

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28th OCTOBER 2020**

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

SUBJECT: **RESERVED MATTERS APPLICATION- RESIDENTIAL DEVELOPMENT INCLUDING ACCESS, OPEN SPACE AND ALL ASSOCIATED WORKS**

APPLICATION NUMBER: **060855**

APPLICANT: **MACBRYDE HOMES LTD**

SITE: **LAND AT WOODSIDE COTTAGES, DRURY**

APPLICATION VALID DATE: **20TH DECEMBER 2019**

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

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST TO CONSIDER THE HOUSING MIX UNDER POLICY HSG9 AND AFFORDABLE HOUSING PROVISION UNDER POLICY HSG10 BASED ON LOCAL NEED.**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a reserved matters application for 24 dwellings at land at Woodside Cottages, Drury. The matters being put forward for consideration are appearance, landscaping, layout and scale.

Members will recall that the Outline consent was granted on appeal in December 2018.

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

- 2.01 The conditional Reserved Matters permission be granted subject to the applicant either entering into a Section 106 Obligation or Unilateral Undertaking to provide the;
1. affordable dwellings, at the tenures identified by the approved documents, remain affordable in perpetuity.
 2. An agreement ensuring the establishment of a suitable body to ensure adequate maintenance of the non standard highways features and that future residents are not able to seek adoption of the road by the highway authority.

Conditions

1. In accordance with approved plans
2. Materials
3. Landscape implementation
4. Submission of an Environmental Management Plan
5. Existing and proposed levels

3.00 CONSULTATIONS

3.01 Local Member

Councillor D Hutchinson
Councillor M Peers

The Councillors have given a joint response:

- The planning proposal is for 24 houses and is made up of: 2 x 2 Bed Mid terraced properties (8.33% of total), 2 x 3 Bed End Terrace properties (8.33%), 2 x 3 Bed Semi Detached properties (8.33%), 13 x 3 Bed Detached properties (54.10%), and 5 X 4 Bed Detached properties (20.83%).
- The Housing mix put forward in this application we consider conflicts with Policy HSG9. There is also a demonstrated need for affordable housing in this area evidenced in a recent local planning application.
- Analysis of the housing mix concludes that 2 bedroomed properties account for only 8.33% of the total , whereas 3 & 4 Bedroom Detached properties account for 75.00% of the total. A clear conflict of Policy HSG9, where there is not an appropriate housing mix under this application.

Further joint response from Councillor Peer and Councillor Hutchinson received 22.09.20

Summarised below by Councillor Peers;

The housing mix is totally inadequate and requested that be amended during the consultation process.

No details of the 100% affordable scheme, the tenure and the persons eligible have been provided as requested.

No response to the S106 requirement for a footpath for the benefit and the safety of Mount Pleasant Road pedestrians.

Buckley Town Council

The Town Councils preliminary views on the application is as follows:

1. The site density requires review
2. There appears to be an artificial reduction in the large open space
3. The large open space could be used to link the site to Bank Lane
4. Consideration needs to be given to the nature reserve adjacent to the site
5. No affordable housing appears to be included on the planning application

Highways Development Control

It is common practice to limit the number of properties served from a drive to 5 no; plots 8-15 and 19-24 are served by shared private drives. Manual For Streets, Section 11.6, suggests that it is possible for streets to remain private but that a properly constituted body with defined legal responsibilities will need to be established to maintain the streets to the common benefit of residents. Any planning consent should be subject to an agreement ensuring the establishment of a suitable body and to ensure adequate maintenance and that future residents are not able to seek adoption of the road by the highway authority.

Information submitted with the application goes beyond that that is required to satisfy the requirements of condition no.2; the submitted Construction Traffic Management Plan appears suitable to satisfy the requirement of condition no. 8. There is however insufficient detail to satisfy the highway requirements of conditions 5 or 9.

Community and Business Protection

No adverse comments

Housing Strategy

Housing Strategy is aware of this development and supports this planning application.

Housing Strategy have been consulted on the development by Adra Housing Association who have been approached by the developer to purchase the properties for affordable housing.

The mix of units as above has been developed by Adra to provide an equally balanced number of social/ intermediate/ low cost home ownership and market housing to create a true mixed tenure community and various housing options.

The housing need on SARTH and Tai Teg demonstrates there is need for these tenures/ property types in this area and the Council has given the support for this scheme to receive Welsh Government social housing grant funding via the PDP which has been approved.

