Dwellings Outside Settlement Boundaries  
 HSG8 - Density of Development  
 HSG 9 – Housing Mix and Type  
 HSG11- Affordable Housing in Rural Areas  
 SR5 - Outdoor Playing Space and New Residential Development  
 EWP3 – Renewable Energy in New Development  
 EWP14 – Derelict and Contaminated Land  
 EWP16- Water Resources  
 Local/Supplementary Planning Guidance Notes  
 LPGN 2 – Space around dwellings  
 LPGN 4 – Trees and Development  
 LPGN 9 – Affordable Housing  
 LPGN 11 – Parking Standards  
 LPGN 13 – Open Space Requirements  
 SPG23 – Developer Contributions to Education

## **7.00 PLANNING APPRAISAL**

### **7.01 Proposal**

This application is for the reserved matters of a development of 40 dwellings at land off Rhos Road, Penyffordd. Outline planning permission was granted on the site, including details of its access, on appeal.

The site lies outside, but abutting, the settlement boundary as defined in the Flintshire Unitary Development Plan. The application site is 1.57 hectares and is located on the edge of the village of Penyffordd. It is bounded immediately to the west by the A550 which links to the A55 with a mature hedgerow. To the north east and east is the existing residential development in Penyffordd on Ffordd Derwen and the existing dwellings at Rhos y Brunner Farm which are served by an existing access off Rhos Road. To the south of the site it is bounded by Rhos Road. To the north east adjacent to the corner of the development site is an existing equipped children's play area.

#### **Main Issues**

As the principle of residential development and its access has been approved the main issues are considered to be appearance, landscaping, layout and scale. With particular regard to design, affordable housing provision, housing mix and proposed and existing living conditions. Also further matters raised by third parties regarding drainage and internal highway access shall be addressed.

#### **Planning History and Principle of Development already approved**

The outline planning application reference 053656, was refused on 21<sup>st</sup> January 2016 by the Planning Committee on the basis that there was no capacity in the foul drainage network and the uncertainty this gave to the deliverability of the site. Following the refusal a Hydraulic Modelling Assessment was completed through Dwr Cymru Welsh Water which identified three options to resolve any potential detriment to the network.

The applicant appealed against the decision of the Council to refuse the application and it was considered that with the water resource issue now overcome, and in the absence of a five year housing land supply, that the proposal was acceptable and the Inspector therefore allowed the appeal and granted planning permission subject to conditions.

Concerns have been raised by local residents, the community council

and local members regarding matters of principle with particular regard to the cohesiveness of the community, the sustainability of residential development in this location and the general principles surrounding further residential development in this settlement. These matters of principle were considered by the Inspector during the appeal process. The outline consent establishes the principle of development as acceptable on this site and any subsequent changes in legislation or regulation cannot be retrospectively applied to the outline consent. This application deals with matters of detail in relation to the outline consent. It is not considered that matters of principle should be considered at this stage and therefore very little weight can be attributed to the cohesiveness of the community or the general principles of further residential development in Penyffordd.

**Matters for Consideration;**  
**Appearance**

The proposed dwellings are brick faced with slate grey roof tiles. This is appropriate and in keeping for the area and immediate surroundings and reflects the local vernacular.

Concerns have been raised over three storey nature of some of the proposed dwellings. It is the case that some of the house types have rooms in their roof space, however ridge heights are not excessively tall. The tallest dwelling, House type B, which has an integral garage, is 10 metres to the ridge height. House types E and F have a maximum height of approximately 9 metres. The remaining house types have a ridge height of a little over 8 metres. Eaves heights are consistent throughout the development. These heights are comparable to the variable ridge heights of nearby dwellings. A condition requiring the approval of finished floor levels will be imposed to ensure that plots on the site are not overly dominant or adversely impact upon the privacy of neighbouring properties.

The community have produced a 'Penyffordd Place Plan' (PPP) which contains the strategic aims and objectives for the development of the village as a whole as well as general design principles to be considered when assessing new development in the settlement. This place plan has is not an adopted Planning Policy and therefore the Council are reliant on design policies within the adopted UDP.

It is considered the house designs and the overall appearance of the proposal to be appropriate as it creates positive and attractive building alignment and frontages and adequate provision has been made for space around buildings with appropriate use of materials.

**Landscaping**

The site is currently an area of scrub and grassland. There is a large tree in the centre of the site although most trees on the site are on its

periphery within the site boundary hedging. The proposal includes the loss of the tree in the centre of the site, as it is located in the middle of the proposed spine road, as well as another on the site frontage which interferes with one of the housing plots.

The majority of existing hedging on the site boundary is to be retained. Landscaping details submitted include the retention of the majority of boundary hedgerows, in accordance with the Inspectors decision which noted the importance of these features both from an ecological point of view as well as for the landscaping and screening that they provide.

It is considered that the proposed landscaping is appropriate for the scheme. It maintains the integrity of the existing hedges and protects existing trees where possible in accordance with adopted policy.

### **Layout and Scale of Development**

The development proposed a mix of 2, 3 and 4 bedroom properties within the development. The layout mixes these properties throughout the scheme to create a varied and attractive layout.

