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Heading:

46/2012/1522 St Winefride's School Heol Esgob, St Asaph 6

Application Site

Ä

Date 30/4/2013

Scale 1/2500

Centre = 303130 E 374431 N

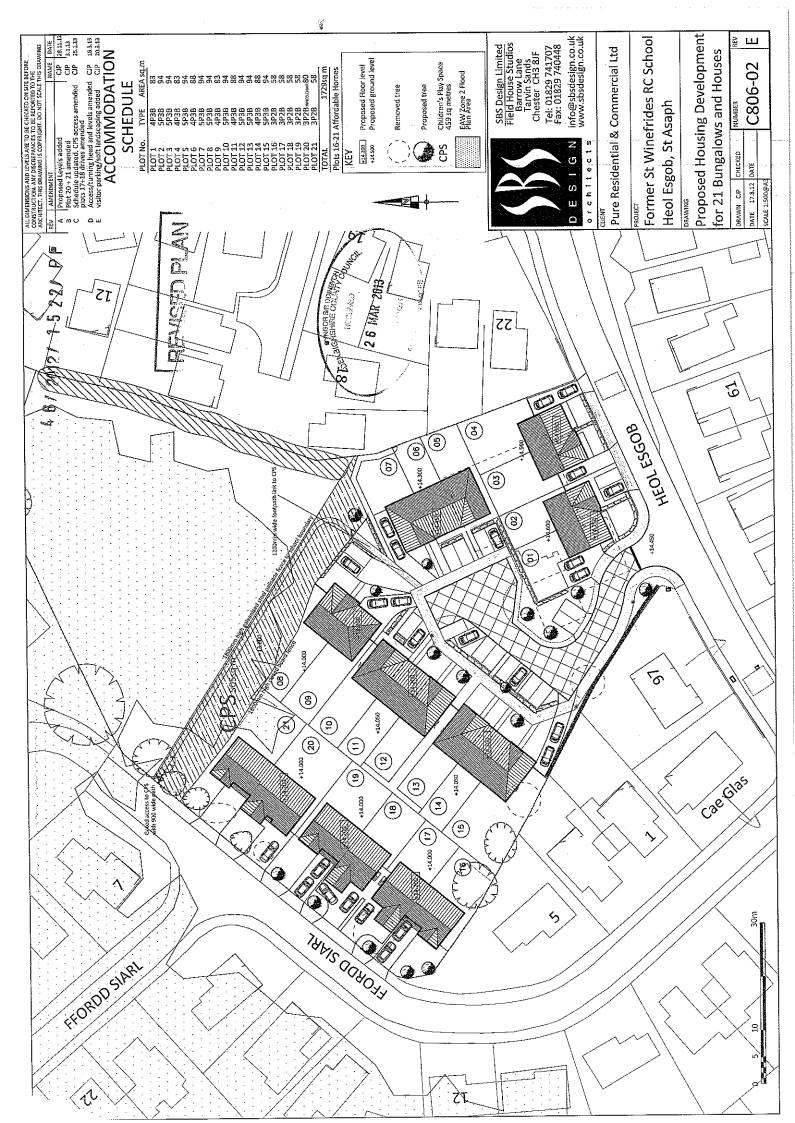
This plan is intended solely to give an indiction of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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WARD NO:

St Asaph West

APPLICATION NO:

Toward in State of Section 1995

46/2012/1522/ PF

PROPOSAL:

Erection of 21 no. dwellings, means of access and creation of children's

(toddler) playspace area

LOCATION:

St. Winifreds School Heol Esgob St Asaph

APPLICANT:

Pure Residential & Commercial Ltd.

CONSTRAINTS:

C2 Flood Zone

PUBLICITY UNDERTAKEN: Site Notice - Yes Press Notice - Yes

Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE: Scheme of Delegation Part 2

Recommendation to grant / approve - Town / Community Council objection

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL

"Object on the grounds of over-intensification of development of site and adverse effect on traffic flow (already traffic problems at Heol Esgob/The Roe junction)".

