

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **23<sup>rd</sup> MAY 2018**

**REPORT BY:** **CHIEF OFFICER OF PLANNING, ENVIRONMENT & ECONOMY**

**SUBJECT:** **RESERVED MATTERS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) REQUIRED BY CONDITION NO. 2 OF OUTLINE PLANNING PERMISSION REF: 051831 AT STATION YARD, CORWEN ROAD, COED TALON**

**APPLICATION NUMBER:** **055798**

**APPLICANT:** **MR. P. DAVIES**

**SITE:** **STATION YARD, CORWEN ROAD, COED TALON**

**APPLICATION VALID DATE:** **9<sup>TH</sup> AUGUST 2016**

**LOCAL MEMBERS:** **COUNCILLOR CAROLYN A. THOMAS**

**COMMUNITY COUNCIL:** **TREUDDYN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF PROPOSAL EXCEEDS THE POWERS TO DETERMINE DELEGATED TO THE HEAD OF PLANNING**

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

**1.00 SUMMARY**

1.01 This is a Reserved Matters application for the erection of 50 dwellings. This application provides details of the means of access, siting, design, external appearance and landscaping of the site following the grant of outline planning permission 051831. The issues associated with the principle of developing this site for residential development have been dealt with at the outline stage. It is considered that the details of the scheme do not raise any issues in relation to impact on neighbouring living conditions or the character of the area.

**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 Section 106 Obligation or Unilateral Undertaking, or making advance payment of to secure the following:-

- a. Ensure the payment of a contribution of £27,500 in lieu of on-site recreation provision, the sum to be used to enhance the children's play area at Coed Talon Play Area. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved.

2.02 Conditions

1. In accordance with approved plans
2. No development until submission, agreement of landscaping proposals for P.O.S, including surface and boundary treatment of the 'greenway'.
3. Implementation of Condition 2 scheme.
4. Submission, agreement and subsequent use of proposed external facing materials.
5. Submission, agreement and subsequent implementation of scheme for boundary treatments.
6. No development until a scheme of appropriate measures to control Invasive Non Native Species on the site is submitted and agreed. Thereafter the scheme to be implemented in full prior to the occupation of any dwelling hereby approved.
7. Provision of play area before 50% occupation of the dwellings hereby approved.

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

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Carolyn A. Thomas

Requests committee determination of the application. Considers;

1. that 50 dwellings is an overdevelopment of the site;
2. seeks clarity as regards play and recreation provisions upon the site;
3. Seeks the provision of a pedestrian crossing at the site access point to enable safe crossing to play facilities across the A5104 Corwen Road; and

4. Requests that condition be imposed requiring the tidying up of the remainder of the proposed 'greenway' route.

#### Treuddyn Community Council

No indication of support or objection provided. The following comments are advanced;

1. The allocation of 43 dwellings as stated in the LDP should remain and not increased to 52 dwellings as this would lead to an overdevelopment of the site;
2. There are concerns the water is culverted and should be an open water course;
3. There is Japanese knot weed on the site;
4. Treuddyn C.C wish the bridleway to be continued as a multiuse pathway for walkers, cyclists & horse riders, with mitigation at the far end to create a bank for links to existing rights of way, to come out onto Ffordd y Bont;
5. The area marked as open countryside on the indicative plan as outline should remain and not be developed on;
6. The informal recreational space should be included as shown on the indicative plan, perhaps allowing the bridleway to go through - maybe with a bridge over the open water course;
7. There are 2 play parks in the area – Coed Talon & Pontybodkin. The S106 payments from the development could be considered for the link onto the existing rights of way onto Ffordd y Bont and the possibility of a pedestrian crossing, to access the park and Coed-Talon way, if not a traffic light crossing in Pontybodkin.

#### Highways Development Control Manager

No objections. Advises that Public Bridleway 56 crosses the site but its route appears unaffected by the development.

#### 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. In 2015/16 124 affordable units were delivered – a combination of supported housing, social and intermediate rent as well as shared equity.
- 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 an identified level of interest for affordable housing (i.e affordable ownership and rent) within the Treuddyn community area, with;

- 1 applicant are currently registered for a 3 bed affordable ownership /shared equity property; and
  - 3 applicants registered for affordable (intermediate) rent properties – 1 applicant for a 2 bed and 2 applicants for a three bed.
- In addition, the social housing register has 6 applicants for 1 or 2 bed bungalow accommodation, 21 applicants for a 1 or 2 bed flat and 36 applicants for 2, 3 and 4 bed houses.

In view of the above, advises that the proposal to provide 15no. affordable units is acceptable. Agreed provision comprises 8no. 2 beds and 7no. 3bed dwellings. This provision includes;

- 6 x DMR ( Rented ) Units @ 90 % of market rent; and
- 9 x Shared Equity homes for sale @ 70 % of Open Market Value. The residual 30% is proposed to be retained through a legal charge.

