

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **25<sup>TH</sup> APRIL 2018**

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

**SUBJECT:** **FULL APPLICATION – RESIDENTIAL  
DEVELOPMENT FOR 27 NO. DWELLINGS AND  
ASSOCIATED GARDENS AND CAR PARKING AT  
LLYS DEWI, PENYFFORDD, HOLYWELL**

**APPLICATION  
NUMBER:** **057971**

**APPLICANT:** **WATES RESIDENTIAL**

**SITE:** **LLYS DEWI,  
PENYFFORDD, HOLYWELL**

**APPLICATION  
VALID DATE:** **19<sup>TH</sup> JANUARY 2018**

**LOCAL MEMBERS:** **COUNCILLOR G. BANKS**

**TOWN/COMMUNITY  
COUNCIL:** **LLANASA COMMUNITY COUNCIL**

**REASON FOR  
COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO  
DELEGATION SCHEME**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

- 1.01 This is a full application for the proposed erection of 27 No. affordable dwellings with associated gardens and car parking on land at Llys Dewi, Penyffordd, Holywell.
- 1.02 Part of the site the subject of this application is allocated for residential development in the Flintshire Development Plan by virtue of Policy HSG1 (41).
- 1.03 For Members information the site is within the Council's Strategic Housing & Regeneration Programme (SHARP).

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

2.01 That conditional planning permission be granted subject to the following:-

Conditions

1. Time limit on commencement.
2. In accordance with approved plans/details.
3. Samples of materials to be submitted and approved.
4. No development to commence until site levels and finished floor levels of buildings have been submitted and approved. Development to be undertaken with approved details.
5. Siting, layout, design of the means of site access to be in accordance with details to be submitted and approved.
6. Forming of site access not to commence until detailed design have been submitted and approved.
7. Access to be kerbed and completed to carriageway base course layer prior to any other building operations.
8. Facilities to be provided within the site for the parking and turning of vehicles prior to occupation of any dwelling(s) to which it relates.
9. Details of design, traffic calming, signing, surface water drainage, street lighting to be submitted and approved prior to commencement of any other site works.
10. Gradient of access from edge of carriageway and for a minimum distance of 10 m to be 1:24 and 1:15 thereafter.
11. Positive means to prevent surface water run-off onto carriageway to be submitted and approved.
12. No development to commence until a Construction Traffic Management Plan has been submitted and approved.
13. No dwelling shall be occupied until a full Travel Plan and Transportation Implementation Strategy (TIS) has been submitted and approved.
14. Hard/Soft Landscaping Scheme to be submitted and approved.
15. No development shall commence unless and until a scheme has been submitted and agreed that satisfied the policy and planning requirements relating to the retention of affordable housing.
16. No development shall commence unless and until a scheme has been submitted and agreed to satisfy policy and planning guidance requirements relating to public open space and recreation.
17. No development to commence until a scheme for the integrated drainage of the site has been submitted and approved. Development to be carried out in accordance with approved details.
18. Tree/hedgerow protection measures to be implemented prior

to the commencement of any site works.  
19. No development, including site clearance, to commence until a scheme for the implementation of reasonable avoidance measures for protected species has been submitted and approved.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor G. Banks**

No response received at time of preparing report.

#### Llanasa Community Council

Submit the following concerns of residents of Penyffordd relating to the application:-

- The main access road to Penyffordd, Llinegr Hill does not provide sufficiently good access for a further 20 – 40 vehicles on a regular basis. The street lighting on Llinegr Hill has historically caused problems for vehicles travelling both up and down the hill with lighting only on one side of lengthy areas of road. Construction vehicles will also create additional problems on this route.
- The access road to the proposed development is very close to the local school, Ysgol Bryn Garth, and any increase in vehicular activity will increase the risk of an accident.
- The village of Penyffordd only has one shop providing the needs for local residents and the facilities in the village are insufficient to provide basic requirements for a further 27 homes.

#### Highway Development Control Manager

Recommend that any permission includes conditions in respect of the siting, design, of site access, construction details of estate road and the submission of a Construction Traffic Management Plan, Travel Plan and Transport implementation Strategy (TIS).

#### Head of Public Protection

No adverse comments.

#### Welsh Water/Dwr Cymru

Confirm that sufficient capacity exists within the existing public sewer network to accommodate foul water only. Recommend that a comprehensive drainage scheme is submitted.

#### Capital Projects & Planning Manager

Advises that as there is sufficient capacity at the nearest primary school (Ysgol Bryn Garth) and Secondary School (Ysgol Trefynnnon). Do not therefore request commuted sum payment(s).

