

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **2nd MARCH 2022**

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

SUBJECT: **RESERVED MATTERS- ERECTION OF 10 DWELLINGS AND ASSOCIATED ROADS, INFRASTRUCTURE AND PARKING INCLUDING DETAILS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE. , TOGETHER WITH AN APPLICATION TO DISCHARGE CONDITIONS 1, 3, 4, 5, 6, 7, 8, 10, 11, 13 AND 14 OF OUTLINE PLANNING PERMISSION REFERENCE 060811**

APPLICATION NUMBER: **063280**

APPLICANT: **JUBILEE HOMES (BUCKLEY) LIMITED**

SITE: **JUBILEE VILLAS, 80 MOLD ROAD, BUCKLEY**

APPLICATION VALID DATE: **19TH JULY 2021**

LOCAL MEMBERS: **COUNCILLOR CAROL ELLIS**

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO LOCAL CONCERNS**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a reserved matters application for the erection of 10 dwellings and associated roads, infrastructure and parking including details of access, appearance, landscaping, layout and scale. , together with an application to discharge conditions 1, 3, 4, 5, 6, 7, 8, 10, 11, 13 and 14 of Outline planning permission reference 060811 at Jubilee Villas, 80 Mold Road, Buckley, Flintshire.

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

2.01 That conditional planning permission be granted subject to the applicant enter into a Section 106 Agreement to provide the following:

- To establish a properly constituted body to take responsibility for the future management and upkeep of the private street

Conditions

1. In accordance with approved plans
2. Landscape Implementation
3. In accordance with recommendations in approved ecological report
4. Design of access to be submitted and agreed
5. Site access to be kerbed and completed to carriageway base course layer before other on site building operations
6. Visibility splay specifications
7. Visibility splays kept free of obstruction
8. Parking and turning facilities formed and retained on site
9. Detailed design of internal estate roads, traffic calming and signing, surface water drainage, street lighting to be submitted and agreed
10. Positive means to prevent surface water run off onto highway
11. Construction Traffic Management Plan

3.00 CONSULTATIONS

3.01 Local Member: Councillor C Ellis

Requests Committee and Site Visit

Has been contacted by residents near by the application who say they have been misrepresented by the applicant who has stated that they support the application, they do not support the Application and would like the report that goes to Committee to reflect that.

There are many concerns over, overlooking and loss of light.

Major concern raised over Highway Safety in relation to close proximity to Bistre Close and the Garage and also the entrance to Muirfield Road plus vehicle access to two other areas and the amount of Vehicles using the proposed entrance being much increased from the current amount. This will make eight access and egress points in about 200 Hundred Metres on a very busy Highway.

There is great concern locally on the Highway and also the effect on neighbouring properties during demolition of which there is no

mention as to how this will be dealt with. There is no mention of how existing properties will be screened from the new proposal. The plans show existing Bungalows on Linderick Road to be overlooked by new properties.

Buckley Town Council: Endorses comments from Councillor Ellis

Public Protection: I can confirm that I have no adverse comments to make regarding this proposal. No conditions proposed.

Highways (DC): The revised submission adequately addresses my previous concerns related to the junction kerb radii. I also understand that the developer proposes to retain the road under private control and does not propose to dedicate it for adoption. Sections 11.6 and 11.7 of Manual For Streets makes provision for this but suggests the inclusion of a S106 agreement to ensure that a properly constituted body is established to take responsibility for the street. The S106 agreement should also ensure that future residents will not apply for the road to be considered for adoption and in return the developer will avoid making payment under the Advance Payment code (Section 219(4)(e) of the Highways Act).

Clwyd Powys Archaeological Trust: Our involvement with this application was in relation to a Level 3 historic building survey, (Condition 14 in relation to application 060811). The Level 3 survey has been undertaken, but we require confirmation that both the report and copies of the high-resolution images have been sent to both the Clwyd-Powys Historic Environment Record (HER) and the royal Commission on the Ancient and Historical Monuments of Wales, for inclusion into the National Monuments Record (NMR).

Natural Resources Wales:

Provided advice regarding foul water drainage is followed and the LPA are able to conclude that the development is not likely to have a significant effect on the SAC, NRW have no objection to the proposal.

Ecology: The submitted Ecology report and recommendations are acceptable. There was no evidence of bat activity within the buildings and there is limited opportunities for nesting birds. Any work to trees or hedgerows need to avoid the bird nesting season as recommended within the report. Habitat enhancement through soft landscaping and provision of bird and bat boxes is proposed and has been incorporated into the landscape plan.

