

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **4th DECEMBER 2019**

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

SUBJECT: **RESERVED MATTERS APPLICATION- APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 055936 AT HILLCREST, MOUNT PLEASANT ROAD, BUCKLEY.**

APPLICATION NUMBER: **059665**

APPLICANT: **QUATREFOIL HOMES LTD**

SITE: **LAND TO REAR OF HILLCREST, MOUNT PLEASANT ROAD, BUCKLEY**

APPLICATION VALID DATE: **1st MARCH 2019**

LOCAL MEMBERS: **COUNCILLOR D HUTCHINSON**
COUNCILLOR M PEERS

TOWN/COMMUNITY COUNCIL: **BUCKLEY TOWN COUNCIL**

REASON FOR COMMITTEE: **SIZE OF PROPOSAL**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a reserved matters application for residential development at land to the rear of Hillcrest, Mount Pleasant Road, Buckley. The matters for which approval is being sought are access, appearance, landscaping, layout and scale.

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

- 2.01
1. In accordance with approved details
 2. Materials
 3. Final Floor Levels
 4. Final details of bat roost locations to be submitted
 5. Landscaping scheme and Implementation including hard landscaping and retaining structures
 6. Site access constructed prior to other site works
 7. Single access point only. Vehicular access from Mount Pleasant Lane to be permanently closed when new access brought into use.
 8. Parking plan
 9. Protection of trees in accordance with Arboricultural assessment
 10. Existing and finished floor levels

3.00 CONSULTATIONS

- 3.01 Local Member Councillor M Peers
No comments received at time of writing

Buckley Town Council
No observation

Highways Development Control
Recommends conditions as part of any approval

Drainage
Following discussions, a surface water drainage scheme has been agreed and secured by condition.

Community and Business Protection
No adverse comments

Aura Leisure
In accordance with Planning Guidance Note No. 13 POS Provision, the Council should be seeking an off-site contribution of £1,100 per house/dwelling, and £733.00 per apartments in lieu of onsite POS. The payment would be used to enhance teenage provision at Mount Pleasant Play Area, Drury.

Clwyd Powys Archaeological Trust
No archaeological implications

Natural Resources Wales
No objection to reserved matters

Ecology

No objection to layout. Mitigation details have been discussed with the applicant together with the need for a Management Plan for the Wildlife Mitigation land as put forward within the s106.

Main concern is the importance of receiving details of the reasonable avoidance measures, mitigation and compensation proposals for GCN and relevant bat species prior to any works commencing on site.

Education

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 (Buckley Mountain Lane School) and that a contribution requirement of £61,285 is requested.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

1 Letters of Objection received

- No landscaping details submitted
- No site investigation report submitted
- Impact of development on adjacent properties

5.00 SITE HISTORY

5.01 **055936** Renewal of outline planning permission ref: 046545 for residential development. Approved after completing legal agreement 07.06.18

046545

Renewal of outline planning permission ref: 041634 for residential development. Approved after completing legal agreement 07.10.13

041634

Outline - residential development. Approved 29.08.06.

041043

Outline - residential development. Withdrawn 26.05.06

01/0/00191

Renewal of planning permission 4/0/25009 to allow the extension of an existing industrial building. Approved 23.04.01

96/0/00187

Change of use of part of haulage yard to parking of up to six minibuses and two 53 seater coaches. Approved 09.07.96

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 HSG1 - New Housing Development Proposals
Policy HSG8 - Density of Development
Policy HSG9 - Housing Type and Mix
Policy D1 - Design Quality, Location and Layout
Policy D2 - Design
Policy D3 - Landscaping
Policy TWH1 - Development Affecting Trees and Woodlands
Policy EWP3 - Renewable Energy in New Development
Policy EWP14 - Contaminated Land
WB1 – Protected Species
WB2 – Sites of International Importance
AC13 – Access and Traffic Impacts
AC18 – Parking Provision and New Development
- SPGN2- Space Around Dwellings
SPGN11- Parking Standards

Planning Policy Wales 10th Edition December 2018

7.00 PLANNING APPRAISAL

7.01 This is an application for approval of Access, Appearance, Landscaping, Layout and Scale reserved matters for a residential development of 20 no. dwellings.

7.02 Site Description

The application site is currently accessed from Mount Pleasant Road between two residential properties, and is bounded by residential properties to the east and south. The site also abuts Drury Lane and is a brownfield site which includes the vacant residential properties of The Mount and Highfield along with an existing bus depot which includes an industrial building. The site is bounded by existing hedgerows and contains a number of trees. To the north west of the application site is a wooded area which is adjacent to a number of large ponds.