NATURAL RESOURCES WALES

Flooding & Land Drainage

No objection subject to compliance with the finished floor levels within the Flood Consequences Assessment

Countryside, Landscape & Biodiversity

No objection

DWR CYMRU / WELSH WATER

No objection subject to the inclusion of conditions requiring water discharges to be drained separately from the site.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES -

Head of Transport and Infrastructure

Highways Officer

No objection subject to the inclusion of conditions requiring details of highway construction, site compounds and boundary details adjacent to the highway

Head of Housing Services

No objection

Senior Biodiversity Officer

No objection subject to the inclusion of a condition requiring additional information

RESPONSE TO PUBLICITY:

In objection

Representations received from:

S. Barlow, 5, Ffordd Siarl, St. Asaph

Mr. D. Jones, 14, Ffordd Siarl, St. Asaph

Mr. R. D. Searle, 20, Ffordd Siarl, St. Asaph

Summary of planning based representations in objection:

<u>Flooding & Drainage</u>: Concerns regarding building on green land after the area has experienced flooding; increased pressure on existing drainage and sewerage infrastructure.

Amenity concerns: Building houses in an area of bungalows would be out of keeping with the character of the area; new houses overlooking back gardens of existing properties; loss of light; need appropriate screening between existing and proposed development

<u>Highway & Parking concerns</u>: Problems with parking at school times with parents parking across private driveways with more houses increasing this problem and parents having to park further away hence children having to walk further to reach parents and increasing risks of traffic accidents.

<u>Play Area</u>: Existing play areas in the area are barely used and a play area would result in anti- social behaviour.

EXPIRY DATE OF APPLICATION: 23/1/2013

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

- 1. THE PROPOSAL:
 - 1.1 Summary of proposals
 - 1.1.1 Members may recall that an outline permission to develop this land was granted at Planning Committee in September 2011.
 - 1.1.2 This application seeks full planning permission for the erection of 21 dwellings, construction of a new vehicular access and creation of a children's play area on land at the former St Winifreds School on Heol Esgob in St Asaph. The site measures 0.59ha.
 - 1.1.3 The proposal involves development in 2 areas, 15 no. 2 storey units accessed off Heol Esgob, and 6 no. single storey dwellings accessed off Ffordd Siarl. It is proposed to form a new access point off Heol Esgob, with each dwelling on Ffordd Siarl provided with an individual access point. Each dwelling would be provided with off street parking and rear amenity space. Each dwelling would achieve a Code for Sustainable Homes Level 3.
 - 1.1.4 It is proposed to provide affordable housing units, identified as the 6 single storey units fronting Ffordd Siarl. It is proposed to provide an on site Children's Play Area to the north east of the site and pay a commuted sum for its maintenance, along with a commuted sum for the provision and

- maintenance of Community Recreational Open Space.
- 1.1.5 The application is accompanied by a Design and Access Statement, Code for Sustainable Homes Assessment, Arboricultural Impact Assessment, Protected Species Survey and Flood Consequences Assessment.
- 1.1.6 The proposed site layout is shown on the plan at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The site is located on the westerly edge of St. Asaph and is approached via Heol Esgob, which links onto The Roe. The locality is primarily residential, with a small retail and post office premises located along Heol Esgob.
- 1.2.2 The existing school building comprised a 1970's style flat roofed and brick built structure with a vehicular access directly on to Heol Esgob, with associated open space to the rear. The school building has been demolished.
- 1.2.3 To the north of the site lies the Esgob Morgan Primary school and the well established residential estate of Ffordd Siarl, comprising of detached and semi detached bungalows; to the east lies an estate of 2 storey residential properties of Lon Y Parc; to the west and south lies further residential properties, predominantly 1970's style bungalows.
- 1.2.4 With the exception of the southerly boundary, there are some mature boundary trees and hedgerows around the site. The topography of the site is generally level.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of St Asaph.
- 1.3.2 The area of green space to the north of the former school is covered by policy REC1 in the Unitary Development Plan, which relates to 'Protection of Existing Open Space'.
- 1.3.3 The site lies partly within a C1 flood zone as defined by the development advice maps within TAN 15: Development and Flood Risk.

