

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **10TH JANUARY 2018**

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

SUBJECT: **CONSTRUCTION OF 23 NO DWELLINGS, RETENTION OF LAND FOR COMMUNITY CENTRE AND ASSOCIATED WORKS AT LAND SIDE OF 59 WOOD LANE, HAWARDEN.**

APPLICATION NUMBER: **057374**

APPLICANT: **EDWARDS HOMES LTD**

SITE: **LAND SIDE OF 59 WOOD LANE, HAWARDEN CH5 3JG**

APPLICATION VALID DATE: **7TH AUGUST 2017**

LOCAL MEMBERS: **COUNCILLOR D I MACKIE**
COUNCILLOR Ms J AXWORTHY

TOWN/COMMUNITY COUNCIL: **HAWARDEN 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 23 No. dwellings and the safeguarding of a part of the site which is to be gifted to Hawarden Community Council, for the erection of a new community centre on land to the side of 59 Wood Lane, Hawarden, Flintshire.

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

2.01 That conditional planning be granted subject to the applicant entering into a Section 106 Obligation / Unilateral Undertaking to :-

- a) Ensure the payment of £1,100 per dwelling in lieu of on-site recreational provision the monies being used to enhance toddler play facilities at Fron Heulog, Hawarden.
- b) Ensure the payment of an educational contribution of £73,542.00 towards IT/Resources/Outdoor Classroom at Penarlag Community School, Hawarden and £73,876 towards further changing facilities at Hawarden High School.
- c) Secure the gifting of an area of land within the site to Hawarden Community Council for a proposed new community centre
- d) Secure the relocation of existing off-site traffic calming (speed cushions) on Wood Lane

Conditions

- 1. Timescale for development
- 2. In accordance with approved plans
- 3. Materials to be submitted and approved
- 4. Scheme for integrated drainage of the site to be submitted and approved
- 5. Site Levels/ Finished Floor Levels to be submitted and approved
- 6. Scheme for integrated drainage of the site to be submitted and approved
- 7. Siting layout and design of access to be submitted and approved
- 8. Forming and construction of site access not to commence until design has been submitted and approved
- 9. Works associated with the forming of access to be kerbed and completed to carriageway base course layer prior to commencement of other building operations
- 10. Access to have a visibility of 2.4m x 43m in both directions
- 11. Visibility splays to be kept free from obstruction for duration of site construction works
- 12. Facilities to be provided and retained for the parking of vehicles
- 13. Front of garages to be set back a minimum of 5.5m behind back of footway
- 14. No development to commence until layout design, means of traffic calming, signage, surface water drainage, street lighting and construction of estate roads to be submitted and approved
- 15. Positive means to prevent surface water run-off to be submitted and approved
- 16. No development to commence including site clearance to commence until a Construction Traffic Management Plan has

- been submitted and approved.
17. No development to commence until remedial works to treat areas of shallow mine workings have been undertaken.
 18. No development to commence until a scheme for the implementation of amphibian avoidance measures has been submitted and approved.
 19. Landscaping scheme including retention of trees/hedgerows to be submitted and approved.
 20. Implementation of landscaping scheme

3.00 CONSULTATIONS

3.01 Local Members

Councillor D I Mackie:

No response received at time of preparing report

Councillor Ms J Axworthy

No response received at time of preparing report

Hawarden Community Council :

No objections.

Housing Strategy Manager

The Affordable Housing Register, indicates that the housing need in Ewloe is as follows:

Affordable rent:

13no. for 2beds

11no. for 3beds

3no. 4beds

Affordable ownership:

1no. 1bed

9no. 2beds

11no. 3beds

Highway Development Control Manager:

The proposed access is affected by existing traffic calming (speed cushions) on Wood Lane, which will need to be relocated and the subject of a Section 106 Obligation. Recommend that any permission includes conditions in respect of access, visibility splay, parking, traffic calming, surface water drainage, construction of estate road and need for a Construction Traffic Management Plan.

Head of Pollution Control:

No adverse comments

Welsh Water/Dwr Cymru

No objection in principle subject to a request that any permission

includes the imposition of a condition requiring a scheme for the disposal of foul/surface water drainage

Natural Resources Wales

No objection from an ecological perspective subject to the imposition of a condition requiring the implementation of amphibian avoidance measures. In addition the site lies entirely within a Zone A flood risk area but outside of the extreme flood risk outline (risk from rivers and sea). It will however be necessary to ensure that surface water from the site can be acceptably managed.

Council Ecologist

The application is accompanied by an ecological survey which is considered to be satisfactory. No objection to the development subject the imposition of a condition to ensure no site clearance is undertaken until there has been submitted and approved a scheme for tree protection/hedgerow enhancement and reasonable avoidance measures in respect of amphibians that may be present.

Airbus

No aerodrome safeguarding objection

Coal Authority

Following the submission of a Coal Mining Report, it will be necessary to include a condition requiring the need for remedial works to treat areas of shallow mine workings.

Public Open Spaces Manager

Request the payment of £1100 per dwelling in lieu of on-site recreational provision, the monies being used to enhance toddlers play facilities located at the children's play area at Fron Heulog, Hawarden.

Capital Projects & Planning

Request the payment of £73,542 towards IT/Resources/Outdoor Classroom at Penarlag Community Primary School, Hawarden and £73,876 towards further changing facilities at Hawarden High School.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

1 letter received which whilst not objecting to the principle of development, expresses concern about the increase in vehicular access points of Wood Lane and adequacy of access to serve the development proposed

5.00 SITE HISTORY

- 5.01 037038 – Outline – Residential development including roads and sewers – Refused 3rd February 2006.

041124 – Outline – Residential development including road and sewer works. Resolution to permit development subject to Section 106 Obligation for the safeguarding of land for community centre – 31st May 2006. Section 106 not completed – application withdrawn 17th December 2008.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy WB1 – Species Protection.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

Policy HSG10 – Affordable Housing Within Settlement Boundaries.

Policy CF5(c) – New Community Centres.

Additional Guidance

Planning Policy Wales (PPW)

Local Planning Guidance Note 2 – Space About Dwellings.

Local Planning Guidance Note 13 – Open Space Requirements.

Local Planning Guidance Note 22 – Planning Obligations.

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 15 – Development and Flood Risk

Technical Advice Note 18 – Transport

The proposed development generally complies with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction / Site Description

The site the subject of this application which amounts to approximately 0.88 hectares in area, is located on the southern side of Wood Lane, Hawarden, to the north of an existing residential development at Sorrell Court.

- 7.02 The site comprises a broadly rectangular vacant area of land which

gently slopes towards its eastern boundary. The north eastern boundary is defined by a line of mature trees beyond which is a further area of undeveloped land and a large electricity substation. Although the application has been submitted with reference to a Hawarden postal address, it is located within the settlement boundary of Ewloe in the Flintshire Unitary Development Plan (FUDP).

7.03 For Members information the site includes an area of land which has been safeguarded for the possible construction of a new community centre by virtue of Policy CF5(c) of the FUDP .This must be taken into account in determination of this current application.

7.04 Background History

There has been a previous background of planning history at this location as highlighted in paragraph 5.00 of this report. In summary, a previous application was refused in 2006 as it proposed residential development on the land safeguarded for community purposes, and a subsequent application was withdrawn in 2008, as the required Section 106 Obligation to secure the gifting of the land to Hawarden Community Council for the possible erection of a new community centre, was not completed.

7.05 Proposed Development

The plans submitted as part of this application propose the erection of 23 No two storey dwellings comprising a mix of detached / semi-detached dwellings on an area of the site which amounts to approximately 0.68 hectares given that 0.20 hectares in the north western corner of the site with a frontage onto Wood Lane, is identified for the construction of a new community centre. The applicant proposes to gift this land to Hawarden Community Council, which it is hoped will help to reduce development costs for any future construction of the centre, allowing the community council to secure grant aid if available. For Members information the construction of the community centre does not form part of this application and would require the submission of a further planning application for its development.

7.06 It is proposed that the dwellings which front onto Wood Lane and the proposed estate road/turning head and comprise a mix of 2/3/4 bed detached / semi - detached units are constructed having facing brick/render external walls and concrete tile roofs

7.07 Main Planning Issues

It is considered that the main issues to be taken into account in determination of this application can be summarised as follows:-

- a. Principle of development having regard to the planning policy framework.
- b. Safeguarding of part of the site for the possible erection of a new community centre.

- c. Scale of development.
- d. Impact on character of the site and surroundings.
- e. Affordable housing provision
- f. Impact on privacy/amenity.
- g. Adequacy of access.
- h. Adequacy of foul and surface water drainage.
- i. Leisure / education contributions
- j. Ecological Impacts

7.08 Principle of Development

Although not an allocated housing site, it is located within the settlement boundary of Ewloe as defined in the FUDP. Ewloe is a category B settlement which had a growth threshold of 15% above which further development would need to be for local housing need. However the monitoring of growth as part of the FUDP has now ended. The principle of residential development to meet general housing demand is therefore acceptable subject to ensuring a well-balanced layout and the safeguarding of residential amenity.

7.09 Safeguarding of Land for Proposed Community Centre

For Members information policy CF5(c) of the FUDP allocates land on the eastern boundary of the application site, for the proposed erection of a community centre. This current application and a candidate site submission received as part of the Local Development Plan (LDP) process, however, proposes relocation of the centre near to and in part adjacent to the frontage of the site onto Wood Lane, so that it is more easily accessible and provides more of a focal point to the proposed development. It is understood that this approach has been supported in consultation with Hawarden Community Council, on the basis that it remains of the same area to that initially proposed in the FUDP allocation. In order to accommodate this change, the site layout has been amended with the number of dwellings proposed being reduced from 24 to 23. The safeguarding of the revised area of the site for a future community centre is in my view acceptable in locational terms, subject to it being secured through the completion of a Section 106 Obligation.

7.10 Scale of Development

It is considered that the scale of development proposed i.e., 23 No. dwellings on approximately 0.68 hectares would not represent overdevelopment at this location. For Members information the scale/density of development proposed at approximately 34 dwellings per hectare is at a higher level than the 30 dwellings per hectare which is specified as a minimum density that it is sought to be achieved on allocated housing sites in Policy HSG8 of the Flintshire Unitary Development Plan. The scale of development which has been reduced by the desire of the community council to retain an adequate area of the site for the community centre (see paragraph 7.09 above) is considered acceptable in terms of maximising the use of land, having regard to the site constraints in particular the need to

safeguarding a number of existing trees/hedgerows and respecting the character of existing development in proximity to the site.

7.11 Impact on Character of Site and Surroundings

The character of existing development at this location is principally defined by a mix of detached and semi-detached 2 storey properties of a modern suburban appearance. This has helped to set the context for the proposed development which proposes a mix of 2/3/4 bedroom 2 storey dwellings which it is considered are sympathetic to and reflective of this existing character.

7.12 Affordable Housing

As identified in the consultation response from the Housing Strategy Manager there is a local need in Ewloe for affordable rent and ownership. The Inspector in the Argoed Service Station appeal (3161711) made clear that Council should take account of meeting local need when assessing housing proposals in suitable appropriate schemes as stated in FUDP Policy HSG 10.

7.13 However, the Inspector drew upon the reasoned justification for FUDP Policy HSG10 which states that the Policy seeks to provide at least 30% of affordable housing on sites with a minimum threshold of 1.0 hectare or 25 dwellings. The Inspector considered with regard to the Argoed Service Station proposal that Policy HSG10 contained no pro-rata approach to affordable housing and therefore (aside from no local need being identified for that proposal) the requirement to provide affordable housing could not be required.

7.14 Members will note that the developable area of the site is less than 1 hectare and the number of dwellings proposed less than 25 and therefore in line with the reasoned justification for Policy HSG10 it would neither be appropriate or suitable to require provision of 30% affordable housing.

7.15 Impact on Privacy / Amenity

Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those adjacent to the site are safeguarded as part of the development. The proposed layout takes into account the relationship of the site to existing development, particularly on Wood Lane and Sorrell Court where these dwellings are closest to the application site, and ensures that the separation distances between properties would be acceptable to avoid overlooking having regard to Local Planning Guidance Note 2 – Space About Dwellings.

7.16 Adequacy of Access

Whilst the objection received to the development on highway grounds is duly noted, consultation on the application has been undertaken with the Highway Development Control Manager in order to assess the adequacy of the existing highway network in proximity to the site

to serve the development proposed (including a future proposal for a community centre) and the acceptability of the proposed site layout. It is noted that the proposed access location is affected by existing traffic calming on Wood Lane (speed cushions) which would need to be relocated to facilitate future development at this location. Any proposed relocation of the traffic calming features would require separate consent under highway legislation but responsibility for their removal will rest with the developer and would need to be controlled/financed through the completion of a Section 106 Obligation

7.17 Notwithstanding the above requirement a technical assessment of the acceptability of the proposed access to serve the development has been undertaken with there being no objection subject to the imposition of conditions as outlined in paragraph 2.00 of this report

7.18 Adequacy of Foul/Surface Drainage

The adequacy of the drainage system to serve the scale of development proposed has been the subject of consultation with National Resources Wales (NRW), Dwr Cymru/Welsh Water and the Council's Technical Services Department (Drainage).

7.19 For Members information the site is located within Flood Zone A but it has been confirmed by NRW that the site lies outside the extreme flood risk outline (risk from rivers and sea). Whilst there is no objection to the development from NRW's perspective, attention has been drawn to the need to ensure that potential surface water flooding can be mitigated in consultation with the Council's Technical Services Drainage Department. At the time of writing this report the formal response of the Technical Services Drainage department was awaited and Members will be updated on the acceptability of the scheme submitted at the Planning Committee meeting.

7.20 In addition consultation has been undertaken with Dwr Cymru/Welsh Water who raise no objection in principle to the development subject to the imposition of a condition to ensure the incorporation of surface water infrastructure works to remove surface water from the public sewer system.

7.21 Leisure/Education Contributions

Members will be aware that applications of this type are the subject of consultation with both the Public Open Spaces Manager (Leisure Services) and the Capital Projects and Planning Unit within the Local Education Authority.

7.22 This consultation has established that:-

a) as there would be no on site recreational provision the development would require the payment of a commuted sum of £1100 per dwelling, the monies being used to enhance toddler play

provision at the children's play area at Fron Heulog site and
b) the development would give rise to the need for an educational contribution requirement at both primary school and secondary school levels.

7.23 For Members information school capacity would not be available at the nearest primary school (Penarlag C.P. School) which currently stands at 196 (excluding nursery places) There are presently 188 pupils on the school roll which has only a 4.08% of surplus places. As the proposed development would generate need for a further 6 pupils this would result in the need for a primary school contribution of £73,542

7.24 In addition the impact of development at Hawarden High School is as follows. The current capacity of the school stands at 1145 with 1172 pupils currently on the school roll. The % of available school places is therefore -2.36% and as the development would give rise to an additional 4 No pupils a further educational contribution of £73,876 is required.

7.25 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.26 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;

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

7.27 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.

7.28 I am advised that since the advent of the provisions of the CIL Regulations, whilst 1 No legal obligation has been entered to in respect of Penarlag CP School, 5 No obligations have been entered

into in respect of Hawarden High School. The Director of Lifelong Learning has identified separate projects in respect of educational needs at *Hawarden* School which are distinct and separate to the projects to which the previous obligations relate to. I am advised that the sum sought as part of this current application will be used as a contribution towards a project to develop *the provision of further changing facilities which will be required to be enlarged with an increasing intake of children*. I am satisfied, on the application of the tests set out in S.122 of the CIL Regulations and as detailed above, that such contributions would satisfy these requirements. I am also satisfied that the sum sought in relation to *Hawarden* School is for a specific identified project and as such, would not be caught by the S.123 prohibition with the CIL Regulations.

Ecological Impacts

- 7.29 Although not a protected ecological site, an ecological report has been submitted as part of the application on which consultation has been undertaken with Natural Resources Wales (NRW) and the Council's Ecologist. The application site is located within 750m of the boundary of the Deeside and Buckley Newt Sites Special Area of Conservation (SAC) which support a population of Great Crested Newts (GCN), although there are no records of their presence within the site. Notwithstanding the above both NRW and the Council's Ecologist recommend the imposition of a condition to ensure no site clearance is undertaken until there has been submitted appropriate conditions to safeguard/enhance trees and hedgerows on the site with Reasonable Avoidance Measures (RAMs) to protect amphibians including Great Crested Newts.

8.00 CONCLUSION

- 8.01 In conclusion it is my view that the scale/form of the development proposed would be sympathetic to the character of the site and surroundings, with there being no objection to the principle of development from the Highway Development Control Manager, NRW or Dwr Cymru / Welsh Water.
- 8.02 Whilst the response from the Council's Technical Services Department is currently awaited regarding the acceptability of the surface water drainage proposals submitted, Members will be updated accordingly at the Planning Committee. It is my view, however, notwithstanding the conclusions of this response that the development is acceptable subject to the completion of a Section 106 Obligation and imposition of conditions as outlined in paragraph 2.01 of this report.

8.03 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

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