#### Council Ecologist

The potential for protected species to be present on the site is limited, although the hedgerows and scrub have value as a nesting habitat and connectivity to the wider landscape. No objection subject to the imposition of a condition, to ensure no site clearance is undertaken until there has been submitted and approved a scheme for tree/hedgerow protection and reasonable avoidance measures for any protected species that may be present.

#### Natural Resources of Wales

Given the location and nature of development which is approximately 800 m away from the Dee Estuary Special Area of Conservation (SAC)/Special Protection area (SPA) and Ramsar, it is unlikely that it will affect any protected species provided that water quality is not affected. In addition the site lies outside of the extreme flood risk outline (flooding from rivers and sea). It will however be necessary to ensure that the surface water from the site can be acceptably managed.

#### Public Open Spaces Manager

Request the payment of £733 per dwelling in lieu of on-site recreational provision. The monies would be used to enhance toddler play facilities at the children's play area at Bryn Garth, Penyffordd.

#### Housing Strategy Manager

In terms of evidence of the need for affordable housing, advises:-

- The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units.
- The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%) and 3 bed (28.5%) split relatively evenly between social rented (56.2%) and intermediate (43.8%) tenures.
- There is a demand for both affordable/social rent in the area with
  - 26 applicants registered for social rent and 1 for affordable rent for 1 bed properties.
  - 41 applicants registered for social rent and 2 for affordable rent for 2 bed properties.
  - 19 applicants registered for social rent and 3 for affordable rent for 3 bed properties.

In view of the above, advises that the proposed affordable housing provision within the application would be acceptable and is supported.

#### Technical Services (Drainage)

No objection subject to the imposition of a condition to ensure the provision of an integrated drainage system.

#### **4.00 PUBLICITY**

##### 4.01 Press Notice, Site Notice, Neighbour Notification

4 No. letters of objection received, the main points of which can be summarised as follows:-

- Limited infrastructure to support the proposed development.
- Inadequate access.
- More suitable brownfield sites are available for development.

#### **5.00 SITE HISTORY**

5.01 None relevant.

#### **6.00 PLANNING POLICIES**

##### 6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy GEN3 – Development in the Open Countryside.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy WB1 – Species Protection.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG1 (41) – New Housing Development Proposals.

Policy HSG4 – New Dwellings Outside Settlement Boundaries.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

Policy HHSG10 – Affordable Housing Within Settlement Boundaries.

Policy HSG11 – Affordable Housing in Rural Areas.

Policy EWP17 – Flood Risk.

Policy IMP1 – Planning Conditions & Planning Obligations.

##### Additional Guidance

Planning Policy Wales (PPW)

Technical Advice Note 5 – Nature Conservation & Planning.

Technical Advice Note 12 – Design.

Technical Advice Note 15 – Development & Flood Risk.

Technical Advice Note 18 – Transport.  
Local Planning Guidance Note 2 – Space About Dwellings.  
Local Planning Guidance Note 3 – Landscaping.  
Local Planning Guidance Note 4 – Tees & Development.  
Local Planning Guidance Note 8 – Nature Conservation & Development.  
Local Planning Guidance Note 9 – Affordable Housing.  
Local Planning Guidance Note 13 – Open Space Contributions.

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This full application proposes the erection of 27 No. dwellings with associated gardens and parking on land at Llys Dewi, Penyffordd, Holywell.

### 7.02 Site Description

The application site amounts to approximately 0.9 hectares of existing agricultural land which is located to the south of existing properties fronting onto Rhewl Fawr Road and north/west of existing development at Llys Dewi.

7.03 The site slopes gently from the south west to north east. Running east to west within the site is a mature line of trees and sections of hedgerow.

### 7.04 Proposed Development

The plans submitted as part of this application propose the erection of a total of 27 No. dwellings comprising a mix of 2/3 bedroom houses and 1/2 bedroom apartments which are intended to meet affordable housing needs.

7.05 Vehicular access to serve the development is proposed from an existing road Maes Emlyn, the internal estate layout resulting in the proposed dwellings running parallel with the form of existing development fronting onto Rhewl Fawr Road and Llys Dewi.

7.06 It is proposed that the dwellings be constructed having facing brick external walls with concrete tile roofs.

7.07 It is considered that the main planning issues can be summarised as follows:-

- Principle of development having regard to the planning policy framework.
- Proposed scale of development/house types/site layout.
- Adequacy of existing highways and access arrangements to serve the scale of development proposed.
- Adequacy of foul/surface water drainage.

- Impact on the privacy/amenity of residents in proximity to the site.
- Leisure/Educational Requirements.
- Impact on ecology/trees.
- Affordable Housing.

7.08 Principle of Development

For Members information, the northern part of the site which amounts to approximately 0.5 hectares in area is located within the settlement boundary of Penyffordd in the Flintshire Unitary Development Plan. It is allocated for residential development by virtue of Policy HSG1 (41).

7.09 The remainder of the site, 0.4 hectares is located outside but adjacent to the settlement boundary and therefore regard to Policy HSG11 of the Flintshire Unitary Development Plan which allows for small scale rural exception schemes adjoining rural settlements is necessary. It is my view that this part of the site although not allocated for development, would form a logical extension to the settlement boundary facilitating a satisfactory means of access to the allocated part of the site, which can in my view be supported as it would (a) provide for a co-ordinated approach to development and would (b) help to deliver an affordable housing scheme meeting local housing need and a contribution to the Council's five year housing land supply.

7.10 Scale/House Types/Site Layout

As part of the site is an allocated housing site and in accordance with Policy HSG8 of the Flintshire Unitary Development Plan, it would be expected to achieve a minimum density of 30 dwellings per hectare.

7.11 The proposed site area amounts to approximately 0.90 hectares in total and therefore the erection of 27 dwellings would represent an acceptable scale of development both in line with policy HSG8 and having regard to the character of the site and existing development adjacent to its boundaries.

7.12 In addition the introduction of 2 storey dwellings would be reflective of this existing character, the layout representing the form of development in proximity to the site and subject to control over the use of materials, it is my view that development would be acceptable and can be supported.

7.13 Adequacy of Access

Whilst the objections to the development on highway grounds are duly noted, consultation on the aspect of the development 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 and acceptability of the proposed site layout.

7.14 As a result it is acknowledged that whilst the parking provision is below the maximum referenced in Local Planning Guidance Note 11,

that there is a minimum provision of 1 space per 2 bed property and 2 spaces per 3 bed. In order to reduce reliance on private car usage and encourage the use of sustainable transport, it is therefore considered that a travel plan would be required in the event of planning permission being granted.

7.15 In addition and notwithstanding the above requirement, a technical assessment of the acceptability of the proposed access/site layout 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.

7.16 Adequacy of Foul/Surface Drainage

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

7.17 For Members information the site is located within Flood Zone A but it has been confirmed by NRW that the site lies outside of 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.

7.18 As a result and as highlighted consultation on the application has been undertaken with the Council's Technical Services Department who raise no objection to the principle of development, subject to the imposition of a condition to ensure the provision of an integrated drainage scheme for the site.

7.19 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 existing dwellings adjacent to the site are safeguarded as part of the proposed development. The proposed layout takes into account the relationship of the site to existing development, particularly at Rhewl Fawr Road and Llys Dewi, where these dwellings are closest to the application site and ensures that the separation distances would be acceptable to avoid overlooking having regard to Local Planning Guidance Note 2 – Space About Dwellings.

7.20 Leisure/Educational Requirements

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

7.21 The 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 £733 per dwelling the monies used to enhance toddler play provision at the children's play area at Bryn Garth, Penyffordd.
- b) That given that there is adequate capacity at Ysgol Bryn Garth (Primary) and Ysgol Trefynnnon (Secondary) that an educational contribution(s) would not be required.

7.22 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'.

7.23 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.

7.24 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.

7.25 I am advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into at Penyffordd, Holywell and am satisfied that on application of the tests set out above the leisure contribution would satisfy these requirements.

7.26 The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards play and recreation facilities. Accordingly, it is proposed that a condition in respect of the above is imposed such that no development is permitted to commence until a scheme to address this issue is submitted and

agreed.

7.27 Impact on Ecology/Tree/Hedgerows

Although not a protected ecological site, an ecological report (Phase 1 Habitat Survey) 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 approximately 800m from the Dee Estuary SAC/SPA/Ramsar. Notwithstanding the above both NRW and the Council's Ecologist recommend that 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 which are important from a habitat/connectivity perspective with Reasonable Avoidance Measures (RAMs) to protect any protected species which may be present.

7.28 Affordable Housing

Whilst the site is owned by the Council, it is proposed to be developed to meet affordable housing need which must still operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing. Accordingly, safeguards should still properly be sought to ensure the retention of the same in the future.

7.29 It is therefore proposed to impose a condition to ensure that no development commences until a scheme detailing the precise means and method by which the affordability of these units will be retained in perpetuity is submitted to and agreed in writing by the Local Planning Authority. The proposal is therefore acceptable having regard to Policy HSG10 of the Flintshire Unitary Development Plan and LPGN9 – Affordable Housing.

**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. There is no objection from the Highway Development Control Manger, Natural Resources Wales, Dwr Cymru/Welsh Water or the Council's Technical Drainage Department.

8.02 Accordingly, I recommend that planning permission be granted subject to the imposition of conditions within 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

**Contact Officer:** Robert Mark Harris  
**Telephone:** (01352) 703269  
**Email:** [Robert.mark.harris@flintshire.gov.uk](mailto:Robert.mark.harris@flintshire.gov.uk)