

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **18TH JULY 2018**

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

SUBJECT: **FULL APPLICATION - ERECTION OF 24 NO.
DWELLINGS AND ASSOCIATED GARDENS AND
CAR PARKING AT LAND WEST OF
GREENWOOD GRANGE, CHESTER ROAD,
DOBSHILL**

**APPLICATION
NUMBER:** **058310**

APPLICANT: **WATES RESIDENTIAL**

SITE: **LAND WEST OF GREENWOOD GRANGE,
CHESTER ROAD, PENYFFORDD**

**APPLICATION
VALID DATE:** **16TH APRIL 2018**

LOCAL MEMBERS: **COUNCILLOR DTM WILLIAMS
COUNCILLOR C HINDS**

**TOWN/COMMUNITY
COUNCIL:** **PENYFFORDD 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 24 no. affordable dwellings with associated gardens and car parking at former Dobshill Depot, Chester Road, Penyffordd.

For Members information the site is within the Council's Strategic Housing and Regeneration Programme (SHARP)

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

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

Conditions

1. Time Limit
2. In accordance with Approved Plans
3. Material samples to be submitted and approved
4. Landscaping scheme and Implementation
5. Finished floor Levels to be submitted and approved prior to development
6. Contaminated Land- Site investigation and remediation
7. Protected Species- reasonable Avoidance Measures
8. Protected Species- Compensatory Measures
9. Protected Species- Amphibian friendly surface water management scheme
10. Siting, Layout and Design of means of access to be agreed and implemented
11. Layout, design, means of traffic calming and signing , surface water drainage, street lighting and construction of internal estate roads to be submitted and agreed
12. Facilities for safe parking and turning of vehicles within site to be provided prior to proposed development being brought into use
13. Positive means to prevent surface water run off onto highway to be provided
14. Construction Traffic management plan to be submitted to and approved by the LPA
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 shall commence unless and until a scheme has been submitted and agreed to satisfy policy and planning guidance requirements relating to Education contributions.
18. Only foul water to be discharged into the public sewerage system.
19. No surface water and or/land drainage to be allowed to correct directly or indirectly to the public sewerage network.

3.00 CONSULTATIONS

3.01 Local Member
Councillor DTM Williams

The proposal represents an opportunity to provide much needed social housing for the area.

Main concern is that the proposal does not propose any private housing, which would allow local people to have a chance to get on the property ladder.

Requests a condition that a local lettings policy is drawn up prior to commencement of development. Also request that local community representative to have active involvement in the decision over the POS provision.

Councillor C Hinds

No objection as long as bungalows and apartments are switched.

Good mix.

Penyffordd Community Council

Fully support the application

Flintshire County Council and Waites have consulted actively with both Penyffordd Community Council and the local community throughout the process and have made improvements to the scheme as a result of the feedback they received. The addition of this affordable housing as well as the associated infrastructure improvements will help to provide for the needs of those most in need in our community and is welcomed.

Highway Development Control Manager

Requests that any permission includes conditions in respect of the siting, design of site access, details of traffic calming, signage, surface water drainage, streetlighting and the construction of internal estate roads and the submission of a Construction Traffic Management Plan.

Rights of Way

Public footpath 92 in the Community of Penyffordd abuts the site but appears unaffected by the development. The path must be protected and free from interference from construction.

Head of Public Protection

No objections in principle. The site is a former depot and as such there is potential for land to be contaminated. Requests condition with regards to site investigation and implementation of a remediation strategy.

Public Open Space Manager

Requests the payment of £733 per starter homes, or £1,100 for any non-starter home. The monies to be used to enhance existing POS in the community, namely Dobshell Play Area.

Capital Projects and Planning Manager

Advises that there is sufficient capacity at the nearest Secondary School (Elfed High School) and that they do not request commuted

sum payments with regard to Secondary education. There is a contribution requirement with regard to the nearest Primary School (Pentrobin V.A. School) and that a contribution requirement of £73,542 is requested.

Pentrobin VA School calculation

School capacity $110 \times 5\% = 5.5$ (6)

$110 - 6 = 104$ Trigger point for contributions is 104 pupils

(No. of units) 24×0.24 (primary formula multiplier) $= 5.76$ (6) No. of pupils generated) $\times \text{£}12,257$ per pupil (building Cost multiplier) = £73,542

Actual pupils $98 + 6$ (from the multiplies) = 104 meets trigger of 104

Elfed High School calculations

School capacity of $1037 \times 5\% = 51.85$ (rounded up or down) 52

Capacity $1037 - 52 = 985$ trigger point for contributions is 985 pupils

(No. of units 24×0.174 (secondary formula multiplier) $= 4.17$ (4 no. of pupils) generated $\times \text{£}18,469$ per pupil (Building Cost multiplier) = £73,876

Actual pupils $745 + 4 = 749$ does not meet trigger of 985

Housing Strategy Manager

In terms of evidence of 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 shortfall of affordable dwellings in the Mold and Buckley sub area, of which Penyffordd is a part, of 165 affordable dwellings.
- The LHMA overall identifies a need for primarily 1 bed (14%) 2 bed (31.6%) and 3 bed (28.5%), split evenly between Social rented (56.2%) and Intermediate (43.8%) tenures
- The housing need for the area is:
 - 42 applicants for Social rent and 3 for Affordable rent for 1 bed flats
 - 22 Applicants for Social Rent for 2 bed flats
 - 74 Applicants for Social rent and 32 for Affordable rent for 2 bed flat/house
 - 9 Applicants for Social rent for 2 bed house
 - 45 Applicants for Social rent and 28 for Affordable rent for 3 bed house
 - 13 Applicants for Social rent and 5 for Affordable rent for 4 bed house
 - 4 Over 55 applicants for Social rent for 2 bed bungalows

As an 100% affordable scheme which has been informed by housing strategy in terms of local need and as there is a demand for social and affordable housing the application is supported,

Welsh Water/Dwr Cymru

Requests that any permission includes conditions in respect of foul

water drainage.

Natural Resources Wales

Natural Resources Wales would not object to the proposal providing that a requirement for field surveys of ponds is carried out and conditions relating to protected species are imposed.

County Ecologist

No objection to the development providing there is a condition or note regarding vegetation clearance and the protection of birds during nesting season. And a prior to commencement condition with regards to a scheme of reasonable avoidance measures for amphibians and reptiles during site clearance.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

3 Letters of Support

- Need for affordable dwellings in Penyffordd
- Brownfield site- Ideal location

2 Letters of Objection

- Road safety- Increased traffic, existing on street parking

5.00 SITE HISTORY

5.01 035424- Retention of existing office building, floodlighting columns, communications mast and sawdust extraction unit- Approved 8th May 2003

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 - Housing

GEN1 - General Requirements for Development

GEN3 - Development Outside 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

HSG8 - Density of Development

HSG9- Housing Mix and Type

HSG11- Affordable Housing in Rural Areas

SR5 - Outdoor Playing Space and New Residential Development

EWP14 - Derelict and Contaminated Lane
IMP1- Planning Conditions and Planning Obligations

Additional Guidance

Planning Policy Wales 9 (PPW9)
Technical Advice Note 5- Nature Conservation and Planning
Technical Advice Note 12- Design
Technical Advice Note 18- Transport
Local Planning Guidance Note 2- Space About Dwellings
Local Planning Guidance Note 3- Landscaping
Local Planning Guidance Note 8-Nature Conservation and Development
Local Planning Guidance Note 9- Affordable Housing
Local Planning Guidance Note 14- Open Space Contributions

7.00 PLANNING APPRAISAL

7.01 Proposal

This application, applied for in full, is for the erection of 24 no. dwellings on the site of the former Council depot, Dobshill. The proposal includes;

- 4 No 1 bedroom flats
- 4 No 2 bedroom flats
- 8 No 2 bedroom houses
- 5 No 3 bedroom houses and
- 1 No 4 bedroom house.
-

The application is for a 100% affordable housing scheme.

Site Description

The site, which represents approximately 0.56 hectares of previously developed land, is a former Council depot which is located on the edge of the settlement boundary of Dobshill in a semi-rural location with built development to the east and south of the site and a play area to the west. The site is largely flat and screened on all boundaries by existing hedgerow.

Principle of Development

The site is previously developed land, namely a former Council depot. It is located adjoining the settlement of Dobshill, a category C settlement in the Flintshire Unitary Development Plan. Planning Policy Wales 9 states a preference for re-using previously developed land, where it is appropriate to do so.

Policy HSG11 of the Adopted Unitary Development Plan governs affordable housing in rural areas. It is considered that the proposal is

in compliance with this policy.

Main Issues

The main issues are considered to be the acceptability of an affordable housing scheme in this area, ecology, contaminated land and the impact of the proposal on the character of the area and impact on neighbouring living conditions.

Affordable Housing

Policy HSG11, Affordable housing in rural areas, allows for affordable housing schemes as an exception to the general principle that new housing will not be permitted outside of settlement boundaries. In order to be compliant with this policy the genuine local need must be established.

In terms of evidence of need the Local Housing Market Assessment (LHMA) for Flintshire identified an annual shortfall of 246 affordable units and in 2015/16 124 affordable units were delivered- a combination of supported housing, social and intermediate rent as well as shared equity.

In the LMHA Penyffordd sits within the Mold and Buckley sub-area which identifies an annual shortfall of affordable dwellings of 165, which is not being met on an annual basis.

The scheme should remain affordable in perpetuity and a condition to this effect should be imposed.

There is a demand for social and affordable housing in the area and it is considered that the proposal helps to meet this need. As such the proposal can therefore be considered to be compliant with policy HSG11 and LGPN9-Affordable Housing.

Ecology

The site is over 1 kilometre from the Deeside and Buckley Newt Site SSSI, and over 700 metres from the nearest known GCN (great crested newt) record. The site, however, is covered in a large amount of spoil formed from broken up tarmac, concrete slabs, brick piles and gravel. This spoil has potential as terrestrial habitat for great crested newts and as basking habitat for reptiles. Given this potential for the site to have GCN habitats conditions are required for reasonable avoidance measures to be followed during site clearance and other work on site. Further conditions considered necessary to mitigate against any harm to protected species, in particular GCNs, are the submission of compensatory measures, including but not limited to, long term management, surveillance, tenure and provision of

resources and the submission of an amphibian friendly surface water management system.

The existing hedging on the site boundaries, which is fairly sparse in places and in need of management, would benefit from a landscaping scheme, which I proposed is conditioned.

Contaminated Land

Given the previous use of the site there is potential for contamination to be present on site. A Phase II Interpretive ground survey was submitted with the application, this survey included proposed remediation measures and actions to be taken to mitigate against any possible risk.

A condition requiring an updated Phase II report to take into account ground investigations undertaken once the existing ground rubble is removed on a portion of the site, and the submission of a Phase III remediation and validation proposal should be imposed onto any consent. The recommendations and remediation measures from this report would then inform safe development practice to mitigate any potential risk from contaminants on site.

Impact on character and appearance of the area

In accordance with Policy HSG8 of the Flintshire Unitary Development Plan a site density to achieve a minimum of 30 dwellings per hectare is expected. The proposed site area is 0.58 hectares and therefore the erection of 24 residential units would represent a scale of development that both exceeds the minimum standard of policy HSG8 as well as having regard to the character of the site and locality. I consider that the proposal represents an efficient use of land without compromising the character or appearance of the area.

The proposal comprises a range of dwellings of varying sizes, with four 2-bed apartments and four 2 1-bed apartments in an apartment block, two 2-bed bungalows, eight 2-bed houses five 3-bed houses and one 4-bed house. Policy HSG9 in the Flintshire Unitary Development Plan advocates developments providing an appropriate mix of dwelling sizes and types to create mixed and socially inclusive communities. The proposal has been informed by the housing need in the locality and provides a significant number of smaller dwellings, identified as being a housing type required in the area. I consider that the proposal is in line with the requirements of the policy.

The proposed dwellings are of a variety of designs that creates a pleasing visual mix within the site. External materials are render and brick with concrete tile roofs, which are appropriate for the locality.

I consider the proposal to be acceptable in design terms, and to accord with the relevant development plan policies. Conditions relating to the materials proposed, and the finished floor levels of the dwellings, are suggested to protect neighbouring residential amenity and to ensure that the development is appropriate in scale to its surroundings.

Impact on living conditions of neighbouring occupiers and future occupiers

Due to the existing screening, the topography of the site and the position of neighbouring residential properties in relation to the site I do not consider there to be any issues of adverse overlooking or otherwise loss of privacy or existing residential amenity.

The houses are orientated front to front and I do not consider that any direct overlooking will result from the site layout. Adequate separation distances are provided by the proposed dwellings both to each other and to existing neighbouring properties.

The development broadly complies with the standards set out in SPGN2- Space Around Dwellings. The dwellings are provided with adequate private amenity space. Whilst there is a 8 metre depth to the gardens on the northern portion of the site whereas the SPGN specifies a minimum depth of 11 metres, the general standard complies with the advice and as there are no neighbouring properties to the north of the site this lower standard will not result in any adverse impact upon existing amenity. Block 6, on the southern portion of the site, also has similarly reduced garden depths. These plots are well screened and provide a good standard of amenity space compliant with the guidance. The area and shape of the amenity space allows for useable garden areas that allow for recreation and play and provides a good standard of amenity for future occupiers. The Supplementary planning guidance allows for a reduction in the standards where it is desirable to achieve a good mix of dwellings or density on the site. I consider the amenity spaces provided to be compliant with the guidance.

Highways

The former use of the site, as a Council Highways depot, was subject to a significant number of vehicle movements. The proposal represents a use that is likely to generate significantly less traffic than was hitherto the case.

Conditions are suggested to ensure that the layout, design and means of site access are in accordance with details submitted to and approved by the Local Planning Authority. Similarly details of traffic calming, signing, surface water drainage, street lighting and the

construction of estate roads can be submitted and approved prior to the commencement of development.

A Construction Traffic Management Plan shall be provided to control the impact of the development of the site on the existing highways network and neighbouring amenity.

POS and Education contributions

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.

The consultation has established that:-

- a) As there would be no on-site recreational provision the development would require a commuted sum of £733.00 per starter home or £1,100 per unit if not starter homes in lieu of on-site provision. These monies would be used to enhance existing POS in the community, specifically Dobshill Play Area, which is adjacent to the proposed site.
- b) There is a contribution requirement of £73,542 with regard to Pentrobin V.A. School Primary School, but there is no education contribution needed with regard to Elfed High School as the trigger has not been met.

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'.

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.

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, and to meet the educational need. 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.

8.00 CONCLUSION

In conclusion it is my view that the scale, form and design of the development would be sympathetic to the character of the site and its surroundings. I consider that the proposal represents an appropriate re-use of this previously developed land and will contribute to meeting the local affordable housing need, with commensurate positive impacts upon the local community.

Accordingly I recommend that planning permission be granted subject to the imposition of conditions within paragraph 2.01 of this report.

8.01 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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