

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **CONSTRUCTION OF 14NO. 3 – BEDROOM DETACHED HOUSES AND ASSOCIATED WORKS AT WEST OF 19 & 20 MANOR DRIVE, BUCKLEY**

APPLICATION NUMBER: **056524**

APPLICANT: **EDWARDS HOMES LTD**

SITE: **LAND WEST OF 19 & 20 MANOR DRIVE, BUCKLEY**

APPLICATION VALID DATE: **2ND FEBRUARY 2017**

LOCAL MEMBERS: **COUNCILLOR R. JONES**
COUNCILLOR A, WOOLLEY

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

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER IN ORDER FOR COMMITTEE TO DISCUSS ISSUES IN RESPECT OF DRAINAGE, ACCESS AND IMPACTS OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the redevelopment of this site for the purposes of the development of 14No. dwellings. The proposals include the creation of a new point of vehicular access.
- 1.02 The application has been submitting following the mandatory Pre-Application Consultation Process having been undertaken. The application is accompanied by a report detailing this process, the feedback received and how this has been addressed through the proposals or, if not addressed, provides the details for this.

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

2.01 That conditional permission be granted, subject to the applicant entering either into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment which provides for the following;

1. Ensure the payment of a commuted sum equivalent to £1100 per dwelling (total £15,400) in lieu of on site play and recreation provisions. Such sum to be paid to be used as a contribution towards to enhance the provision of toddler play facilities at Lyme Grove Children's Play Area, off Jubilee Road, Buckley. Such sum to be paid upon occupation of 50% of the approved dwellings.

Conditions

1. 5 year time limit
2. In accord with approved plans
3. No development until drainage scheme submitted and agreed prior to commencement
4. Removal or permitted development rights.
5. Boundary treatments implemented before occupation of dwellings.
6. Hedgerow protection measures to be submitted and agreed.
7. Ecological watching brief during site clearance. No clearance during nesting bird season. If no site clearance within 12 months of permission, site to be re-surveyed for badgers.
8. Notwithstanding submitted boundary treatments, scheme for inclusion of hedgehog access to be submitted and agreed before erection of boundaries.
9. Scheme for control and disposal on Cotoneaster.
10. Scheme for provision of 10No.house sparrow nesting boxes within the dwellings hereby approved.
11. Access not to be formed until full details of access and highway design submitted and agreed. Formation to base course level and with kerbed entrance radii before any other site works.
12. Visibility splays of 2.4m x 43m. No obstructions above 1 m in height and kept free during construction works.
13. No development until Construction Traffic Management Plan submitted & agreed

If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Members

Councillor R. Jones

No response at time of writing.

Councillor A. Woolley

Requests committee determination. Cites issues in respect of drainage, access concerns, impacts upon amenity and wider impacts of development.

Buckley Town Council

Endorses the comments of Town Councillor C. Preece.

Note: These comments are provided in summary form in Section 4.01 of this report.

Highways DC

No objection. Requests the imposition of conditions.

Pollution Control

No adverse comments.

Education - Capital Projects and Planning Unit (CPPU)

Advises that sufficient capacity exists in both the local primary school (Westwood C.P School) and local secondary school (Elfed High School). Therefore no contribution is sought.

Public Open Spaces Manager

Advises that an on site play facility would not be required. Advises that a commuted sum of £1100 per dwelling should be sought to contribute to the provision of recreational facilities within the locality.

Dwr Cymru/Welsh Water

No adverse comments. Requests the imposition of conditions.

Natural Resources Wales

No objection. The site is within a Zone A and therefore at little or no risk in terms of flood.

Coal Authority

No objection. Standing Advice applies.

Airbus

No adverse comments. Proposals will not conflict with aerodrome safeguarding criteria.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site, notice and neighbour notification letters. At the time of writing this report, 33No. letters have been received in response raising objections on the following grounds;

- Increased traffic will adversely affect highway safety;
- Adverse impacts upon the character of Buckley;
- Existing highway infrastructure is inadequate to accommodate more traffic;
- Adverse impacts upon residential amenity arising from development noise;
- Adverse impacts upon pedestrian safety;
- Adverse impacts upon ecological features in the locality;
- Inadequate education infrastructure to accommodate proposals;
- Inadequate local healthcare infrastructure to accommodate proposals;
- Inadequate drainage infrastructure to accommodate proposals;
- Inadequate local service infrastructure to accommodate proposals;
- Proposals for development do not accord with the Buckley Masterplan; and
- Overdevelopment of the settlement.

5.00 SITE HISTORY

5.01 **037154**

Erection of 2 No. health centres.
Permitted 6.12.2004

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 and Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy D5 - Crime prevention

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

Policy HSG3 - Housing on unallocated sites inside settlements

Policy HSG8 - Density of Development
Policy SR5 - Outdoor playing space & new residential dev't.

