

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH MARCH 2018**

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

SUBJECT: **FULL APPLICATION - ERECTION OF 4 DETACHED DWELLINGS LAND AT ALLTAMI ROAD, ALLTAMI**

APPLICATION NUMBER: **057689**

APPLICANT: **ANWYL**

SITE: **LAND AT ALLTAMI ROAD, ALLTAMI**

APPLICATION VALID DATE: **10.11.17**

LOCAL MEMBERS: **COUNCILLOR C ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO ADDITIONAL TRAFFIC ON ALLTAMI ROAD, POTENTIAL OVERLOOKING AND LOSS OF GREEN SPACE. OVERDEVELOPMENT.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application for the erection of 4 detached dwellings at Alltami Road, Alltami. The erection of 4 dwellings on this site would be acceptable subject to a S106 agreement covering commuted sums for open space, education and ecological land mitigation management. The proposed site was not any formal designated open space as part of the larger development. It therefore has no formal protection and was intended as a landscaped area.

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

- 2.01 The completion of a S106 agreement for unilateral undertaking or earlier payment covering;
- Open space provision - £1,100 per dwelling to improve the community playing field surface located adjacent to Cheshire Lane, Elfed High School, Buckley.
 - Education provision - £12,257 primary school towards Mountain Lane Primary School
 - Mitigation land - £1,000 per dwelling to overcome indirect impacts on SAC for the long term management of the mitigation land

Conditions

1. Time commencement.
2. Plans.
3. Materials.
4. Land contamination.
5. Drainage.

3.00 CONSULTATIONS

3.01 Local Member Councillor C Ellis

Requests a committee site visit and committee determination on the grounds of additional traffic on Alltami Road, potential overlooking, and loss of green space. Overdevelopment.

Buckley Town Council

Object on the grounds of:

- The plan if approved will result in a total of 28 houses on the original site and if taken as a whole does not comply with Policy HSG9
- Would not comply with HSG10 as 30% affordable housing not provided
- Would be 24 4 bedroom properties on the site
- Trying to get round planning policies

Highways Development Control Manager

No objections.

Public Protection Manager

The site is adjacent to a depot where fuels and other potential sources of contamination are/ have been present. The site is also adjacent to an area of land which, when assessed before it was itself developed, had been used to dispose wastes historically in discrete areas within that site. The waste deposits are unrecorded and may be present within the subject site. The site is also within an area where coal was

mined in the past and workings may be present within or very close to the subject site. A pre-commencement land contamination assessment should be undertaken.

Welsh Water/Dwr Cymru

Drainage conditions required.

Natural Resources Wales

No site specific comments to make about land contamination on this site as the controlled water at this site are not of the highest environmental sensitivity.

Education

SCHOOLS AFFECTED PRIMARY

School: Mountain Lane Primary School

Current NOR (@ January 2017) is 408

Capacity (@ January 2017) is 409

No. Surplus Places is 1

Percentage of surplus Places is 0%

The contribution would go towards improved toilet provision.

Play unit

A contribution of £1,100 per dwelling in lieu of onsite play provisions towards improvements to the community playing field surface located adjacent to Cheshire Lane, Elfed High School, Buckley.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

Objection on the grounds of;

- Overdevelopment of the estate
- Overlooking of existing properties
- Loss of green space
- Not in keeping with Policy HSG9 – housing mix
- Should be affordable housing on the site as a whole if this goes ahead
- Development has been staggered on purpose

5.00 SITE HISTORY

5.01 **043626**

Outline residential development. Refused. Dismissed on appeal.

047624

Outline residential development. Permission granted.

051481

Removal of condition 14 to restrict development to the north of the hammerhead. Refused 12.03.14 Allowed on appeal.

052914

Reserved matters application for 24 dwellings with details of access, appearance, landscaping, layout and scale following outline approval 047624 and variation of condition application 051481. Approved 06.03.15.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential Development

EWP3 - Renewable energy in New Development

EWP14 - Derelict and Contaminated Lane

The proposal is in accordance with the above development plan policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of 4 detached dwellings at Alltami Road, Alltami.

7.02 Site Description

The site is situated within a residential area adjacent to Alltami Road, within a recently completed residential development within Buckley. The proposed site is on the north eastern part of the site to the east of the spine road into the site.

7.03 Proposed development

It is proposed to erect 4 detached dwellings with garages and parking. Access would be from the existing spine road to the south of the turning head with a private drive arrangement. The dwellings are a three bedroom Porthmadog with integral garage, a four bedroom

Dolwen with integral garage and two four bedroom Cardigan house types with detached garages.

7.04 Principle of development

The application site is within a Category A Main settlement as defined within the UDP. It is in a highly sustainable location within walking distance of education, sports and leisure and health facilities. The principle of development in this location is therefore accepted. The Council does not have a 5 year land supply and therefore the additional 4 plots on this development in a sustainable location would contribute towards that.

7.05 The proposed site was not any formal designated open space as part of the larger development. It therefore has no formal protection and was intended as a landscaped area.

7.06 Comments have been made in terms of the mix of dwellings on the site. The proposed 1 three bed and 3 four bed dwellings would add to the existing 20 four bed houses and 4 three bed houses. The proposed dwellings are of 3 different house types and are in keeping with the other dwellings types on the site.

7.07 Highways

There are no highways objections to the additional four dwellings. Each house has a garage and driveway parking.

7.08 Space Around Dwellings

The proposed layout and house types have been amended during the course of the application in order to address concerns raised regarding overlooking. This was particularly in relation to plot 28 and the relationship with the existing dwelling on the eastern boundary Phillips Court. The dwelling on plot 28 has now been sited so that there is 12 metres between the elevation of Phillips Court and the proposed dwelling the Dolwen. This has a blank wall facing the existing dwelling and is partially screened by existing landscaping. This is in accordance with the Council's Space Around Dwellings. The layout gives rise to no other overlooking issues between existing and proposed properties.

