

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH JUNE 2017**

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

SUBJECT: **APPEAL BY ELAN HOMES LTD AGAINST THE
DECISION OF FLINTSHIRE COUNTY COUNCIL TO
REFUSE PLANNING PERMISSION FOR THE
ERECTION OF 24 NO. DWELLINGS WITH
ASSOCIATED GARAGES, PARKING, GARDEN
AREAS AND OPEN SPACES WITH DEMOLITION
OF EXISTING SERVICE STATION AND
OUTBUILDINGS AT ARGOED SERVICE STATION,
MAIN ROAD, NEW BRIGHTON – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 055310

2.00 APPLICANT

2.01 Elan Homes Ltd

3.00 SITE

3.01 Land at former Argoed Service Station,
New Brighton,
Flintshire,
CH7 6QQ

4.00 APPLICATION VALID DATE

4.01 20th April 2016.

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal to grant planning permission for the erection of 24No. dwellings and associated works on land at the former Argoed Service Station, New Brighton by the Local Planning Authority.

5.02 The decision to refuse planning permission was made by Members

at the Planning and Development Control Committee held on 12th October 2016.

- 5.03 The appointed Planning Inspector was Mr. C. Sproule.
- 5.04 The appeal was determined following an exchange of written representations and was **ALLOWED**.

6.00 REPORT

6.01 The Main Issues

The Inspector noted that the application had been refused for 3 reasons. He therefore identified the 3 main issues for consideration to be:

1. Whether the proposals made sufficient provision for affordable housing;
2. Whether the proposal provided a form of development which represented the most efficient use of development land; and Whether an appropriate mix of dwelling size and type was provided to create a mixed and socially inclusive community.

6.02 Affordable Housing

The Inspector had regard to Policy HSG10 of the Flintshire Unitary Development Plan and noted the wording of the policy where it specifically refers to 30% affordable housing being sought upon suitable appropriate proposed development sites 'where there is a demonstrable need'. He noted specifically that both policies HSG9 and HSG10 are consistent in identifying sites of 1 hectare or 25 dwellings as being those suitable sites upon which to apply the policy requirements.

- 6.03 The Inspector considered the views of Members in respect of the site being presented at an area below these thresholds as a deliberate attempt to circumvent the policy requirements. However, he concluded that he was satisfied that evidence had been provided by the applicant and was reflected within the committee report to address this matter.

- 6.04 He also noted Members references to the guidance set out in SPG *Development Brief – Housing land off Ffordd Eldon, Sychdyn*, and the advice contained therein in respect of a pro-rata requirement for affordable housing. He considered that, as this approach did not reflect that which was set out within the policy, and the SPG itself did not relate to the appeal site in question, he afforded this view very limited weight in his determination.

- 6.05 He considered that the suggested provision of a commuted sum to be provided in connection with the appeal proposals, with such monies being used for off-site affordable housing provisions, would

not accord with the adopted Development Plan policies and therefore such an obligation was not necessary.

6.06 He concluded therefore that the proposal was compliant with the requirements of Policy HSG10 and the relevant parts of Planning Policy Wales.

6.07 Efficient Use of Development Land

The Inspector notes the wording of Policy HEG8 and the supporting text which indicated that whilst a general minimum density of 30d.p.h was expected from allocated sites, circumstances would vary according to site location and the character of the area.

6.08 He noted that the scheme was anticipated to yield between 25.30 d.p.h and 30.53 d.ph and further noted that the local applicable context comprised adjacent residential areas and undeveloped Green Barrier land to the west. He concluded that the densities of existing built form and the presence of the Green barrier were such that the proposed development would be appropriate in this location.

6.09 Accordingly he considered the proposals to be reflective of the surroundings and compliant with the requirements of Policy HSG8 and the relevant parts of Planning Policy Wales.

6.10 Mixed and Socially Inclusive Community

The Inspector noted the requirements of Policy HSG9 in respect of mix and size of dwellings. Whilst he acknowledged that a lack of 1 and 2 bedroomed units would restrict the offer, he also had regard to the range of dwellings on offer within the locality. He concluded that the lack of smaller dwellings within the appeal proposals would not result in a large area of similar character housing. Furthermore, given the scale of both the proposal and the settlement of New Brighton, he concluded that the scheme would result in a mixed, balance and socially inclusive community and therefore the proposals accorded with the requirements of Policy HSG9 and the relevant parts of Planning Policy Wales.

6.11 Other Matters

The considered matters in respect of land contamination, suggested conditions and the suggested need for a footpath link form the site to Public Footpath 45.

6.12 He concluded that matters in respect of contamination arising from the historical use of the former petrol filling station can be appropriately addressed via the imposition of an appropriately worded condition.

6.13 He rejected the suggestion to remove Permitted Development Rights from the proposed dwelling in the interests of safeguarding amenity, concluding that the exceptional circumstances required to

substantiate such a removal had not been demonstrated and therefore the imposition of such a condition would not satisfy the tests relating to the imposition of conditions.

6.14 He considered the suggestion that the scheme ought to have provided a footpath link to Public Footpath 45. Whilst he gave this limited weight against the proposals, he concluded that the site was in close proximity to nearby jobs, transport links, facilities and services and this weighed strongly in favour of the scheme.

6.15 Planning Obligation

The Inspector noted that contributions towards public open space and education were addressed via a unilateral undertaking submitted by the appellant with the appeal. The Inspector was content that the provisions of the undertaking were necessary and compliant with the requirements of The Community Infrastructure Levy Regulations 2010.

6.16 Conditions

The Inspector considered the suggested conditions set out within the appeal statement of case and the guidance in Welsh Government Circular 016/2014. A five year commencement condition was deemed appropriate upon this allocated site. Other conditions are imposed requiring agreement of materials; landscaping, boundary treatments; a tree protection plan; finished floor and site levels; site access details; vehicle parking and turning facilities; details of the estate road and its gradient; provision of access visibility splays; provision of parking facilities; and the submission of a construction traffic management plan.

7.00 CONCLUSION

7.01 For the reasons given above, the Inspector concluded that the appeal should be **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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