1.4 Relevant planning history

1.4.1 Outline planning permission for residential development was granted in 2011.

1.5 Developments/changes since the original submission

1.5.1 A Flood Consequences Assessment has been submitted along with some minor alterations to the layout, parking and house type detail.

1.6 Other relevant background information

1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 46/2011/0793/PO Proposed redevelopment of 0.09 hectares of former school site involving the demolition of existing buildings, the erection of 17 No. residential dwellings, means of access, creation of Children's (toddler) Playspace Area and transfer of school playing field to neighbouring Primary School (Outline application including access - all other matters reserved) GRANTED at Planning Committee 28th September 2011.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy STRAT 1 - General

Policy STRAT 6 - Location

Policy STRAT 15 - Housing

Policy GEN 1 Development within development boundaries

Policy GEN 6 Development Control Requirements

Policy ENV1 Protection of the Natural Environment

Policy ENV 6 Species Protection

Policy ENV 7 Landscape/Townscape Features

Policy ENP 4 Foul and Surface Water Drainage

Policy ENP 6 Flooding

Policy HSG 2 Housing Development in Main Centres

Policy HSG 10 Affordable Housing in Development Boundaries

Policy REC 1 Protection of existing open space

Policy REC 2 Amenity and recreational open space requirements in New

Developments

Policy TRA 6 Impact of new development on traffic flows

3.2 Supplementary Planning Guidance

SPG 2 Landscaping

SPG 4 Recreational Open Space

SPG 7 Residential Space Standards

SPG 21 Parking Requirements In New Developments

SPG 22 Affordable Housing in New Developments

SPG 25 Residential Development Design Guide

3.3 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 5 November 2012

TAN 2 Planning & Affordable Housing

TAN 5 Nature Conservation and Planning

TAN 15 Flooding and developments

TAN 12 Design

TAN 22 - Sustainable Buildings

4. MAIN PLANNING CONSIDERATIONS:

- 4.1 The main land use planning issues are considered to be:
 - 4.1.1 Principle
 - 4.1.2 Impact on visual amenity
 - 4.1.3 Impact on residential amenity
 - 4.1.4 Highway issues
 - 4.1.5 Affordable Housing
 - 4.1.6 Open space
 - 4.1.7 Flooding

4.2 In relation to the main planning considerations:

4.2.1 Principle of development

The main Unitary Development Plan Policies relevant to the principle of the development are STRAT 15 and GEN 1. These policies seek to make provision for new housing in a range of locations, concentrating development within the boundaries of defined settlements. HSG 2 seeks to direct most housing developments to main centres, St Asaph being a main centre. The site is within the development boundary of St Asaph, where the principle of

new housing development would be acceptable subject to consideration against other policies and a detailed assessment of the potential impacts.

Principle of development involving existing open space protection policy REC

1. Part of the site lies within land covered by Policy REC1 in the proposals map in the Unitary Plan. REC1 relates to protection of existing open space, and seeks to avoid the loss of existing open space that has recreational and/or amenity value, and their development should only be permitted where:

- i) The open space can best be retained and enhanced through the redevelopment of a small part of the site;
- ii) Alternative provision of equivalent community recreational benefit is made available:
- iii) There would be an overall community gain from the development and the particular loss of open space will have no significant unacceptable affect on local open space provision or the amenity and character of the area.

The justification in the policy highlights that in certain circumstances it might be beneficial to allow the redevelopment of a small area of underused or poorly maintained open space so that the remainder can be safeguarded and improved, so better meeting local need. It mentions that development on areas of open space may also be permitted where alternative provision can be made, but that new open space must be easily accessible and be at least equivalent in terms of type, quantity and quality to what is being replaced. Additionally, it highlights that development may be permitted if there is a proven and clear excess of the open space in the locality.