Natural Resources Wales

Requests conditions

Dwr Cymru/Welsh Water

Raise no objections to the proposal.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

9 letters of Objection received

- Site too small for number of dwellings
- Inadequate existing road network- traffic issues
- Noise pollution
- Pressure on local schools and services
- Construction traffic disruption

5.00 SITE HISTORY

5.01 058212- Outline application for residential development, including access, open space and all associated works. Refused 17th September 2018

Planning Appeal allowed 21st December 2018

Full Award of Costs made to the appellant 14th January 2019

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1- New Development

STR4- Housing

GEN1- General Requirement for Development

GEN2- Development Inside Settlement Boundaries

D1- Design Quality, Location and Layout

D2 – Design

D3 - Landscaping

TWH1- Development Affecting Trees and Hedgerows

TWH2- Protection of Hedgerows
WB1- Species Protection
WB2- Sites of International Importance
WB3- Statutory Sites of National Importance
WB6- Enhancement of Nature Conservation Interests
AC2- Pedestrian Provision and Public Rights of Way
AC13- Access and Traffic Impact
AC18- Parking Provision
HSG8 – Density of Development
HSG9 – Housing Mix and Type
HSG10– Affordable Housing within Settlement Boundaries
SR5 – Outdoor Playing Space and New Residential Development
EWP14- Derelict and Contaminated Land
EWP15- Development of Unstable Land

Planning Policy Wales 10 (PPW10)
Technical Advice Note 5- Nature Conservation and Planning
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
Local Planning Guidance Note 23- Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 Proposal

This is a reserved matters application for the residential development of 24 dwellings at Land at Woodside Cottages, Drury. This application considers the matters of appearance, landscaping, layout and scale.

7.02 Whilst originally the site was envisioned as a market housing site, and was submitted for 24 such dwellings, with no affordable houses on site, this application has been amended and now represents a majority affordable scheme to be managed by Adra Housing Association, a registered social landlord.

7.03 Site

The application site is 0.85 hectares, with 1 and 2 Woodside Cottages in the centre of the site and a parcel of agricultural land to the southern portion of the site. Due to existing site constraints the developable area of the site is approximately 0.581 Hectares. The application site is surrounded by residential development. To the southern boundary are semi-detached properties off Pen y Coed Road and Hillside Cottages, to the east a terrace of properties know

as Hawarden View, to the north and north east residential development at Dinghouse Wood and Burntwood house and west the Burntwood public house and further residential properties off Burntwood Road. A public footpath runs adjacent to the northern and eastern boundary of the site. There are a number of trees and hedgerows around the perimeter of the site and a hedgerow along the driveway to Woodside Cottages in the centre of the site. The site is located within the settlement of Drury & Burntwood in the Flintshire Unitary Development Plan

7.04 **Planning History**

This site is subject to planning permission, in outline, for residential development. The outline permission gave details of the Access only. All other matters were reserved and are subject to this application.

7.05 The outline planning application, reference 058212 was subject to a planning appeal. This appeal was allowed on the 21st December 2018. In the Inspectors report the principle of development was considered, as well as specific consideration of the proposed highways access to the development, as well as the proposed density of development, which were the main reasons that Members considered that the proposal was not acceptable.

7.06 The Inspector found that the proposed development would not have a detrimental effect on highway safety and would make efficient use of the land within the appeal site.

7.07 The Inspector considered that the proposed development would not have a significant and uncertain environmental, social, economic or cultural impact and did not consider it necessary to adopt Policy STR1's precautionary approach. In making the most efficient use of available land the Inspector considered that the proposed development would comply with UDP Policy HSG8.

7.08 With regards to the highways access to the site the Inspector considered that the approach roads to the site are of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and amenity, and safe vehicular access can be provided by the developer both to and from the main highway network. They considered that in all these respects the proposed development would comply with Policies STR1, STR2, GEN1 and AC13 of the Flintshire Unitary Development Plan.

7.09 **Affordable Housing**

The scheme is now being proposed as an affordable scheme, of a variety of tenures. The Registered Social Landlord Adra have been in

consultation with the Housing options team at Flintshire County Council, who support the scheme.

7.10 The Local Housing Market Assessment 2018 for Flintshire, in its February 2020 addendum, identifies an annual shortfall of 238 affordable units. The assessment recommends a need for the following property types:

- 1/2 bedroom (45.6%)
- 3 bedroom (28.3%)
- 4+ bedroom (12%)
- Older persons stock (14.1%)

To be split between the following tenures:

- Social rented (30%),
- Intermediate rent (30%)
- Affordable ownership (40%)

In terms of the Drury/Dobshill area general housing need, as identified by the SARTH waiting list (as of July 2020), the requirements were:

7.11 **Social Rent**

1 bed bungalow– 19
2 bed bungalow – 8
1 bed flat- 83
2 bed flat- 38
2 bed house- 67
3 bed house-14
4+ bed house 14

7.12 **Affordable Rent**

1 bed flat– 1
2 bed bungalow – 1
2 bed house-16
3 bed house-20
4+ bed house 1

7.13 **Low Cost Home Ownership
Drury/ Dobshill area**

1 bed flat 1
2 bed bungalow 3
2 bed house 13
3 bed house 16
4+ bed house 0

- 7.14 Housing has identified the following mix to be appropriate for the site to meet the identified need:

3-bed dwellings

8 social rented
4 intermediate rent
4 Low Cost Housing on the rent to own scheme

2-bed dwellings

2 Low Cost Housing on the rent to own scheme

The remaining 6 dwellings are to be market rent, managed on a rent to own basis.

- 7.15 As this site was allowed for a maximum of 24 units, this would normally set it outside of the requirements for affordable housing provision within the UDP policy HSG10. As such the fact that this site is now proposed to be developed in conjunction with a Registered Social Landlord, and will provide affordable units that may not otherwise have been available to the community of Drury should be seen as a considerable community benefit. As can be seen by the comments and support from the Housing Strategy team, this development meets an identified need. The exact tenure mix will be established by the Legal agreement to be signed prior to planning permission being granted. The legal agreement will also protect the affordable houses as affordable, in perpetuity.

- 7.16 I consider that the fact that this site now represents a majority affordable housing scheme, whereas the Outline permission did not have any provision for affordable housing, represents a significant community benefit to both Drury as well as to Flintshire as a whole.

7.17 **Layout, Scale and Housing Mix**

The overall level of housing provided by this development was considered at outline stage, albeit on an illustrative basis. The Outline consent showed 24 dwellings in the indicative layout. At the time of the Outline application concern was raised by Members that the density of the site was being artificially reduced to avoid the need to provide affordable housing provision. The Inspector considered this point at the appeal. She noted how the appeal site has several constraints including drainage easements; protection zones around the trees and hedgerows to be retained; a buffer around the existing dwelling, Burntwood House; public open space (POS) and nature reserve; and a suspected mine shaft. The buffers required were considered by the Inspector to be necessary and of an appropriate extent and that the suggested layout makes good use of the available space.

- 7.18 Whilst the layout has slightly changed in the reserved matters submission it follows the principles established in the outline. The layout as proposed is, in my opinion, an improvement with regard to neighbouring amenity, as the spine road is located further away from the rear of dwellings on Pen y Coed Road.
- 7.19 Concerns have been raised over the proposed housing mix as there is considered to be a predominance of 3-bedroom dwellings on the site to the detriment of providing 2-bedroom dwellings, identified in the Housing need register as being in high demand. As previously discussed the dwellings proposed meet a specific need as there remains an identified need for 3-bedroomed dwellings which this development meets, notwithstanding a general need for 2-bedroom properties on the Housing register. With this in mind I consider that the development would be compliant with the requirements of policies HSG8, HSG9 and HSG 10.
- 7.20 Policy HSG 9- Housing Mix and Type describes how ‘To ensure that mixed and balanced communities are created, new housing developments should avoid the creation of large areas of housing of similar characteristics. Through careful design and layout it should be possible to avoid a distinction between different types of housing and tenures.’
- 7.21 Housing mix does not simply mean that the houses on a development provide a variety of 2, or 3 or more bedroom properties, which is simply a case of differing floorspace provided. True housing mix is derived by utilising a variation of tenures, designs and sizes to create a development that does not simply provides a bland palette of the same visual characteristics, yet provides a balance of types of dwelling, not necessarily limited to looking at their sizes.
- 7.22 The development contains a mixture of tenures throughout the site and in this way creates a cohesive development in accordance with the above policy. The use of a diverse range of housetype designs also assists in ensuring the development meets the requirements of the policy. Furthermore, as discussed above, the numbers of bedrooms provided by the dwellings meet a specific identified need, and is supported by Housing Strategy Colleagues.
- 7.23 **Design, Neighbouring and Residential Amenity**

The site has been laid out in such a way as to avoid impacting upon exiting neighbouring amenity to any great extent. Plots 1-5 are the only new dwellings which have a rear to rear interface, in this case with dwellings on Pen y Coed road which have fairly shallow rear gardens. The interface between the existing and proposed dwellings are at an oblique angle with no direct overlooking and in every case the minimum acceptable distance as set out in SPGN2- Space

7.24 Around Dwellings are met or exceeded. Elsewhere on site the proposed dwellings offer blank gables towards existing dwellings. Again the minimum acceptable separation distances are exceeded for side to rear interfaces. Garden sizes are suitable for the respective dwelling sizes and offer an acceptable standard of amenity across the site.

7.25 The proposal includes a mix of house types, with a blend of materials and styles across the site. External materials are predominantly brick and tile with rendered panels being utilised on a number of the houses to present a varied and attractive development. The designs are considered to be suitable for use in this location. The use of the 7 different housetypes throughout the development assists in creating the mix in house appearance discussed above.

7.26 **Access, Highways and Parking**

The Access arrangements were previously considered at Outline stage and considered to be acceptable by the Planning Inspector. In their decision the Inspector commented that: "There is no evidence that the proposed development would fail to create a safe, healthy and secure environment or that it would not make the best use of existing roads. It has been found that no mitigation measures are required and thus traffic management and calming are not necessary." And goes on to say that "The approach roads to the site are of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and amenity, and safe vehicular access can be provided by the developer both to and from the main highway network. In all these respects the proposed development would comply with Policies STR1, STR2, GEN1 and AC13 of the Flintshire Unitary Development Plan which was adopted in 2011." The access provision has been granted permission.

7.27 Conditions on the Outline permission require full highways details to be submitted and agreed prior to the commencement of development.

7.28 Local Members have put forward a suggested alternate entrance to the scheme at its northern end. As the access point was agreed at Outline stage this is not an applicable consideration for this proposal. The Local Planning Authority can only consider the particulars of the proposal as submitted. It is worth reiterating that the Planning Inspector found no fault with the access point as submitted, and the Highways Authority have raised no objection at any point during this submission, or indeed the Outline application.

7.29 Local Members have also stated they wish a S106 to be imposed to require a footpath to be provided for the benefit and safety of the users of Mount Pleasant Road as it joins Drury Lane. It is important to note that this is a reserved matters planning application to

consider matters of appearance, landscaping, layout and scale. Matters related to access in all its forms have been approved as part of the outline application as outlined above. It is also important to note that this matter falls outside the control of the applicant so this is not a matter that the developer can exercise any control over. As such it would not be a lawful request to require a planning obligation to cover this footpath link as it would fail the relevant legal tests, nor would it be appropriate to condition such a link, for the same reason.

7.30 **Landscaping**

An extensive landscaping plan has been proposed throughout the site, with green areas and new areas of planting proposed. There is a centrally located nature reserve, which was part of the conditions of the outline proposal, as well as informal areas of open space and planting in communal areas to the front of the dwellings.

7.31 Whilst the majority of trees in the centre of the site have to be removed, a large number of trees and hedges on the site boundaries are to be retained.

7.32 I consider that the landscaping proposed is appropriate to the development, and in accordance with the relevant development plan policies.

7.33 **Planning Obligations**

A Unilateral Undertaking was submitted with the appeal which covered planning obligations required to cover Education contributions, Open space and the Nature reserve on the site. Given the details provided with this submission a further legal agreement is required to cover detailed matters not previously considered on the Outline permission.

7.34 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.

7.35 As the proposal is now being put forward as a scheme of primarily Affordable housing, it would be appropriate to require an agreement to be entered into in order to retain the units as affordable dwellings in perpetuity.

7.36 In addition, as the proposal provides some areas of shared drives that would not be suitable for adoption by the Local Authority, it is necessary for an agreement to be undertaken which would specify the future management of these areas as well as ensure that they are not intended for adoption in the future.

7.37 I consider that these requests are in compliance with the above regulation 22 tests and can be applied in this instance.

7.38 **Other Matters**

As this is a Reserved Matters application, it should be noted that a great deal of the issues have been previously considered and are covered by conditions imposed upon the development by the Planning Inspector. Conditions precedent are in place covering issues of contaminated land, historic shallow mine workings on site, archaeology, site ecology, drainage and construction traffic management.

7.39 The Nature reserve located in the centre of the site was required given the ecology concerns raised at the time of the appeal over the Outline planning application. Details of the management of this area has been provided within the preliminary ecological appraisal and following negotiations with the County Ecologist, Natural Resources Wales and the developer. I consider that this information, along with information required for the discharge of condition 13 of the Outline planning permission, is sufficient to deal with this issue satisfactorily.

8.00 CONCLUSION

The principle of development is established by the Outline planning permission. In the Inspector's decision questions of scale and access were discussed and accepted. The current submission provides a level of affordable housing that would not be possible for the Authority to insist upon, as there would be no policy basis to do so, and represents an opportunity to add a positive contribution to local housing options that would not normally be the case if 24 market houses were to be constructed on the site. For these reasons I recommend that the proposal is approved.

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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