

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **30th September 2020**

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

SUBJECT: **FULL APPLICATION – PROPOSED
RESIDENTIAL DEVELOPMENT AT FACTORY 2,
PONTYBODKIN HILL, LEESWOOD.**

**APPLICATION
NUMBER:** **058946**

APPLICANT: **FOXBURY DEVELOPMENTS**

SITE: **FACTORY 2, PONTYBODKIN HILL, LEESWOOD**

**APPLICATION
VALID DATE:** **10TH SEPTEMBER 2018**

LOCAL MEMBERS: **COUNCILLOR R. HUGHES**

**TOWN/COMMUNITY
COUNCIL:** **LEESWOOD COMMUNITY COUNCIL**

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application proposes the erection of residential development comprising a total of 24 No. dwellings on the site of the former Laura Ashley Factory, Pontybodkin Hill, Leeswood. Amended plans have been received in progression of the application, on which further consultation has been undertaken.
- 1.02 For Members information the site is allocated for residential development in the Flintshire Unitary Development Plan by virtue of Policy HSG1 (30). It had also had the benefit of outline planning permission which has been renewed on a number of occasions between 2003 – 2015 as referenced in paragraph 5 of this report.

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 to:-

- a) Ensure the payment of an off site leisure contribution of £1,100 per dwelling (total £26,400) the monies being used to enhance provision at Ffordd Siarl, Leeswood.
- b) Ensure the payment of secondary school educational contribution of £92,345 towards the enhancement of school facilities at Castell Alun High School

Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Materials to be submitted and approved.
4. Foul drainage scheme to be submitted and approved.
5. Existing and Finished Floor Levels to be submitted and approved
6. Landscaping scheme to be submitted and approved
7. Land contamination report to be submitted with appropriate mitigation where required
8. Site access to be in accord with submitted details
9. Works associated with site access to be kerbed and completed to base course layer up to internal tangent point prior to commencement of other site works
10. Maximum gradient of site access shall not exceed 1:12
11. Access to have a visibility splay of 2.4m x 43m in both directions.
12. Facilities to be provided and retained for the parking /turning of vehicles
13. Construction details of internal estate road to be submitted and approved
14. Construction Management Plan to be submitted and approved.
15. Travel Plan / Transport Implementation Strategy (TIS) to be submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member

Councillor R. Hughes

No response at time of preparing report.

Leeswood Community Council

No response received at time of preparing the report.

Natural Resources Wales

Do not consider that the proposal affects any protected interests.
Raise no objections.

AURA

Request the payment of £1,100 per dwelling in lieu of on-site recreational provision. The monies would be used to enhance provision at Ffordd Siarl, Leeswood.

Highway Development Control

Following confirmation of the proposed site levels and access gradient – raise no objection subject to the imposition of conditions in respect of access, visibility, construction detail and submission of a Construction Management Plan, Travel Plan and Transport Implementation Strategy (TIS)

Capital Projects & Planning

Schools Affected

Primary School: Ysgol Derwenfa, Leeswood

Current Number on Roll @ 118 (excluding Nursery)

Capacity 159 (excluding Nursery)

No. Surplus Places: 41

Percentage of Surplus Places: 25.77%.

Secondary School: Castell Alun High School

Current Number of Roll is 1,351.

Capacity: 1,240

No. of Surplus Places is: 111

Percentage of Surplus Places is: 8.95%.

Primary School Pupils

School Capacity $159 \times 5\% = 7.95$ (8).

$159 - 8 = 151$ – Trigger point for contributions is 151 pupils (No. of units) 26×0.24 (primary formula multiplier) – 6.24 (6) No of Pupils.

Actual pupils 118×6 (from the multiplier) = 124 does not meet the trigger of 151.

Contribution requirement would be 0.

Secondary School Pupils

School Capacity of $1,240 \times 5\% = 62$ (rounded up or down) 62

Capacity $1,240 - 62 = 1,178$ (Trigger point for contributions is 1,178 pupils).

(No. of Units) 26×0.174 (secondary formula multiplier) = 4.52 (5 No. pupils).

Generated $\times \text{£}18,469$ per pupil (Building Cost Multiplier) = $\text{£}92,345$.

Actual pupils $1,351 \times 5 = 1,356$ does meet trigger of 1,178.

Contribution requirement would be $\text{£}92,345$.

Community and Business Protection

Given the sites historic usage, request the submission of a Land Contamination Assessment with appropriate mitigation where required.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

1 No letter received which considers that the amended plans which propose introducing bungalows on the site adjacent to existing residential development will offer an improvement to the living conditions of existing occupiers from that initially submitted

1 No letter received which objects to the development given limited parking provision on Pontybodkin Hill and as proposed as part of the development.

5.00 SITE HISTORY

5.01 035532

Demolition of factory unit and change of use for residential development – Permitted 31st July 2003.

041446

Renewal of outline planning permission ref. 035552 to allow demolition of redundant factory unit and change of use of site for residential development – Permitted 2nd August 2006.

046361

Renewal of outline planning permission ref. 041446 to allow residential development – Permitted 26th September 2011.

052599

Renewal of outline permission 046362 to allow residential development – Permitted 3rd March 2015.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy AC13 – Access & Traffic Impact.

Policy AC18 0- Parking Provision & New Development

Policy HSG1 (30) – New Housing Development Proposals.
Policy EWP14 – Derelict & Contaminated Land.
Policy IMP1 – Planning Conditions & Planning Obligations.

Additional Guidance

Planning Policy Wales (PPW) – Edition 10.

Supplementary Planning Guidance Note 2 – Space Around Dwellings

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes the erection of a total of 24 No. dwellings on the site of the former (now demolished) Laura Ashley Factory, Pontybodkin Hill, Leeswood.

7.02 The site which amounts to approximately 0.57 hectares in area forms part of a larger allocation of 1 hectare for residential development in the Flintshire Unitary Development Plan by virtue of Policy HSG1 (30). The remainder of the allocation is however currently occupied by a vacant industrial unit, previously occupied by “Nu Image Packaging”

7.03 Site Description

As indicated above, the site the subject of this application amounts to approximately 0.57 hectare in area and is located on the western side of Pontybodkin Hill, Leeswood.

7.04 The site is located to the rear of existing bungalow ‘Anhegraig’ and 2 storey dwelling ‘Eyton Cottage’ adjacent to the site’s eastern boundary. It is also to the north of a former industrial unit ‘Nu Image Packaging’. Vehicular access to serve the development is proposed from an existing spine road off Pontybodkin Hill, which initially served both Laura Ashley and Nu Image Packaging.

Proposed Development

7.05 The amended plans submitted as part of this application propose :

- a) the erection of 7 No pairs of 2 storey semi –detached dwellings
- b) the erection of 2 No terraces each comprising 4 No dwelling units with under croft parking
- c) the erection of a pair of semi-detached bungalows adjacent to an existing bungalow Anhegraig

It is proposed that the dwellings be constructed having facing brick /render external walls and concrete tile roofs, the dwellings being contemporary in their design.

7.06 It is considered that the main issues to be taken into account in assessment of this application include:-

- a) Principle of development
- b) Character and appearance
- c) Adequacy of Access.
- d) Living conditions
- e) Commuted Sum Payments
- f) Affordable Housing

7.07 Principle of Development

For Members information, the site is located within the settlement boundary of Leeswood, and forms part of a larger housing allocation of 1 hectare by virtue of Policy HSG1 (30) which also includes that part of the site currently occupied by the former industrial unit 'Nu Image Packaging'.

7.08 The site has also had the benefit of outline planning permission for residential development, this being renewal on a number of occasions between 2003 – 2015 and has remained undeveloped to date, due to economic circumstances. The principle of development on the site is therefore well established subject to the safeguarding of relevant development management considerations.

7.09 Character and Appearance

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. In this respect the 24 No. units on approximately 0.57 hectares would result in a density of 44 dwellings per hectare.

7.10 Whilst this is set at a higher level than that referenced in Policy HSG8, it is considered that this can be satisfactorily accommodated on the site having regard to the mix of house types proposed, its former employment related usage and in the context of the site and its surroundings.

7.11 In taking into account the site topography and relationship to existing development, amended plans have been received which propose a mix of bungalows, two storey dwellings and a number of 3 storey units on the site frontage which incorporate undercroft garaging. It is considered that these units would maintain the character of the site and surroundings

7.12 Adequacy of Access

Consultation on the application has been undertaken with the Highway Development Control Manager who in progression of the application, has subsequently secured confirmation that the

associated levels and site gradients are feasible to serve the development from both a practical and safety perspective.

The objection received in respect of the inadequacies of parking on Pontybodkin Hill is noted however the proposed development provides sufficient parking in accordance with the council's parking guidelines.

7.13 Living Conditions

For Members information, it is important to note that the site has a plot depth of approximately 45m. As a result it is difficult to make the most efficient use of this allocated site and maximise the density of development, without a marginal reduction in the separation distances and associated garden depths. Therefore a number of the proposed plots within the layout have slightly less than the standard set out in the Supplementary Planning Guidance Note 2 – Space Around Dwellings. (SPGN2).

- 7.14 Within the site layout, this results in the separation distances between plots 1-10 & 11- 22 being approximately 18m, a reduction from the 22m specified in SPGN2. In addition the garden areas associated with plots 5 -9 would at approximately 33m² in area be less than the 50m² specified for a 2 bed unit as referenced in this guidance. It is however considered that the site layout remains well balanced given the constraints identified, and the reductions would be an acceptable balance to facilitate and bring forward development of this allocated site at an acceptable density with a mix of different house types.

7.15 Affordable Housing

The originally proposed development was in excess of 25 dwellings and would have triggered a requirement to provide affordable housing. However, that proposal was unacceptable as it included an apartment block adjacent to an existing bungalow and significantly reduced living conditions for future occupiers.

- 7.16 Negotiations have taken place to reduce the volume of residential units and introduce two bungalows. This has maximised the efficient use of land whilst achieving acceptable living standards. However, as the number of units has fallen below 25 and the site area is less than 1 hectare and affordable housing provision will not be required.

7.17 Commuted Sum Payments

As there would be no on-site recreational provision within the application site, this requires the payment of on-site leisure commuted sum payment of £1,100 per dwelling. The total of £26,400 would be used to enhance facilities at Ffordd Siarl, Leeswood. It has been confirmed that the pooled contribution thresholds have not been exceeded in this respect.

- 7.18 Given that there is adequate school capacity at Ysgol Derwenfa, Leeswood, it is not intended to seek a contribution in this respect. There is however a requirement for a Secondary School Contribution for Castell Alun High School for £92,345.
- 7.19 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.
- 7.20 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
- 7.21 I am advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into regarding Ffordd Siarl therefore I am satisfied that on application of the tests set out above that the contribution to open space provision would satisfy these requirements.

With regard to Castell Alun Secondary School more than 5 contributions have already been made to specifically increase capacity. These contributions are largely associated with the new teaching block. I am satisfied that education services have identified a new and distinct infrastructure project, an additional new toilet block which when applying the tests set out above I am satisfied do not breach the CIL regulations the Council can require the payment of £92,345 towards the create of new toilets at Castell Alun High School.

8.00 CONCLUSION

- 8.01 In conclusion, the principle of development on this allocated housing site is not disputed given its allocation for residential development in the Unitary Development Plan and the site's background of outline planning permissions. The scheme has been amended during its progression, to seek to balance the need to seek an appropriate

density of development on the site whilst maintaining satisfactory living conditions and a development which is sympathetic to the character of the site and its surroundings. It is my view that this has been satisfactorily achieved with the amendments secured and can be supported subject the commuted sum payment for open space and conditions referenced in paragraph 2.00 of this report.

Other Considerations

- 8.02 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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