7.03 Principle of Development

The site is allocated for residential development within the adopted Unitary Development plan for 15 dwellings and is within the settlement boundary of Buckley. The site was first granted outline planning permission in 2006 and subsequently renewed in 2013 and again in 2018. During consideration of the last renewal, a concern was raised that allocated sites are gaining planning permission and not being brought forward into completions which is exacerbating the

housing land supply situation. It was therefore considered that the renewal of this application should apply a 12 month condition for the reserved matters to be submitted and the outline shall be for two years only in order to stimulate development of the site. The current submission is in accordance with time limits on the previous renewal. The proposal has a developer associated with it and does not appear to be speculative. It would appear the intention is to now construct the dwellings. The principle of development has been established by this extant outline permission.

7.04 The indicative plan approved on the last Outline permission showed 24 dwellings on the site. The Site details submitted as part of the reserved matters is for 20 dwellings. Notwithstanding these previously approved indicative plans, the current submission deals with issues of layout and scale of development and can therefore be not constrained by the indicative layout considered at outline stage.

7.05 **Main Issues**

The main issues for this reserved matters application is considered to be the design and impact of the dwellings upon neighbouring amenity.

7.06 **Design and Impact upon character and appearance of area**

The development consists of a mix of 3, 4 and 5 bedroom houses. The dwellings are generally detached, albeit with 4 semi detached properties on the development, and constructed in a traditional manner with a mix of primarily brick and roof tile with rendered details throughout the site.

7.07 There is a mixture of property types in the vicinity, both the immediate site frontage on Mount Pleasant Road and within the Drury and Buckley areas. The proposed dwelling types are considered to be appropriate and representative of local vernacular.

7.08 I propose that a condition is imposed regarding the finished floor levels of the properties to safeguard against unacceptable impacts upon neighbouring residential amenity and to ensure that the development integrates into its surroundings acceptably.

7.09 The proposal makes efficient use of land whilst reflecting the prevailing character of development in the locality. The reserved matters application proposes less dwellings than considered at outline stage however the proposed density of 26 dph is acceptable as it accords with the neighbouring density.

7.10 **Living Conditions**

The site is bounded by the rear gardens of neighbouring properties on Mount Pleasant Road and The Brambles. Due to the orientation of the dwellings on site there is no overlooking onto the dwellings on The Brambles, or onto the semi-detached properties on the Mount Pleasant spur road next to the junction of Drury Lane. Where there are rear to rear interfaces, adequate distance has been provided to ensure that there is no detrimental impact upon neighbouring amenity.

- 7.11 The main areas where there is interaction between proposed dwellings and existing is where two alpha house types and one delta are back to back with the properties known as Hilltop and Hillcrest, where distances offered are 22 and 23 metres, which is in accordance with the relevant supplementary planning guidance SPG2. No. 4 The Brambles is back to gable, albeit offset, with a proposed dwelling, and itself has a shallow garden area. The distance between these properties is 17 metres, with an intervening double garage. This is in excess of the 12 metre guidance. Screening on the site boundary should mitigate against adverse impacts resulting from this development. Front to front interfaces throughout the site are in excess of 22 metres.
- 7.12 Where gables of proposed dwellings face existing dwellings, there are no windows serving habitable rooms and I do not consider there to be any issues of adverse overlooking from the proposal given its orientation and distance away from existing dwellings.
- 7.13 The proposed dwellings on the western boundary back onto open countryside and as such do not give rise to any adverse impacts upon existing amenity.
- 7.14 Garden areas across the site offer amenity areas of a size and arrangement that is in accordance with Supplementary Planning Guidance2- Space Around Dwellings. The majority of gardens exceed the 11 metre depth requirement within this guidance. Where this falls short, as is the case with the Alpha House types immediately to the rear of the existing properties known as Hilltop and Hillcrest, the gardens have a depth of 10 metres and the back to back distance with these properties is in excess of the required interface distance of 22 metres, as discussed above. Whilst it is acknowledged that there is a change in levels between the site and the existing dwellings that lie adjacent to the site I consider that the distances provided and boundary screening, will mitigate against any adverse impacts arising from the development.

7.15

Highways and Access

A new access point to the site is provided from Drury Lane. The existing access point from Mount Pleasant Road is to be permanently closed prior to the occupation of the first dwelling.