Dwr Cymru/Welsh Water: No objection

Airbus: Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU)

No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria.
Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information given.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

13 Letters of objection received

- Loss of historical buildings
- Lack of local infrastructure to accommodate new development
- Highways safety
- Parking issues
- Submission portrays misleading views of public opinion being in favour of proposal

1 Letter of Support received.

5.00 SITE HISTORY

5.01 060811- Outline all matters reserved for the redevelopment of the site for residential purposes- Approved 12/10/2020

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- GEN1- General Requirements for Development
- GEN2- Development Inside Settlement Boundaries
- D1- Design Quality, Location and Layout
- D2- Design
- D3- Landscaping
- WB1- Species Protection
- WB6- Enhancement of Nature Conservation Interests
- HE8- Recording of Historic Features
- AC13- Access and Traffic Impact
- AC18- Parking Provision and New Development
- HSG3- Housing n Unallocated Sits Within Settlement Boundaries
- EWP16 Water resources

Supplementary Planning Guidance

- SPGN2- Space Around Dwellings
- SPGN11- Parking Standards

National Planning Policies:

- Planning Policy Wales – Edition 11 (Feb.2021)
- Future Wales: The National Plan 2040 (FWP 2040)

It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation

7.00 PLANNING APPRAISAL

7.01 Site Description

7.02 The application site extends for an area of 0.3ha and lies to the west of the town centre of Buckley. The site is bounded on the western side by the former chapel (No.96 Mold Road) and Bistre Close residential road. To the north the site is bound and backs onto residential rear gardens of Linderick Avenue and to the east by a residential property, Ash Lyn. The application site is predominately flat, with a slight increase in gradient sloping towards the north. The site comprises a terrace block of 4 dwellings, together with large grassed areas with a block of garages to the rear, situated along the western boundary.

7.03 The site is accessed off Mold Road.

7.04 Proposed Development

7.05 The site benefits from Outline planning Permission with all matters reserved, which was granted under planning reference 060811, on 12 October 2020 for the demolition of an existing terrace of 4 dwellings to facilitate the redevelopment of the site and wider limit for residential purposes for up to 12 dwellings.

7.06 The current proposals seek to address all reserved matters, and the description of the proposed development is:

“Approval of Reserved Matters for 10 dwellings and associated roads, infrastructure and parking including details of access, appearance, landscaping, layout and scale. , together with an application to discharge conditions 1, 3, 4, 5, 6, 7, 8, 10, 11, 13 and 14 of application reference 060811.”

7.07 Information has been provided within this submission in accordance with conditions 1,3,4,5,6,7,8,10,11,13 and 14of the Outline permission in order to discharge these conditions as part of this planning submission.

7.08 The Main Issues

7.09 The principle of this development has been established by the outline consent. As such it is considered that the main issues to be considered on this application are the siting, design and layout of the proposal, the access and parking arrangements as well as technical considerations regarding drainage.

7.10 Siting, Design and impact upon neighbouring amenity

7.11 The principle of demolishing the terraced properties that originally stood on the site has already been considered as acceptable on the outline permission. The proposal represents a more efficient use of land in a location situated close to a town centre.

7.12 The proposal shows 10 dwellings, a mixture of both detached and semi-detached properties arranged in a linear fashion on the site with six dwellings arranged adjacent to the access road within the site and the four remaining dwellings located to the rear of the site. The development of 10 dwellings in this location on a site that measures 0.33 ha results in a density of development of 30 dwellings per hectare which is appropriate to the site location.

7.13 The dwellings are primarily brick properties, with rendered detail throughout the development. The designs of the dwellings and the choice of their materials are typical and appropriate for the vicinity.

7.14 Each dwelling has a rear garden area that, in every case, meets or exceeds the minimum area as stipulated within SPGN2- Space Around Dwellings.

7.15 Existing site levels and proposed floor levels have been provided in accordance with condition 3 of the Outline consent. These details demonstrate that floor levels across the proposal are consistent with the locality and do not result in an overbearing or uncharacteristic development, and this condition can be discharged.

7.16 Plots 1 and 2 are arranged at an oblique angle to allow for the angle of the access road as it enters the site and to ensure that each dwelling has adequate space between itself and its neighbour. Dwellings have been arranged on site so as not to unacceptably overlook and private areas either of other dwellings within the proposal, or existing neighbours. The siting of these dwellings at an angle to the main road is not without precedent in the locality, with a number of newer developments having dwellings side on to the main highway, or situated at an angle as with this development.

- 7.17 The four units to the rear of the site are arranged with the rear of the dwellings facing the rear of properties on Linderick Avenue. It has been demonstrated that the new dwellings have a separation distance in excess of the 22 metres stipulated in SPGN2 as an acceptable distance between dwellings to avoid overlooking or a loss of privacy and amenity.
- 7.18 Plots 1-6, which are arranged adjacent to the access road, are located facing onto this new road with the rear of the properties facing the boundary with adjacent property known as 'Ashlyn'. These dwellings are located backing onto the front garden of Ashlyn. They provide sufficient garden depth in accordance with SPGN2 and I do not consider that their orientation gives rise to any loss of amenity or privacy to the neighbouring property.
- 7.19 With regards to hard and soft landscaping, existing hedging on both the eastern and western boundaries are to remain, as are a number of existing trees on the eastern boundary and existing brick walls located on the eastern and northern boundaries. Various specimens of Birch, Beech, Lime and Hornbeam are to be planted within the development site. It is considered that the proposed landscaping is appropriate. A Condition will be imposed to ensure that the landscaping is carried out in accordance with the approved details, this condition will also ensure that if any specimen dies within the first 5 years of the development a suitable replacement will be planted.
- 7.20 Access
- 7.21 The proposed 6 m radii is achievable and appropriate for this scale of development. This allows for greater visibility for vehicles accessing and egressing the site and for road users on the adjacent 30mph highway. Highways have raised no objection to the site entrance.
- 7.22 Two parking spaces per dwelling is provided within the site in accordance with SPGN11- Parking Standards. It is not considered by the Highways Authority that the development represents development that is detrimental to highways safety and I consider that the proposal complies with policies AC13 and AC18 of the Flintshire UDP.
- 7.23 Local objectors have raised concerns over the access arrangements from a highways safety point of view. Highways Development Control have raised no safety concerns. The greater entrance radius ensures better visibility and a safer access point.
- 7.24 As discussed above conditions 4, 5, 6, 7, 8 and 10 relate to the access and parking arrangements submitted and are considered to be acceptable and can therefore be discharged. Conditions relating to the implementation of these details and the final details of the internal roads and other highways features are recommended.

- 7.25 The developer proposes to retain the road under private control and does not propose to dedicate it for adoption. Sections 11.6 and 11.7 of Manual For Streets makes provision for this but suggests the inclusion of a S106 agreement to ensure that a properly constituted body is established to take responsibility for the street. The S106 agreement should also ensure that future residents will not apply for the road to be considered for adoption and in return the developer will avoid making payment under the Advance Payment code (Section 219(4)(e) of the Highways Act) as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed.
- 7.26 Drainage
- 7.27 The development will connect to the public sewerage system to dispose of foulwater discharge from the site.
- 7.28 The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.
- 7.29 Each development should be considered on a case by case basis. Developments should first be screened to determine whether they are likely to have a significant effect. With no pathway for impacts, the development can be screened out as not likely to have a significant effect on the SAC in relation to phosphate inputs. Therefore, there is no need to progress further with the HRA, unless there are other potential impact pathways associated with the development which need to be considered.
- 7.30 NRW advise, in their interim planning advice, that any development connecting to a public wastewater treatment works where the permit has phosphate conditions in place and the sewerage undertaker has confirmed that there is capacity to treat the additional wastewater then the additional phosphate from the proposed development can be screened out as it is a type of development unlikely to increase phosphate inputs.
- 7.31 Although development increases number of dwellings on site it is a minimal increase from 4 to 10. Buckley Wastewater Treatment Works currently has a phosphate permit of 1mg/l for which it is compliant.

Welsh Water have confirmed that there is sufficient headroom within the Wastewater Treatment Works permit as well as from a hydraulic capacity perspective for this development. I consider that therefore the need for a NRA can be screened out in this instance.

- 7.32 As such in accordance with NRW's consultation response they raised no objection to the scheme. Welsh Water consider the drainage proposal to be acceptable and therefore I consider the proposal to be in accordance with policies GEN1 and EWP16 of the Flintshire Unitary Development Plan.
- 7.33 Condition 11 on the outline permission is in reference to surface water drainage and condition 13 foul water drainage scheme. Welsh Water have confirmed that these are acceptable.
- 7.34 Other Matters
- 7.35 An Ecology report was submitted in support of the application. The Ecologist has confirmed that the ecological recommendations within the report are acceptable. There was no evidence of bat activity within the buildings and there is limited opportunities for nesting birds. The report recommends that any work to trees or hedgerows need to avoid the bird nesting season. The report will form one of the approved documents with any reserved matters approval and as such the recommendations can be conditioned. Habitat enhancement through soft landscaping and the provision of bird and bat boxes is proposed and has been incorporated into the landscape plan. As such I consider that the proposal complies with policies WB1 and WB6 of the Flintshire Unitary Development Plan.
- 7.36 Condition 14 of the outline permission required a photographic survey to be carried out on the original Jubilee villas. CPAT have confirmed that the survey is acceptable. Following approval of the survey the Outline condition requires the applicant to send copies to both CPAT and the Royal Commission on the Ancient and Historical Monuments of Wales.

8.00 CONCLUSION

8.01 The reserved matters details are acceptable and accord with the relevant development plan policies and supplementary guidance. The information submitted to discharge the conditions attached to the Outline consent are acceptable. 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