7.09 Land contamination

Public protection have requested a pre-commencement condition for the submission of a contaminated land assessment due to the previous site history. The site is within the Coal Authority Standing advice area and therefore formal consultation was not required. The previous site investigation undertaken found no evidence of any voids or former coal mine workings.

7.10 Ecology

The majority of the site has already been developed (Ref 047624 & 052914) so the principle of development has been established. Great Crested Newts and the nearby Deeside and Buckley Newt Sites Special Area of Conservation (SAC) which was designated December 2004 for its great crested newts and oak woodland and the associated Buckley Clay Pits and Commons Site of Special Scientific Interest (SSSI) were considered.

- 7.11 With regards to the SAC, the LPA has undertaken a “Test of Significance” to demonstrate that the development will not have a significant effect on the SAC features, namely the great crested newt population. This considered the following issues and where relevant include measures to avoid/ mitigate/ compensate for the following:
- a) Direct loss of GCN terrestrial and aquatic habitat within SAC
 - b) Direct loss of terrestrial habitat outside of SAC through development.
 - c) Indirect loss of GCN terrestrial habitat through operational/recreational activities
 - d) Disturbance/Loss of great crested newts during construction.
 - e) Loss of habitat connectivity, Isolation and range.
- 7.12 The site has already been cleared following Reasonable Avoidance Measures, there are no issues in relation to loss of GCN terrestrial or aquatic habitats within or outside the SAC or in relation to habitat connectivity. The S106 included the provision of land for conservation purposes at Stoneybeech wood to offset the potential indirect effects of recreation of the population of 24 houses. It is therefore considered that to account for the proposed additional four the proposal requires additional compensation through an additional commuted sum towards the management of the existing off-site compensation area. This has been established as £1,000 per plot for the original site and therefore should be extended for these for plots for the same period of 21 years. This is in accordance with SPG Note 8 Nature Conservation and Development and SPG8a Great Crested Newt Mitigation Requirements.
- 7.13 Affordable housing
The original outline 047624 was 1.29 hectares and showed 21 dwellings. Members imposed a condition on the outline to prevent any development north of the hammerhead on the illustrative layout. This reduced the developable area of the site so the threshold for affordable housing would not be met.
- 7.14 A subsequent application, 051481 was submitted to remove this condition. Members resolved to refuse this application due to concerns over land instability and the potential contamination of third party land. The applicants appealed this decision and the appeal was allowed and the condition removed. The approved reserved matters layout 052914 for 24 dwellings utilised the whole of the site but the

shown developable area was less than 1 hectare. In any event any affordable housing should have been secured at the outline stage, although at this time the site did not meet the threshold due to the site constraints and conditions imposed.

- 7.15 This new application is for 4 dwellings and is partially within the red line of the previous outline. It is submitted as a full planning application. The initial development subject to the outline and reserve reserved matters permission is now completed. It is therefore not considered that we can apply the requirement for affordable housing on the completed development site through this new application. It is not reasonable to retrospectively apply the policy. It was not intentional to subdivide or split the site but the development of the site has evolved over time.
- 7.16 S106 contributions and CILG compliance
The application requires commuted sums for off-site open space improvements, an education contribution and a commuted sum for the ongoing management of the off-site ecological mitigation.
- 7.17 The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.
- 7.18 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.
- 7.19 It is considered that the S106 requirements in relation to open space, education and ecological management satisfy the regulations and circular.
- 7.20 Open Space
Supplementary Planning Guidance Note No.13 Open Space Requirements (LPGN13) and Policy SR5 Play Areas and New Housing Development of the Adopted Flintshire Development Plan sets out the Council's requirements in terms of new residential development and the provision of recreational open space.
- 7.21 The original site paid an off-site commuted sum for open space of £1,100 per dwelling. There was no formal open space provided on the site. This area of land was undeveloped and to be maintained as the developer desired as informal open space. The development of

this land for four dwellings would therefore require an additional £1,100 per unit which would be towards improving community playing field surface located adjacent to Cheshire Lane, Elfed High School, Buckley. We have not requested more than 5 contributions for this project therefore the contribution is CILG compliant.

Education

- 7.22 Supplementary Planning Guidance Note No.23 Developer Contributions to Education (SPGN23) sets out the Council's requirements in terms of new residential development and education contributions. The outline consent required an education contribution towards Mountain Lane Primary School. The formula was written into the legal agreement of the outline consent. 24 dwellings x 0.24 generates 5.76 which equates to 6 pupils. The proposed 4 dwellings generates an additional pupil and as there still remains an issue with capacity at the school in accordance with SPGN23 a contribution is required for one additional pupil.

Ecology

- 7.23 Supplementary Planning Guidance Note 8 Nature Conservation and Development and Supplementary Planning Guidance Note 8a Great Crested Newt Mitigation Requirements set out the background for ecological contributions. In this case the development of the whole site provided a mitigation area at Stoneybeech wood which is being managed to compensate of the indirect impacts on the SAC as part of the S106. As this development is for the proposed 4 dwellings it is therefore reasonable to ask for an additional contribution of £1,000 per dwelling from this development towards the management of this site.

8.00 CONCLUSION

- 8.01 The erection of 4 dwellings on this site would be acceptable subject to a S106 agreement covering commuted sums for open space, education and ecological land mitigation management. The proposed site was not any formal designated open space as part of the larger development. It therefore has no formal protection and was intended as a landscaped area.

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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