The dwellings have sufficient distance as required by SPGN 2 – Space Around Dwellings’ between them and neighbouring properties on Ffordd Derwyn. Whilst some concerns have been raised with regards to a loss of privacy and overshadowing impacts upon existing residential living conditions I do not consider that the proposal will give rise to any such negative impacts given the distances that can be achieved and the available landscaping on the site boundaries and the landscaping conditioned, and I consider the proposed layout to be acceptable.

The number of dwellings was considered at outline stage and this reserved matters application has been applied for within the parameters of that in principle decision. With regard to density this proposal provides 40 dwellings on a site of 1.57 hectares, which represents a density of approximately 25 dwellings per hectare, although a proportion of the site is taken up with the public open space.

It is considered the scale and density of the development to be appropriate, and to represent an efficient use of land in accordance with the relevant policies.

### **Affordable Housing**

The unilateral undertaking (UU) attached to the outline planning permission required an affordable housing scheme to be submitted with the reserved matters application. In the schedule attached to the UU several options for the scheme were outlined. These options were:

Option 1. 30% of the dwellings to be shared equity units to be sold at

70% of the open market value with the Council holding a second charge.

66% of the shared equity units shall be 3 bedroom Dwellings and 34% of the shared equity units shall be 2 bedroom Dwellings

Option 2. The provision of a number of 3 bedroom homes to be gifted to North East Wales Homes Limited for intermediate retail. The number of homes to be agreed with the Council.

Or Option 3 any other scheme for delivering affordable homes that complies with planning policy and is agreed in writing between the Owner and the Council.

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. As of March 2019 there is the following level of need for affordable housing (i.e affordable ownership and rent) in Penyffordd:

	Affordable Rent	Affordable Ownership
2bed	4	6
3bed	7	9

In negotiations between Housing strategy, the applicants and the Local Members the proposal provides for 12 affordable homes, split between 6 Affordable rent 2 and 3 bed dwellings, and 6 Shared equity homes, which are again both 2 and 3 bedroom dwellings. This equates to a 30% provision within the site. The developer has already engaged with a Housing Association to deliver the affordable rented units. I consider that this complies with the third option within the Unilateral Undertaking as well as the applicable planning policy. Housing Strategy are supporting the application.

In order to ensure that the affordable housing provides is retained as such in perpetuity it is recommended that the reserved matters permission is dependant on the applicant entering into an additional Section 106 agreement or unilateral undertaking, as set out in paragraph 2.01.

### **Access**

Concerns have been raised regarding the adequacy of the access.

Access was a matter which was approved as part of the outline planning permission. As such the principle of the access to Rhos road has already been established.

Parking concerns have been raised by a third party. It is considered that the proposed layout provides an appropriate level of car parking

clear of the highway for the size of development in both garages and private driveways.

Pre-commencement conditions were imposed upon the Outline permission regarding various highways issues, including the submission of a construction management plan. It is a requirement of the development that these conditions are discharged prior to the commencement of development.

### **Other matters**

The outline permission dealt with issues such as public open space and education contributions. Both of these items were covered in the unilateral undertaking.

There is an existing play area to the rear of the adjacent site and this is to be extended by the current proposal. As such the site opens up at its northern end to allow the new area to be integrated into the existing facility. This also assists in creating permeability between the sites. I consider this to be acceptable and in accordance with the relevant planning policies regarding public open space provision.

With regards to drainage issues on the site. Whilst Welsh Water have raised no objection in principle to the application for the approval of reserved matters there is still a requirement to discharge outstanding conditions on the outline consent with regards to the foul and surface water drainage solutions for the site.

Given the location of the site on the edge of the settlement bounded by a busy road it has been identified that a 2.2metre high acoustic fence is required on the site boundary to mitigate against noise impacts, for the amenity of the residents of the development. Details of the fence are to be agreed and thereafter implemented prior to the occupation of the dwellings.

Issues of ecology were also dealt with at outline stage. These were all matters that the Planning Inspector dealt with by the imposition of conditions that are required to be discharged prior to the commencement of development. As a two part permission these conditions are still applicable and require formal discharge following the approval of the reserved matters.

Concerns regarding Great Crested Newts (GCN) were raised by a member of the public. The nearest GCN records are to the west of the railway line approximately 500metres from the site. Given the potential impact of the development to this European protected species it has been recommended that vegetation clearance and groundworks undertaken follow standard GCN reasonable avoidance measures (Reasonable avoidance measures) and should GCNs be found on site then an appropriate license obtained from Natural Resources Wales.

## **8.00 CONCLUSION**

It is considered that the reserved matters under consideration are acceptable and consistent with the previously approved Outline planning permission. Pre-commencement conditions previously imposed on the Outline permission will allow for the few remaining technical details to be satisfactorily met prior to development commencing. The proposed development is in accordance with the Flintshire Unitary Development Plan policies and as such I recommend accordingly.

### **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

**Contact Officer:** James Beattie  
**Telephone:** (01352) 703262  
**Email:** james.beattie@flintshire.gov.uk