- 7.16 Highways Development control have raised no objection to the principle of the access. Full highways details will be submitted for approval prior to the development of the site in accordance with the Outline permission.
- 7.17 Initial concerns were raised by highways on a number of points, including the general arrangement and highways surface water drainage but these have been overcome by the submission of amended details.
- 7.18 Existing conditions imposed at outline stage cover the matters raised within the consultation response from Highways Development Control, as such it is not necessary to impose any more conditions other than a condition requiring the closure of the existing access, as there was a typographical error on the outline consent, which required correction in the interests of clarity.

7.19 **Drainage**

Following negotiations between the Councils drainage section and the applicants an acceptable surface water drainage solution for the site has been agreed. Drainage details have been provided to the satisfaction of the Drainage engineers. Given the topography of the site and the geological conditions of the ground it was considered appropriate to have this confidence in the proposed approach prior to the matter being determined.

- 7.20 A pre-commencement condition was imposed on the Outline permission which required the submission and approval of a full foul and surface water drainage scheme prior to development. It is considered that this issue can be satisfactorily addressed through this condition now that a solution has been identified.

7.21 **Ecology**

The application is not within, but is adjacent to the Deeside and Buckley Newt Special Area of Conservation at its northern (200 metres) and southern boundaries 100 metres). The land to the west of the application site is a Local Wildlife Site known as Etna Road Pools and is an important wildlife corridor linking the SAC compartments. As such it is considered that the site and its impact upon ecological issues is a materially significant factor in the acceptability of this scheme. This was a factor that was considered in depth at outline stage.

- 7.22 Great Crested Newts are the key feature of the SAC so it is important to ensure that there are no long term effects on the population through agreed avoidance and mitigation measures. There are numerous significant development pressures on the SAC as a whole, which in

combination with this proposal could have significant environmental effects. An area of land has therefore been set aside for ecological mitigation and to address the indirect recreation pressures adjacent to the application site within the applicant's landownership to compensate for the loss of land for development.

7.23 Details of proposed bat roosts have been provided, in accordance with a condition of the Outline consent. Their final locations can be determined prior to the commencement of development and I propose a condition to require this detail.

7.24 The proposed development and mitigation proposals have been assessed and it is considered that the development is not likely to have a significant effect on protected species or the adjacent SAC and SSSI. It was considered at outline stage, that the principle of development of this site satisfies the three tests required by the Habitats Directive. The site is allocated for residential development in the Flintshire Unitary Development Plan, therefore development of this site would bring economic and social benefits in terms of bringing forward a site for residential development which has been identified through the development plan process to meet the County's needs for housing growth. The development of the site would bring about environmental benefits in the form of the secured long term management and mitigation of the adjacent land for ecological purposes which is adjacent to the SAC and SSSI. The consideration of satisfactory alternative sites to meet the demand for residential use in the locality has been assessed through the development plan process. It is considered that proposed mitigation areas compensate for the loss of habitat and there would be no detriment to the maintenance of the great crested newt population and their conservation status. This mitigation is secured within the existing Section 106 legal agreement and with pre-commencement conditions previously applied to the site to ensure proper reasonable avoidance measures and mitigation is in place.

7.25 **Trees**

There are a number of trees with tree protection orders within the site. The development necessitates the removal of these trees. These are silver birch trees and it has been proposed that to mitigate against the loss of these trees the landscaping scheme will allow for the replanting of trees, and in particular mature specimens to the approval of the Local Planning Authority.

7.26 The site is currently in a poor state from an arboricultural point of view and has not been particularly managed. It is considered that the proposal would allow for a more considered planting scheme to the betterment of the site.

7.27 **Other matters**

The existing Section 106 Legal agreement requires the payment of £1,100 per dwelling for public open space requirements, as well as the sum of £12,257 per primary school pupil generated by the development, calculated as 0.24 multiplied by the number of dwellings. On the basis of the 20 Dwellings proposed this gives a calculated increase of 5 pupils and a total sum of £61,285

7.28 Pre-commencement conditions on the outline planning permission cover issues regarding the implementation of the approved highways scheme, the submission of a construction management traffic plan, drainage, contaminated land, and mitigation of ecological impacts. As these form part of the outline permission they do not need to be replicated on the reserved matters consent.

8.00 **CONCLUSION**

I consider the proposal to be acceptable, and in accordance with the principles established on the outline consent. This application represents the detail of this development, which accords with planning policy and local guidance and will allow for the development of this brownfield site, an allocation within the Unitary Development Plan. For the reasons discussed in this report I recommend that the proposal be approved in accordance with the conditions listed in paragraph 2.01.

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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