The northerly part of the existing open space area lies within a C2 flood zone, with mature trees along the boundaries, together with shrubs/hedgerow along the easterly boundary. The proposal involves developing on the former St Winifreds School playing field area, in exchange for 2 parcels of land to the north east that has been transferred to Denbighshire for use as a school playing field for Ysgol Esgob Morgan. This was agreed following the grant of outline planning permission in 2011 and the land transfer has been completed. Officers would suggest there is a community gain here from the transfer of land which benefits the school and that this is consistent with the tests of REC 1.

4.2.2 Impact on visual amenity

Consideration relating to the visual amenity impacts of development are contained within Policy GEN 6 of the Unitary Development Plan, and requires due regard to issues of scale, design, form, siting, density and intensity of use, impact on a locality, public views into, out of or across a settlement and whether development take account of site contours/levels and avoids prominent skylines.

The scale, design, form, siting and density of the proposed housing scheme is considered to be acceptable. The dwellings have been designed to have regard to the character and style of existing development in the area. Plots 16 to 21 fronting Ffordd Siarl being single storey development to fit in with the existing bungalow development on Ffordd Siarl. All of the other dwellings would be 2 storey, relating to the 2 storey housing development adjoining at Lon y Parc.

In noting the comments of the City Council on the density of the proposed housing scheme, it is of similar scale and form to the existing development with the exception of introducing 3 no. terraces of 3 units. All properties are semi detached with off street parking and private rear amenity spaces.

With sensitive hard and soft landscaping, and the use of appropriate brick, render and roof materials, it is not considered that there would be any adverse impact on the visual amenities of the area.

4.2.3 Impact on residential amenity

File - Russ Sections

There is a general requirement to ensure that new development does not detrimentally affect the amenity of neighbouring properties by way of, amongst other things, over dominance and loss of privacy. This requirement is embodied within Policy GEN 6. Additional guidance on how this can be achieved is contained in Supplementary Planning Guidance Notes 24 and 25. Policy GEN 6 also requires new residential development to provide a reasonable amount of amenity space for future occupants.

The layout of the site has been designed having regard to the siting of existing development which surrounds the site. This demonstrates that adequate separation distances between existing and proposed properties would be achieved. The house types proposed have also been designed to minimise the impact on neighbouring properties, with main windows located on principal elevations to avoid overlooking. The properties have been designed and orientated to protect the amenities of both current and proposed inhabitants.

The development provides properties with acceptable amenity levels including front and rear amenity areas, and off street parking, and it considered that an acceptable level of amenity would be afforded to future occupiers of the dwellings. In this respect, the development is considered to be acceptable in terms of Supplementary Planning Guidance and the general amenity considerations in Policy GEN 6 of the Unitary Development Plan.

4.2.4 Highway issues

Policies TRA 6 Impact of New Development on Traffic Flows, TRA 9 Parking & Servicing Provision and GEN 6 Development Control requirements, only permit proposals for development where there is adequate parking and servicing provision and there would not be a detrimental impact upon the safe and free flow of traffic on the highway.

The development would have a main vehicular access point off Heol Esgob and would provide 2 parking spaces for each dwelling. The properties fronting Ffordd Siarl would have individual access points off Ffordd Siarl with their own driveways with parking spaces.

The Head of Highways has raised no objection to the proposal subject to the inclusion of conditions requiring further details of the site compound, highways works, boundary treatments and to secure the retention of the parking area within the site. In relation to the City Council's concerns relating to the adverse effect of the development on traffic flow, the site was formerly a primary school and there is no evidence to suggest that the proposal will create more vehicle movements than the existing use. It is not considered that there would be any adverse impact on highway safety.