Planning Policy Wales
TAN12 – Design
Local Planning Guidance Notes
LPGN11 - Parking standards

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises a 0.4 hectare area of previously developed land within the settlement boundary of Buckley. The site is flat and is situated within an area which has combined character formed by the residential areas to the east and south of the site and the commercial uses associated with the town centre to the west and north.

7.02 The site has no formal boundary to the adjacent vacant land to the north and west. The boundary to the south is formed by Jubilee Road. Eastern boundaries are formed by a mixture of boundary treatments and vegetation forming the boundaries to dwellings upon Manor Drive.

7.03 The Proposed Development

The proposals provide for the redevelopment of this vacant site via the erection of 14No. 3 bedroom, 2 storey dwellings. The scheme also proposes the creation of a new point of vehicular access to the site from the adjacent Jubilee Road.

7.04 The Main Issues

The main issues for consideration in the determination of this application are;

- the principle of the development in planning policy terms,
- design considerations;
- the impact upon adjacent residential amenity;
- highway impact;
- drainage considerations; and
- education and recreation provision.

7.05 Principle of Development

Within the UDP, Buckley is classified as a Category A settlement where most housing growth is expected to occur. The site is sustainably located with access to bus services, the nearby town centre, together with other local services and infrastructure.

7.06 Concerns have been raised in response to consultation in respect of the fact that this site was allocated within the UDP for a community facility (health centre). However, this facility has been developed elsewhere in the settlement so this allocation is no longer required.

Accordingly I consider it appropriate to view the site as vacant land within the settlement boundary.

7.07 I am also mindful of a number of studies undertaken within Buckley which have considered this land in the context of its relationship to the nearby town centre. The Buckley Masterplan identified the site as being suitable for housing. The Buckley Investment Strategy also advocates a mixed use for the land assemblage to the east of Precinct Way (within which this site is located) for a mixed use of retail and residential. However, the Strategy recommends higher levels of residential development than considered in the Buckley Masterplan. Given that this site is the most easterly of the parcels of land within this area, and therefore the most distant from the town centre, I do not consider the development of this site for residential purposes would be harmful to the aims of the Strategy.

7.08 Accordingly, the principle of the development of this site is established via the policy presumption in favour of development of this type in this location.

Design

7.09 The design of the scheme has been influenced by the character and appearance of nearby residential development within the surroundings of the site. Notwithstanding that the scheme seeks to create a cul-de-sac with a central access way into the site, the scheme seeks to engage with the street frontage. The Wexford house type upon Plot 14 presents a frontage to Jubilee Road with its principal elevation fronting the street. In addition, the edge of the public and private realm is demarcated with a 1m brick wall topped with wrought iron railings.

7.10 The application is accompanied by a design statement setting out the rationale behind the current design, the content of which I concur with. The site is developed at an appropriate density, at 35 dwellings per hectare. This is reflective of both national and local planning guidance which seeks to make the best and most sustainable use of land.

7.11 A palette of materials has been suggested for the external finishes of the scheme to enhance the visual impact of the buildings and to complement the character of the area. These include details such as the use of a white render in combination with a main red coloured facing brick and concrete roofing tiles in a mixture of grey or red, with contrasting ridge tiles. The scheme also provides full details of the materials to be used in the formulation of the landscape within which the dwellings sit.

7.12 The proposed scheme would redevelop a vacant site within the centre of Buckley and would not be out of character with the site and its surroundings and is of a design, utilising good quality materials which would enhance the overall appearance of the area.

Impacts upon Residential Amenity

7.13 The scheme provides for dwellings with adequate separation distances not only to those dwellings abutting the site from Manor Drive, but also those facing the site frontage across Jubilee Road. There is also adequate separation provided between the proposed dwellings themselves. The proposed dwellings achieve 11 metres of garden depth and all provide an area of private amenity space in accordance with LPGN 2 – Space around Dwellings. I am therefore satisfied that future occupiers of these units will have an adequate degree of amenity space.

7.14 Taking account of the drainage easements and in order to ensure that the amenity distances are not compromised in the future, I propose to remove rights to alter roofs and make extensions to the dwellings, thereby placing such alterations within the control of the Local Planning Authority in the interests of the safeguarding of future amenity.

Highway Impacts

7.15 The proposals provide for a new point of access to the site to be created. This provides access to an adoptable turning head, with pedestrian footways to both sides of the new road. Whilst car parking spaces are provided at a level in accordance with Policy AC18, it is noted that the location of the site close to the town centre places future residents in close proximity to education, employment and retail facilities, with easy access to public transport facilities. Accordingly, the scheme does not present an over reliance upon the car as a mode of transport.

7.16 The scheme has also taken account of a public desire line which was evident crossing the site from Manor Drive to the east, westward towards the town centre. This route is formalised via footways from the eastern and western site edges, across the highway footway to the northern edge of the estate road. It must be noted however, that this route is not a Public Right of Way.