Pollution Control Officer

No adverse comments.

Public Open Spaces Manager

Considers the location of the proposed doorstep play facility to be acceptable and advises of an agreed schedule of equipment. Advises that a commuted sum equivalent to 50% of the sum which would normally be sought will be required to address recreational needs of older children. Advises that this sum will be used to enhance existing provisions for play and recreation at Coed Talon Play Area.

Dwr Cymru/Welsh Water (DCWW)

No objections.

Natural Resources Wales (NRW)

Considers conditions 10 & 12 of the outline permission (Ref: 051831) should be complied with before this application is determined.

The Coal Authority

Advises that the proposed built area of the site does not fall within the Defined Development High Risk Area. Confirms therefore that there is no objection to the proposal.

Airbus

No adverse comments.

**4.00 PUBLICITY**

4.01 The application has been publicised by way of the display of a site notice and neighbour notification letters. Consultation and publicity

has been undertaken on 3 occasions. At the time of writing this report, 6 No. letters have been received in response.

4.02 1No. raises neither support nor objection, merely offering comments in relation to the ownership of boundaries and hedges thereupon; and requesting appropriate separation distances and screening between existing and proposed dwellings.

4.03 5No. letters raise objection on the following grounds;

- Impacts upon residential amenity;
- Impacts upon highway safety and increased traffic;
- Impacts upon wildlife;
- Impacts upon the integrity of the watercourse;
- Insufficient detail provide in respect of P.O.S and play area;  
and
- Proposed green way route of inadequate width.

## **5.00 SITE HISTORY**

### **5.01 98/1404**

Certificate of lawfulness – Mixed industrial use  
Granted 11.4.2000

### **034353**

Outline – residential development  
Withdrawn

### **051831**

Outline – residential development  
Permitted 23.7.2015

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

Policy GEN1 - General requirements for development

Policy GEN2 - Development inside settlement boundaries

Policy HSG1(39) - New Housing Development Proposals

Policy HSG8 - Density of Development

Policy HSG10 - Affordable housing within settlement boundaries

Policy AC7 - Protection of Disused Railway Lines

Policy AC13 - Access and Traffic Impact

Policy L3 - Green Spaces

Policy EWP2 - Energy Efficiency in New Development

Policy EWP3 - Renewable Energy in New Development

Policy EWP17 - Flood Risk

Policy SR5 - Play areas and new housing development

Policy IMP1 - Planning conditions & planning obligations

## **7.00 PLANNING APPRAISAL**

### **7.01 Site and surroundings**

The site is located to the north west of the A5104-Corwen Road and lies within the defined settlement boundary for Coed Talon. The site is presently utilised for mixed industrial purposes consisting predominantly of a scrap metal business. The site contains various industrial buildings and plant associated with this use.

7.02 The site is bounded to the north and west by open countryside. This boundary is marked by a belt of mature and well established trees and hedgerows. The eastern boundary is formed by a mixture of residential properties with associated garden spaces and a coach/transportation depot. Black Brook, a tributary of the River Alyn, runs along this boundary as both a watercourse and a culvert in sections. Boundaries to the south consist of properties on Corwen Road and the frontage of the Railway Inn Public House and its associated car parking facilities.

7.03 The site topography is relatively flat, reflecting its former use as a station and yard as part of the now redundant Mold to Brymbo railway. The site levels at the periphery of the site, towards the north west rise and in this regard, are reflective of the landform in this location.

7.04 Access to the site is presently derived by an existing access onto Corwen Road between the Railway Inn and an adjoining residential property.

### **7.05 Proposal**

It is proposed to erect 50 dwellings comprising a mix of and 3 bed accommodation, comprising:

- 10 No. 2 bed semi-detached dwellings,
- 12 No. 3 bed terraced dwellings,
- 22 No. 3 bed semi-detached dwellings, and
- 6 No. 4 bed detached dwellings.

7.06 The proposals provide for 15 No. dwellings to be provided as affordable dwellings. These comprise 8 No. 2 bed semi- detached dwellings and 7 No. 3 bed dwellings. The precise details of the 3 bed dwellings to form the affordable contribution is a matter addressed via a condition upon the previous grant of outline planning permission. Accordingly, submissions to satisfy that condition will confirm the precise form the affordable housing. The proposed dwellings are a mix of house types including detached, semi-detached, and terraced with both brick and render and finishes and slate and tile roofs.

7.07 There is a main estate road running broadly north - south from the proposed point of access, with houses fronting in part and accesses

to and cul-de-sacs are derived from this main estate road. The cul-de-sacs run on an east - west alignment across the site.

7.08 Principle of development

The site is allocated for development in the Flintshire Unitary Development Plan for residential development. The principle of development has therefore been accepted. In addition, outline planning permission was approved under Ref: 051831, dated 23.7.2015 for the residential development of this site was made, subject to a number of conditions. The principle of residential development has therefore been reinforced through this grant of outline planning permission.

7.09 An indicative yield of 57 dwellings from this site was envisioned in allocating the site within the UDP. This accords with the aim of the plan to seek to ensure that all allocated housing sites should achieve a minimum of 30dpha (unless there are particular constraints or issues which indicate a lower density is appropriate). Policy HSG8 - Density of Development, advises that, where appropriate, development should seek to make the most efficient use of land whereby the density of development should be optimised, whilst having regard to the characteristics of the site and surroundings and making provision for a high quality living environment in terms of privacy and space. This proposal for the erection of 50No. dwellings equates to a form of development which yields development at a rate of approximately 25d.p.ha. It is considered this is an appropriate scale of development upon this site, taking account of the site constraints and the surrounding density of development.

7.10 The Main Issues

The main issues for consideration in the determination of this application are;

1. Design and impacts upon character and living conditions;
2. Access;
3. Watercourse and drainage; and
4. Matters in relation to Public Open Space and play areas.

7.11 Design & Impacts upon Amenity

The proposed design and layout of this scheme has been the subject of negotiation and discussion over the course of the consideration of the application and has been amended in line with comments arising from the consultation process. The scheme has evolved to respond to the site characteristics and delivers a design where the form of the overall development responds to the particular constraints upon this site. The scheme has sought to provide a variety of house types and create street scenes which work with the requirements to respect the open countryside to the west of the site and retain existing natural and man-made features to create natural route ways and views though the site to the countryside and nearby villages beyond the site

with a view to maintaining, insofar as is possible, a certain rural character to the site in this location.

- 7.12 The wider area is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form but has no overall dominant local vernacular. The applicant has sought to recognise this within the proposal and seeks to create a development which sits well in its locality but delivers a strong sense of identity. The design of the house types take its design influence from the form of the former Victorian railway station buildings which would have been found along this former railway line and remain in evidence elsewhere upon the route. This is particularly evident in the steep vertical emphasis of frontage gable projections within the proposed dwellings. The layout takes full account of the existing dwellings adjacent to the site by maintaining adequate separation distances, broadly in accordance with Council standards on space about dwellings and overlooking to secure privacy and acceptable living condition for future occupiers as well as respecting the private gardens of adjacent houses.
- 7.13 Accordingly, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.
- 7.14 Access  
The detailed proposals in respect of access, from both a vehicular and pedestrian perspective have been the subject of consultation with both Highways DC and Public Rights of Way colleagues who have advised that they are satisfied with the proposals.
- 7.15 The proposed points of access and detailed layout of the proposed roads have been the subject of amendment during the course of the application and I am advised that the highway layout is acceptable. Matters of detail in respect of the extent of adoption and detailed surface finish remain to be addressed but these are properly addressed via the S.38 process under The Highway Act.
- 7.16 The proposals provide for the creation of 'greenway' route which runs through the site along its eastern boundary in the area of proposed P.O.S, before crossing the watercourse and continuing northwards along the line of the former rail track bed. I am advised that this route would not normally be considered for adoption through the S.38 process, but instead it is envisioned that it would be maintained via the arrangements for the management and/or adoption of Public Open Space through these proposals. Highways DC colleagues do not advise that there is the need for the suggested pedestrian crossing at the site access point. Indeed, I note the presence of an existing pedestrian crossing point 200m to the north east of the site along the A5104. It is considered the requirement for a further pedestrian crossing point at the location suggested would be



unnecessary and would therefore fail the legal test set out in the CIL regulations.

- 7.17 The development abuts Public Bridleway 56 at its extreme south western corner but would not impact upon the same. The greenway suggested by both the Local Member and other third parties is not part of the formal network of public footpaths. However, I am mindful of the presence of Footpath 77 to the eastern fringe of the site and consider the proposals to create a footpath link through the site from its junction with the adjacent A5104 to the northernmost point where the former rail track bed crosses beneath the old railway bridge to be a sensible response to securing the ability of future residents to access the site surroundings by means other than the car. Whilst this intent is clear, the detail is still somewhat lacking. However, I consider that this can be addressed via the imposition of a suitably worded condition. Other conditions imposed at the request of Highways DC remain in force via the Outline planning permission.
- 7.18 I acknowledge that some third party responses have raised issues regarding highways safety and access, however there is no evidence to support these views. It is considered that matters in respect of highway of access and highway safety raised are capable of being suitably addressed via the imposition of suitable conditions.

#### Drainage

- 7.19 The site is predominantly located within a category A flood zone, although parts of the eastern fringes of the site are located within Zones B and C2. The nature of the proposals are such that they are considered within TAN15 to be a 'highly vulnerable' form of development. However, this is acceptable within flood zone A and acceptable within zones B and C2 where measures are secured to mitigate flood impacts. Members will recall that issues in relevant to the acceptability of the development of this site in flood terms were addressed at the stage of the Outline permission and accepted by NRW.
- 7.20 The consideration of the Outline application identified the best means of mitigation for the flood risk would be to remove the culvert along the length of the watercourse through the site, increasing the capacity within the watercourse to accept anticipated flows and reducing the pressure upon the watercourse upstream which arises as a consequence of culvert blockage. The surface water drainage solution to the development of the site provides for surface waters to be discharged to the watercourse. It is proposed that discharge rates to the watercourse will be regulated to pre-development rates by means of employing a flood control device within the surface water drainage system upon the site.
- 7.21 Dwr Cymru/Welsh Water raise no objection to the details provided via this Reserved Matters application, advising they consider issues in

relation to site drainage are adequately addressed via the conditions imposed upon the previous grant of outline permission.

- 7.22 Whilst Members will note that NRW consider conditions 10 & 12 of the outline permission should be complied with before this application is determined, this is not a proper way to address the discharge of conditions. These matters to which these conditions relate were not requested to be, and were therefore not framed as being required to be submitted as part of any subsequent Reserved Matters application. They were requested to and, and duly imposed in the forms of conditions precedent. That is, development is not permitted to begin unless and until matters in respect of these conditions have been submitted and agreed. To now seek to make these matters a basis upon which the Reserved Matters is to be determined is unreasonable.
- 7.23 It is therefore considered that, notwithstanding the views of NRW in respect of this application, the position which is sought to safeguard (the agreement of land and development levels) and addressed via the cited conditions, remains protected.
- 7.24 S.106 – Play Area & Public Open Space  
The Public Open Spaces Manager advised in connection with the outline planning permission at this site that it would be appropriate to apply the requirements of Local Planning Guidance Note 13: Open Space Requirements in connection with this proposal such that on site provision be made for a play facility for children up to the age of 8, with the remainder of the requirement addressed via a commuted sum to be utilised in upgrading the existing play and recreation facilities at Coed Talon Play Area. The sum will be required, via legal agreement, to be paid upon 50% sale or occupation of the approved dwellings.
- 7.25 The submitted scheme provides for the required play facility to be sited near to the entrance of the site, upon a parcel of land abutting the internal estate road and the watercourse running through the site. Consideration was given to locating the facility at the junction of the development with the proposed 'Greenway' to the north. However, in consultation with the Public Open Spaces Manager (POSM), this location was not considered to be suitable in terms of its relationship with the development. The facility proposed is a doorstep facility and a schedule of equipment has been agreed between the applicant and the POSM.
- 7.26 The residual of the requirements arising from LPGN 13 is such that this sum equates to £27,500, representing 50% of the sum which would normally be required for a proposal such as this if a full off site contribution were to be required.
- 7.27 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'.

7.28 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

7.29 While the Authority does not yet have a charging schedule in place, the 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.

7.30 The consultation has established that the sum requested should be used in connection with a project to upgrade facilities at the nearby Coed Talon Play Area play area. In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

7.31 It is considered that, on the application of the tests set out in S.122 of the CIL Regulations and as detailed above, that such a contribution would satisfy these requirements. It is also considered that the sum is sought for a specific identified project and as such, would not be caught by the S.123 prohibition with the CIL Regulations.

#### Other Matters

7.32 Members will note that this report does not refer to issues in relation to educational contributions. However, Members will recall at the time of the grant of outline planning permission that it was identified that the Council was precluded from seeking any contributions by virtue of the fact that there are already 5 pooled contributions towards education contributions at Castell Alun High School.

7.33 Members will also recall that in granting outline permission for this site, detailed conditions in respect of detailed highway design matters, drainage matters and land contamination matters were imposed at that time. Accordingly, as this application seeks approval

of Reserved Matters, it must be read as a whole with the Outline Permission and there is therefore, no need to replicate the provisions of conditions upon the outline in this approval.

**8.00 CONCLUSION**

8.01 Having regard to the proposals and the above consideration of all relevant matters, I consider that these proposals represent a scheme, the detail of which is acceptable (given that principle is already established). I recommend that approval of these Reserved Matters be granted subject to approximately worded planning conditions and the suggested legal agreement.

Other Considerations

8.02 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.

8.03 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.

8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

8.05 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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