4.2.5 Affordable Housing

The requirement for provision of affordable housing in connection with housing development within development boundaries is set out in Policy HSG 10 of the Unitary Development Plan, supplemented by guidance in SPG 22 – Affordable Housing in New Development. The thresholds for provision are sites of 0.1ha or more and/or where more than 3 units are proposed.

The application proposes the provision of 6no. affordable housing units identified as the single storey units at plots 16 to 21. It is understood that a Registered Social Landlord as expressed an interest in these units.

A Section 106 Legal Agreement would be required to secure the affordable units.

4.2.6 Open space

Policy REC 2 and SPG 4 set out the requirement for provision of amenity and recreational space in new residential development. The trigger point for the requirement to provide public open space is 10 dwellings.

The development proposes an on site Children's Play Space which meets the standard required for the size of this development. It is proposed that the cost of maintaining the play area be by way of a commuted sum payment to the Council.

The applicants have confirmed their willingness to pay a commuted sum in lieu of provision of Community Recreational Open Space (CROS) on the site. The sum can be used to develop / enhance existing recreation facilities and open areas in the locality where it would be of more obvious community value than what would at best be a small patch of undeveloped ground in the middle of a number of dwellings on this site. The commuted sum could be secured through a Section 106 Legal Agreement.

4.2.7 Flooding

Policy ENP 4 seeks to ensure satisfactory foul and surface water drainage arrangements in new developments. Policy ENP 6 requires that development does not result in an unacceptable risk from flooding. TAN 15 Development and Flood Risk also provides guidance to the Local Planning Authority when dealing with development in flood risk areas.

The site is located partly within a zone C2 as shown on the development advice maps of TAN15 Development and Flood Risk. Residential development is a highly vulnerable development, and the applicant has submitted a Flood Consequences Assessment (FCA) which has been assessed by Natural Resources Wales (NRW) (which now encompasses the Environment Agency).

The NRW are satisfied that all flooding issues have been addressed and have raised no objection to the proposal subject to the inclusion of a condition requiring minimum floor levels to be set between 14.2m and 14.75m Above Ordnance Datum. The requirement can be included in a planning condition.

5. SUMMARY AND CONCLUSIONS:

5.1The site is within the development boundary of St Asaph. The proposals are considered to show a suitably designed development. The density of development would not lead to unacceptable relationships with existing properties and the spaces between existing and proposed dwellings, garden areas proposed and the general layout meet policy criteria and supplementary guidance/standards for residential development. The

access arrangements are considered acceptable with sufficient off street parking to be provided within the site.

- 5.2 The recommendation is subject to the completion of an obligation under Section 106 of the 1990 Planning Act within 12 months of the date of resolution by the committee to secure:
 - (a) The provision of 6 no affordable housing unit and the retention of this unit for affordable purposes.
 - (b) The payment of a commuted sum for provision and maintenance of open space of £60,168.96 apportioned as follows:

CROS Provision Costs £20,986.56
CROS Maintenance Costs £21,984.48
Childs Play Maintenance Costs £7,342.70

The Certificate of Decision would only be released on completion of the legal obligation, and on failure to complete within the time period. The application would be represented to the Committee and determined in accordance with the policies of the Council applicable at that time, should material circumstances change beyond a period of 12 months after this Committee.

Determination of this application and all others at this Committee has to be made on the basis of the policies of the current adopted Development Plan, which is the Denbighshire Unitary Plan. Given the progress on the Local Development Plan and the possibility of its adoption in the near future, consideration has been given to whether any significant planning policy implications are likely to arise from acceptance of the Officer recommendation on the application. In this case, it is suggested that the recommendation would not be inconsistent with the basic approach in the proposed policies of the Local Development Plan".

RECOMMENDATION: GRANT- subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the walls and roofs of the development hereby permitted and no materials other than those approved shall be used.
- 3. Prior to the commencement of development an on site survey shall be undertaken to assess whether the site supports Great Crested Newts or Lizards including any Reasonable Avoidance Measures and compensation. The survey shall be submitted to an approved in writing by the Local Planning Authority and the development shall proceed strictly in accordance with the receommnedations within the approved survey.
- 4. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall includedetails of:
- (a) all existing trees, hedgerows and other vegetation on he land, details of any to be retained, and measures for their protection in the course of development.
- (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of the planting;
- (c) proposed materials to be used on the driveway(s) paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of landand changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
- (e) Proposed positions, design, materials and type ofboundary treatment

- 5. None of the trees or hedgerows shown on the approved plans as being retained shall be felled, lopped or toppedwithout the prior written consent of the Local Planning Authority. Any trees or hedgerow plants which die or areseverely damaged or become seriously diseased within five years of the completion of the development shall bereplaced with trees or hedgerow plants of such size and species to be agreed in writing with the Local PlanningAuthority.
- 6. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscapingshall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the development, die, are removed or become seriouslydamaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1credit under 'Ene1 Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010.
- 8. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.
- 9. Prior to the occupation of each of the dwellings hereby permitted, a Code for Sustainable Homes 'Final Certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes.
- 10. Notwithstanding the provisions of Classes A,B,C,D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any orderrevoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.
- 11. The finished floor levels of the dwellings shall be set as shown on the approved plan, between a minimum of 14.2m and 14.75mAOD.
- 12. No surface water or land drainage run off shall be allowed to connect/discharge either directly or indirectly to the public sewerage system unless otherwise agreed in writing by the Local Planning Authority.
- 13. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being bought into use.
- 14. Full details of the internal estate road, vehicular footway crossings to plots 2, 3, 4, 16, 17, 18, 19, 20, 21 and associated highway works as indicated on the approved plan shall be submitted to and approved in writing by the Local Planning Authority before any works start on site. The details to be approved shall including the detailed design, construction, street lighting, drainage and the works shall be fully constructed in accordance as the approved details before any dwelling is occupied.
- 15. In relation to the carrying out of the works, no development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained in relation to the site compound location and temporary vehicular accesses including the design and construction of the temporary accesses, traffic management scheme, vehicle wheel washing facilities, hours and days of operation and the management and operation of construction vehicles, the works shall be carried out strictly in accordance with the approved details.
- 16. No development shall take place until the scheme for the laying out, landscaping and equipping of play areas combined, with a programme for their provision within the development has been submitted to, and agreed in writing by the Local Planning Authority.

The reason(s) for the condition(s) is(are):-

- 1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. In the interests of visual amenity.
- In the interests of nature conservation.
- 4. To ensure a satisfactory standard of development, in the interests of visual amenity.
- 5. To safeguard the existing trees and hedges on the site, in the interests of the visual amenities of the locality.
- 6. To ensure a satisfactory standard of development, in the interests of visual amenity.
- 7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
- 8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
- 9. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
- 10. In the interests of residential and/or visual amenity.
- To safeguard the development from flooding.
- 12. To prevent the hydraulic overloading of the public sewerage system.
- 13. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
- 14. In the interests of the free and safe movement of all users of the highway and to ensure the formation of a safe and satisfactory access.
- 15. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.
- 16. To ensure a satisfactory standard of development for future residents.

NOTES TO APPLICANT:

You are advised that suitable legal agreements will be required in relation to the highway works and you are advised to contact the Local Highway Authority to discuss the requirements. Please contact Mike Parker on 01824 706977.

The following matters are drawn to yours attention as Advisory Notes.

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10.
- (ii) New Roads and Street Works Act 1991-Part N Form.
- (iii) Denbighshire County Council Specification for Road Construction.
- (iv) Denbighshire County Council General Notes for Highway Lighting Installations.
- (v) Denbighshire County Councils General Requirement for Traffic Signs and Road Markings.

Your attention is drawn to the attached Dwr Cymru/Welsh Water Advisory Notes.