7.17 The proposals have been the subject of consideration by the Highway Authority who do not raise any objection to the proposals, subject to the conditions. I have considered the range of conditions suggested and have summarise and condensed these requirements within the conditions suggested in Paragraph 2.01 of this report.

Drainage

7.18 The site lies entirely within Zone A as defined within Welsh Governments Development Advice Map. Accordingly, the site is not considered to be at risk from flooding. The application details indicate that foul flows from the site will discharge into the public sewer system. Surface water created from the newly created road is also proposed to discharge into the public system.

- 7.19 The application details suggest that surface water from the impermeable surfaces within the plots themselves (roofs, paths etc) will be disposed of via soakaways. However, experience with this surface water disposal method in Buckley, given the preponderance of clay within the underlying geology raises concerns as to the viability of this as a solution to the disposal of surface water.
- 7.20 The proposals have been the subject of consultation with Dwr Cymru/Welsh Water (DCWW), NRW and the Lead Local Flood Authority (LLFA).
- 7.21 No objection to the drainage proposals are raised by NRW. DCWW raise no objection and acknowledge that both foul and surface water flows are permitted to communicate with the public sewer system. The conditions requested specify the points of connection and require the submission and agreement of the detailed drainage scheme. LLFA have not responded at the time of writing this report.
- 7.22 I have considered the conditions requested by DCWW. The conditions specifying the proposed point of connection seek to replicate the safeguards which exist or are provided via other regulatory functions and legislation, namely S.106 of the Water Industry Act 1991 and Building Regulations. Taking account of the guidance in Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management, in respect of the duplication of other legislative powers, I conclude these conditions are neither reasonable, relevant or necessary and therefore I do not propose to impose them. However, in view of the geological constraints which exist in respect of surface water disposal methods, I consider the request for the final drainage scheme to be submitted and agreed to be reasonably related to the propose development and therefore I propose to add such a condition.
- 7.23 Infrastructure Implications - Education and Recreation
Notwithstanding responses to public consultation raising a perception of a lack of capacity within the existing educational infrastructure to accommodate the pupils arising from the proposed development of a further 14 dwellings, Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority.
- 7.24 The capacity at the nearest primary school (Westwood C. P School) stands at 273. There are presently 196 pupils attending the school. Accordingly the school has 28.21% surplus of spaces for additional pupils. The proposals would give rise to an additional 3 pupils. This would not erode capacity below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, no contribution is sought for primary educational purposes as a consequence of this development.

- 7.25 The capacity at the nearest secondary school (Elfed High School) stands at 1037. There are presently 620 pupils attending the school. Accordingly the school has 40.21% surplus of spaces for additional pupils. The proposals would give rise to an additional 2 pupils. This would not erode capacity below the 5% margin which is sought to be protected as set out in SPG23 guidance. Accordingly, no contribution is sought for secondary educational purposes as a consequence of this development.
- 7.26 Consultations with the Public Open Spaces Manager has revealed that rather than formal provision within the site for play, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community.
- 7.27 The consultation has established that the sum requested should be used in connection with a project to enhance the provision of toddler play facilities at Lyme Grove Children's Play Area, off Jubilee Road, Buckley.
- 7.28 Accordingly and in line with LGPN 13: Open Space Requirements, I recommend that a contribution equivalent to £1100 per dwelling (total of £15,400) is sought via a S.106 agreement to satisfy this requirement. Such sum to be paid upon occupation of 50% of the approved dwellings. In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.
- 7.29 Other Matters
Badgers
Consultations responses raised queries in respect of the use of the site by badgers. The application was accompanied by a Phase 1 Habitat Survey which identified that there was no evidence of badger activity upon the site. These findings were confirmed following a detailed site visit by the Council Ecologist.
- 7.30 **Rats**
In addition, much comment was made in relation for the site to be the source of rats in the vicinity. This issue has been investigated outside of the application process by colleagues within the Environmental Health Pest Control department. These investigations have established that such comment is unfounded and no evidence of rats nests upon the site has been found.
- 7.31 **Health Infrastructure**
Objections have also been advanced in respect of the perceived impact upon existing local health care facilities. Members will be aware that responsibility for planning services to meet the needs of the community in this regard rests with the Local Health Board.

However, I would remind Members that a new healthcare building, providing doctors, dental and local health board services has been constructed upon land at Middle Common.

8.00 CONCLUSION

8.01 I consider that the proposal is acceptable in both principle and detail and the development proposed would be acceptable at this location meeting the Council's requirements. I therefore recommend approval accordingly subject to the conditions and prior completion of the Section 106 obligations referred to at paragraph 2 of this report.

8.02 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.

8.03 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.

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

8.05 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: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk