

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7th FEBRUARY 2018**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 44 NO. DWELLINGS WITH ANCILLARY PARKING, OPEN SPACE AND NEW ACCESS AT HALKYN ROAD, HOLYWELL**

APPLICATION NUMBER: **057865**

APPLICANT: **WALES AND WEST HOUSING**

SITE: **HALKYN ROAD HOLYWELL**

APPLICATION VALID DATE: **15.12.17**

LOCAL MEMBERS: **COUNCILLOR T PALMER**
COUNCILLOR P JOHNSON

TOWN/COMMUNITY COUNCIL: **HOLYWELL**

REASON FOR COMMITTEE: **SIZE OF SITE**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of 44 dwellings, new access and the provision of a play area/ open space on 1.66 hectares of land to the west of Brignant, Halkyn Road, Holywell. The site benefits from planning permission for 45 dwellings. This proposes amendments to the scheme to reduce site excavations and retaining features.
- 1.02 The development of this site for residential use has been accepted in principle through the allocation of the site in the UDP and the previous consents 048264 and 052156. This application provides a revised layout to work with the topography of the site and reduce the number

of retaining features required. The proposed development complies with the principles of Planning Policy Wales and the adopted development plan. Although Welsh Water currently object to the application in respect of foul flows it is considered that as an extant permission is in place and the site is allocated for development in the adopted development plan permission should be granted subject to a Grampian style condition.

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 replacement Section 106 Obligation to provide the following:-
- a) The provision of 100% of the dwellings as affordable homes in accordance with an agreed letting policy
 - b) Commuted sum for maintenance of play area/ open space for a period of 10 years, upon its adoption by the Authority

The proposal is recommended for approval subject to the following conditions:-

1. Time limit on commencement
2. Development in accordance with plans
3. Surface water drainage scheme to be agreed, including on site attenuation to greenfield run-off rate
4. Implementation of surface water drainage scheme
5. Approval of the design, equipment, landscaping and fencing of the open space
6. Implementation of open space details/play area equipment in relation to first occupation of 50% of dwellings and agreement of appropriate maintenance
7. Land remediation strategy - agreement of details and implementation including material management plan
8. Delivery times and numbers in relation to importation and removal of materials
9. Site levels and dwelling finished floor levels (f.f.l) to be approved.
10. Boundary treatment and landscaping - scheme and implementation
11. Retention of trees and hedges.
12. Materials to be approved
13. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
14. The siting layout and design of the means of the site access and off-site works to include a 1.8 metre wide footway along the site frontage.
15. Access formation kerbed and completed to carriageway base course prior to commencement of other site works
16. Visibility splay of 4.5m x 120m along nearside channel lines. No

obstruction to visibility in excess of 0.6m

17. No obstructions to visibility during construction of site works
18. Provision of parking, turning and loading and unloading space
19. Positive means to prevent surface run-off onto the highway
20. Grampian condition - foul drainage improvements prior to occupation
21. Details of location and design of pumping station
22. No removal of hedgerow within bird breeding season unless agreed in writing
22. Scheme of enhanced double glazing.

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor T Palmer

Agrees to the determination of the application under delegated powers however as its large application would like to be kept informed.

Councillor P Johnson

No response received.

Holywell Town Council

Members noted that this scheme has already been approved. Members wish to raise a concern regarding the access onto the site being through one road only and have asked for consideration to be given to a second access road to be provided to spread traffic both to and from the site.

Highways Development Control Manager

The previous planning consent was conditional upon works to improve the visibility towards vehicles waiting to turn right into the proposed site entrance. This work has now been completed to the satisfaction of the highway authority and is now part of the adopted highway.

No objection following submission of revised information subject to conditions covering:

- detailed layout, design, means of traffic calming and signing, surface water
- drainage, street lighting and construction of the internal estate roads and provision of a 1.8m footway along the site frontage
- access formation shall be kerbed and completed to carriageway base course prior to commencement of other site works

- the gradient of the access from the edge of the existing carriageway shall be 1 in 20 for a minimum distance of 10m
- visibility splay of 2.4m x 120m along nearside channel lines in both directions. No obstruction to visibility in excess of 0.6m
- no obstructions to visibility
- Construction Management plan
- provision of parking, turning and loading and unloading
- positive means to prevent surface run-off on the highway

Public Protection Manager

Noise

The site is adjacent to the A5026 Halkyn Road. The noise readings in this area indicate that the site is within the Noise Exposure Category (NEC) B/C during the daytime under Technical Advice Note 11. This means that specific measures are necessary to protect the amenity of the future occupiers of the premises. A scheme of enhanced double glazing should be secured by condition.

Land contamination

A land contamination assessment report was submitted with the previous application and a site investigation was carried out, with more investigations undertaken following initial comments. The methodology of this was acceptable and the previously proposed remediation has been discussed and agreed subject to further conditions over the detailed remediation, including a material management plan and amounts of materials. These matters can be dealt with by condition.

Welsh Water/Dwr Cymru

Object at this time however we are working with the applicant to find a solution. The conditions imposed on 052156 were imposed following a Hydraulic Modelling Assessment (HMA) which was undertaken in 2012. This identified reinforcement solutions to overcome our concerns. While we acknowledge that there is an extant consent the HMA solution is now outdated and there are a significant number of flooding incidents downstream of the site which are directly related to hydraulic overloading of the public sewerage network. We are in dialogue with the applicant and in the process of reviewing the HMA to identify new solutions to ensure the site can be drained to overcome our concerns.

Public Open Spaces Manager

Request details of;

- proposed maintenance and pedestrian access
- boundary treatments and fencing
- details of a land drainage scheme
- landscaping scheme
- specification and layout plans for the fixed play equipment
- finished levels of the play area given the topography of the site

If the developer requires the Council to adopt the POS a 10 year maintenance sum is required as a commuted sum.

Education Officer

School: Ysgol Maes Y Felin, Holywell

Current NOR (@ September 2017) 277 (excluding Nursery)

Capacity (@ September 2017) 315 (excluding Nursery)

No. Surplus Places: 38

Percentage of Surplus Places: 12.06%

School: Ysgol Treffynnon, Holywell

Current NOR (@ September 2017) is 450

Capacity (@ September 2017) is 600

No. Surplus Places is 150

Percentage of Surplus Places is: 25.00%

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

2 letter of objection were received on the grounds of;

- Significant increase in local traffic in association with other developments in the area
- Who will provide the medical facilities - local gp's surgeries are full
- Concern about the road safety audit for the proposed access point
- Having undertaken 3 separate surveys over the past 3 years I have found on each survey over 90% of traffic using Halkyn Road (B5432) to access the A5026 fail to stop. It is in fact more akin to a slip road than a junction. The actual distance when vehicles access the A5026 is less than 40 meters from the centre of the proposed new junction.
- As many cars accelerate at speed up the hill they would be passing the new junction within seconds. During the darker days of the year cars egressing from any new junction with basic headlights on would blind existing residents, which could well result in fatal accidents. The camber of the road takes the level upwards from the existing residents to any new junction.
- Existing residents already have to watch 3 streams of traffic before they move onto the A5026, the busiest of those streams being those coming from the B5432.
- Access to this development should be via the football club

5.00 SITE HISTORY

5.01 052156 - Residential development of a total of 45 one and two storey dwellings including ancillary parking, open space and new access from Halkyn Road. Approved after completing legal agreement 21.05.15

048264

Erection of 44no. two storey and three storey dwellings including associated parking, open space and formation of new access.

Approved 21.11.12

98/623

Outline - retail food supermarket, petrol filling station and other commercial with associated parking. Refused 21.02.01.

99/13119

Outline - retail food supermarket, petrol filling station and other commercial with associated parking and construction of new roundabout. Withdrawn 22.12.99.

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 HSG1 (13) - New Housing Development Proposals

Policy HSG8 - Density of Development

Policy HSG9 - Housing Type and Mix

Policy D1 - Design Quality

Policy D2 - Location and Layout

Policy D3 - Building design

Policy D4 - Landscaping policy

Policy AC13 - Access and Traffic Impacts

Policy AC18 - Parking Provision and New Development

Policy SR5 - Outdoor Playing Space and New Residential Development

Policy EPW2 - Energy Efficiency in New Development

Policy HSG10 - Affordable Housing within Settlement Boundaries

Policy EWP3 - Renewable Energy in New Development

Policy EWP14 – Derelict and Contaminated Land

Policy EWP16 - Water Resources

The application site is located within the settlement boundary and allocated for residential development within the Unitary Development Plan for residential development under policy HSG1(13). The application is in accordance with the above relevant policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of 44 dwellings, new access and the provision of a play area/ open space on 1.66 hectares of land to the west of Brignant, Halkyn Road, Holywell. The site

benefits from planning permission for 45 dwellings. This application proposes amendments to the scheme to reduce site excavations and retaining features.

7.02 Site Description

The 1.66 hectare site is situated to the south east of the settlement of Holywell on the A5026 and forms the extent of the settlement boundary to the south east. The site is bounded by the new Holywell Community Hospital to the north west, Holywell Town Football Club to the north east and agricultural land to the south. The residential property of Brignant is to the south west of the site. The site has a frontage on to Halkyn Road and there is residential development opposite the site on the other side of Halkyn Road. The site slopes in a northerly direction from the main road and is currently used for grazing. The site has a number of mature trees to its perimeter boundaries.

7.03 Proposed Development

It is proposed to erect 44 dwellings. The main changes to the scheme are

- Omission of 1 dwelling – plot 18
- Revisions to the finished floor levels and roads serving of plots 1- 16
- Reduction in the height of the retaining wall along Halkyn Road
- Omission of retaining walls to the rear of plots 7-16
- Minor relocation of plots 26-33
- Handing of the dwellings on plots 22-23
- Minor revision to the design of the “Type D” and “Type E” Houses
- Addition of photovoltaic panels to roofs off all plots
- Scheme to be 100% affordable

7.04

The scheme now provides for 28 two bedroom houses, 14 three bedroom houses and 2 two bedroom bungalows. These are all semi-detached properties with a variety in the house types. The majority of the dwellings are two storey with some split level dwellings on plots 24-33 which are single storey at road level and two storeys at the rear to accommodate the sloping nature of the site. Each house would have two parking spaces and a rear garden. All houses are designed to Secured by Design, Lifetime Homes and Development Quality Requirements. The scheme is now 100% affordable and would be managed by Wales and West Housing.

7.05

It is proposed to provide a public open space to the north east of the site and a pumping station to deal with foul flows due to the topography of the site. A new access to adoptable standard would be created off Halkyn Road.

The application was accompanied by a Pre-application consultation

- 7.06 report, Ecological Assessment, Geo- Environmental Investigation, Tree Survey and Design and Access Statement.

Principle of Development

- 7.07 The site is allocated for development in the Adopted Flintshire Unitary Development Plan for residential development of 45 dwellings. The principle of development has therefore been accepted and the proposed number of dwellings is in line with the anticipated density achievable on the site. The site also has an extant permission 048264 for 44 dwellings and 052156 for 45 dwellings. Ownership of the site has now transferred from Watkin Jones to Wales and West Housing.

Design and Layout

- 7.08 This application provides for a mix of 7 house types along with 2 bungalows. The proposed dwellings are all semi-detached. Due to the topography of the site the houses would have stepped rear gardens and some of the dwellings are split level single and two storey. The proposed dwellings are a mixture of house types with the use of brick and render treatment to the walls to provide variety. The site has been slightly redesigned in order to try to reduce the amount of retaining features and the road gradient due to the sloping nature of the site. The site slopes a total of 19 metres from the southern tip of the site to its north eastern corner.

- 7.09 The site is adjacent to the residential property of Brignant which lies 10 metres to the south west. There is existing boundary treatment in the form of mature hedgerows on the boundary between the application site and the adjacent dwelling. The property has a side elevation facing the application site, but with no habitable rooms overlooking the site. The nearest property in the proposed development is 12 metres from the boundary and the dwellings are angled so that there is no direct overlooking. The proposed dwellings are also set lower than the adjacent dwelling. There is also the provision of an agricultural access between the rear of the dwellings and the site boundary within the site leaving a buffer between the adjacent residential property and the new development. There are further residential properties across the road from the application site, however these are situated at a higher level than the application site and would not be adversely affected. It is considered that the design and layout of the site is acceptable and would not have an adverse impact on residential amenity. The proposed layout accords with Space Around Dwellings (LPGN2) in terms of separation distances and private garden areas.

Play Provision

- 7.10 An area of 2516 m² open space is to be provided on the site to the north east of the site. The public open space is located outside the allocated housing site boundary on land to the north east of the site, outside the settlement boundary. This is due to the topography of the application site, which makes it difficult to provide a useable area of

formalised play space on site without significant earth moving. The location and size of the proposed area is in accordance with the Council's Local Planning Guidance 13 - Open Space Requirements and is accepted by Leisure Services subject to it meeting their requirements.

Affordable Housing

- 7.11 All 44 of the houses would be affordable and managed by Wales and West Housing. This is a change from the previous application which provided a mix of affordable and market housing. The policy requirement through HSG10 is that allocated and windfall sites should provide 30% affordable housing. The previous scheme secured 16 dwellings to be affordable. This was in excess of 30% which would have been 13 units. It is now considered that the S106 agreement should reflect the current application as it is presented and require 100% of the dwellings to be affordable. Wales and West Housing are agreeable to this.

Highways

- 7.12 Concerns have been raised from local residents in relation to the proximity of the proposed access to the site in relation to the private drive opposite the application site and the hotel and garage, visibility from the proposed access and the impact in additional traffic and potential pedestrian conflict.

- 7.13 Highways raise no objection to the proposed development which utilises the same access point as the previous consent. The scheme includes for the provision of a footway from within the site along the entire site frontage within the extent of the applicants land ownership.

- 7.14 The provision of the footway will provide a safe pedestrian refuge for site residents, provides alternative/improved locations for pedestrians wishing to cross the A5026, allows for better connectivity for future growth in the area in line with Manual for Streets and will assist with driver visibility when exiting the new junction. The provision of this footway addresses some of the issues raised by local residents in relation to improvements to the pedestrian environment for existing users.

- 7.15 The previous site owner has undertaken works to regrade the landscaped bank opposite the application site, to achieve the required highways visibility. This was a condition on the sale of the land and therefore this requirement is no longer required on this permission. This splay is now part of the adopted highway.

Drainage

- 7.16 It is proposed to deal with surface water via on site attenuation and discharge to the nearby watercourse. The use of soakaways is not possible due to the extent of made up ground, contamination and the topography of the site. Foul water only is to be disposed of via the

public sewer system.

7.17 At the time of the previous application a Hydraulic Modelling Assessment (HMA) was undertaken in 2012 by the former owners Watkin Jones to determine what improvements to the network to dispose of foul sewerage were required. This exercise was undertaken and the works required were identified and were to be secured by a Grampian style condition to ensure their delivery. However Welsh Water now consider that this HMA is out of date and object to the development. The proposed solutions would not create the required capacity in the network and further solutions for diverting surface water flows are required through a new HMA.

7.18 They state that there have been a significant number of flooding incidents downstream of the site which are directly related to hydraulic overloading of the public sewerage network. They are in dialogue with the applicant and in the process of reviewing the HMA to identify new solutions to ensure the site can be drained to overcome their concerns.

7.19 This is an allocated site in the Flintshire Unitary Development Plan and has an extant planning permission. It is therefore considered that permission should be granted with the imposition of a Grampian style condition. This should state that the properties should not be occupied until the solution has been implemented.

Boundary treatment

7.20 The site is bounded by existing hedgerows which are proposed to be retained as part of the scheme. A tree survey of the site has been undertaken. There are a number of trees within the boundary hedges of the site with a group of trees between the development site and the proposed public open space. No trees are to be removed as part of the development, however measures need to be put in place to safeguard the root protection areas of boundary trees and some pruning and ivy removal is required to some trees. This can be dealt with by condition.

Ecology

7.21 An Ecological Report was submitted with this application compiled by Clwydian Ecology. The site is improved grassland with boundary hedgerows and trees within those. The site may be used as foraging for bats, but this would mainly be the hedgerow corridors. There was no evidence of badger activity on the site. There are no ponds or standing water which could provide habitat for great crested newts although common amphibians may use the perimeter areas of the site. The hedgerows will provide habitat for birds. There is no substantial loss of hedgerow proposed by the scheme therefore the ecology implications are not considered significant, along as any hedge removal is undertaken outside the bird nesting season.

Education contribution

- 7.22 No education contribution was requested at the time of the previous application as we had already requested 5 contributions at that time to the relevant primary schools and it was anticipated that by the time this development would be occupied there would be adequate provision of places in the new Holywell School. The new school is now operational and there is more than 5% surplus places in both the primary and Secondary elements.

School: Ysgol Maes Y Felin, Holywell

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Percentage of Surplus Places: 12.06%

School: Ysgol Treffynnon, Holywell

Current NOR (@ September 2017) is 450

Capacity (@ September 2017) is 600

No. Surplus Places is 150

Percentage of Surplus Places is: 25.00%

An education contribution is therefore not required.

7.23

8.00 CONCLUSION

- 8.01 The development of this site for residential use has been accepted in principle through the allocation of the site in the UDP and the previous consents 048264 and 052156. This application provides a revised layout to work with the topography of the site and reduce the number of retaining features required. The proposed development complies with the principles of Planning Policy Wales and the adopted development plan. Although Welsh Water currently object to the application in respect of foul flows it is considered that as an extant permission is in place and the site is allocated for development in the adopted development plan permission should be granted subject to a Grampian style condition.

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.

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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