

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY, 24 JULY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **050531 - FULL APPLICATION - ERECTION OF 4 NO. 2 BED APARTMENTS AND 3 NO. 1 BED APARTMENTS WITH ASSOCIATED PARKING ON LAND REAR OF 3 CHURCH VIEW, QUEENSFERRY, DEESIDE**

APPLICATION NUMBER: **050531**

APPLICANT: **MR J WILLIAMS**

SITE: **LAND TO THE REAR OF 3 CHURCH VIEW, QUEENSFERRY**

APPLICATION VALID DATE: **01/03/13**

LOCAL MEMBERS: **COUNCILLOR D E WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES FOR MEMBERS TO SEE THE SITE AND TAKE INTO ACCOUNT THE HEIGHT OF THE DEVELOPMENT**

1.00 SUMMARY

- 1.01 This is a full planning application to erect a block of 7 apartments with associated car parking and bin store on land off Rectors Lane, to the rear of Church View, Pentre. The main issues in relation to the development of this site are residential development in a flood risk area, capacity of the sewage system, impact on residential amenity and access.
- 1.02 It is considered that the development provides an acceptable form of residential development in an existing settlement in accordance with the Council's standards. The applicant has demonstrated through the Flood Consequences Assessment that the consequences of flooding

in a breach event can be acceptable managed and the issue of flooding due to the capacity of the sewage network will be addressed by Welsh Water by 2014.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide a commuted sum of £733 per unit to enhance recreation provision in the area in lieu of on site open space provision.

2.02 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

2.03 The proposal is recommended for approval subject to the following conditions:

1. Time limit
2. In accordance with plans
3. No buildings on the application site shall be brought into beneficial use earlier than 31st March 2014 unless the upgrading of the public sewerage system into which the development shall drain has been completed.
4. Land Drainage
5. Surface water drainage scheme to be submitted
6. Foul and surface water discharges
7. No doors or windows to be fitted to the ground floor to enclose parking area
8. The floor level of the residential accommodation (first floor) shall be set at a minimum level of 7.41m AOD.
9. Flood Warning and Evacuation Plan to be prepared prior to occupation of the building.
10. Landscaping including boundary treatment
11. Code for Sustainable Homes Level 3 compliant
12. Materials

3.00 CONSULTATIONS

3.01 Local Member
Councillor D E Wisinger
Requests committee determination and a site visit in order for members to see the site and take into account the height of the development.

3.02 Queensferry Community Council
No response received.

3.03 Head of Assets and Transportation

No objection.

Public Footpath 5 abuts the site but is unaffected by the development.

3.04 Head of Public Protection

No objection.

3.05 Welsh Water/Dwr Cymru

The proposed development would overload the existing public sewerage system however improvements are planned for completion by 31st March 2014. A condition should be imposed on the development to ensure that no buildings on the application site shall be brought into beneficial use earlier than 31st March 2014 unless the upgrading of the public sewerage system into which the development shall drain has been completed. Other standard drainage conditions should also be imposed.

3.06 Natural Resources Wales

If the Local Planning Authority are minded to approve an application and are satisfied that the justifications outlined in Section 6.2 of TAN 15 are met then we would have no objection to the development as proposed within the Flood Consequence Assessment subject to appropriate planning conditions (primarily) finished floor levels. The floor level of the residential accommodation (first floor) shall be set at a minimum level of 7.41m AOD to account for the 0.5% annual probability tide plus an allowance for climate change over the 100 year lifetime of the development. Also request a condition to ensure that the lower floor car parking area cannot be converted into living accommodation without a further planning application or the removal of permitted development rights.

3.07 Public Open Spaces Manager

Requests a contribution of £733 per apartment towards improvements to recreation facilities in the area in lieu of on site open space provision.

3.08 Head of Emergency Planning

Taking into account the Flood Consequences Assessment and Flood Risk Note it is considered that the threat posed by a 1 in 200 year event is tolerable and in this instance is satisfied that the residents would either be able to self evacuate in a safe manner or stay put without harm.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

9 objections on the grounds of;

- apartments are not in keeping with the surrounding area
- drainage system is poor and development will put more pressure on it, already overloaded and flooding occurs from it

- existing parking issues, will lead to parking on Rectors Lane
- impact on privacy due to overlooking of rear gardens
- the building will obstruct visibility from the nearby works and on street parking may restrict access to HGV's
- parking arrangements underneath are not practical and will lead to parking on the road
- three storey development is not in keeping with the area
- proposed development is very close to the footpath and does not follow the building line of Church view
- flood risk, will reduce soakaway
- land has not been developed and has been used as a car park for 50 years by residents of Church View
- loss of light

- 4.02 A petition signed by 27 residents on the grounds of;
- impact on light to near by properties
 - overlooking to gardens on the left hand side of Church View
 - concern the development will lead to flooding to Church View and Gladstone Terrace as there have been several incidents of flooding in 2012 as the sewers and the pumping station cannot cope with extra flows.

5.00 SITE HISTORY

- 5.01 None.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 STR1 – New Development
 STR4 – Housing
 STR8 – Built Environment
 GEN1 – General Requirements for Development
 GEN2 – Development Inside Settlement Boundaries
 HSG3 – Housing on Unallocated Sites Within Settlement Boundaries
 D1 – Design Quality, Location and Layout
 D2 – Design
 D3 – Landscaping
 AC13 – Access and Traffic impact
 AC18 – Parking Provision and New Development
 EWP17 – Flood Risk
 The proposal is in accordance with the above development plan policies.

7.00 PLANNING APPRAISAL

- 7.01 Introduction
 This is a full planning application to erect a block of 7 apartments with

associated car parking and bin store on land off Rectors Lane, to the rear of Church View, Pentre.

7.02 Site Description

The site is bounded to the north west by Rectors Lane, an industrial site to the north east, the rear garden of 7 Church View to the south east and the rear gardens of 3 and 5 Church View to the south west. The site is a flat vacant site. The site is located between predominately residential development in the form of two storey semi detached and terraced housing to the south and industrial uses with buildings of varying heights to the north. It is situated within the settlement boundary of Pentre within the Flintshire Unitary Development Plan.

7.03 On the boundary between the site and the 3 Church View there are four existing tall, thin conifer trees which are within the application site. The current boundary is marked by the trees and existing outbuildings and sheds in the rear garden of 3 Church View. The boundary with 5 Church View constitutes a brick wall and the rear wall of a brick outbuilding. To the south eastern boundary of the site with 7 Church View there is an approximately 1 metre high hedge and to the north eastern boundary with the industrial use there is approximately a 2m high chain link fence.

7.04 Proposal

It is proposed to erect a block of 4 two bedroom apartments and 3 one bedroom apartments with associated parking. The apartments are in one block which varies in height from three storey to two storey in the part of the building closest to the existing residential properties. The external appearance of the building would be red brick and render with a traditional style slate tile roof. The living accommodation is all at first and second floor with the ground floor designed to be open and utilised for parking. There is further parking to the rear of the building and a bin store to the side. The design solution with parking underneath has been led by the site's location within a flood risk area. The application is accompanied by a Flood Consequences Assessment.

7.05 Issues

The main issues in relation to the development of this site are residential development in a flood risk area, capacity of the sewage system, impact on residential amenity and access. These are dealt with in turn below.

7.06 Flood Risk – Fluvial and Tidal

The site is within zone C1 as defined by the Development Advice Maps which accompany Technical Advice Note 15: Development and Flood Risk (TAN 15). Zone C1 is defined by areas of the floodplain which are developed and served by significant defence infrastructure, including flood defences. Based on Natural Resources Wales (NRW)

extreme flood outline, Zone C1 has an extreme flood outline, equal to or greater than 0.1% (river, tidal or coastal).

- 7.07 New development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Section 6.2 of TAN15 states that development will only be justified if it can be demonstrated that;
- i. its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
 - ii. its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
 - iii. it concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land (PPW fig 4.3);and
 - iv. the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) of the TAN are found to be acceptable.
- 7.08 In terms of justifying the development, the site is located within the settlement boundary of Pentre in the Flintshire Unitary Development Plan. Pentre is a category B settlement which has a growth rate of 15% in accordance with Policy HSG3. The current growth rate for Pentre is at 0.5%. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) above.
- 7.09 In terms of meeting with the aims of PPW, the site is within an existing settlement which is accessible to a wide range of employment opportunities and services within the Deeside settlements and is well served by public transport. It is considered that the site does fall within the definition of previously developed land, as it is as area of hardstanding, although the exact previous use of the site is unknown. This therefore meets with criteria (iii).
- 7.10 A Flood Consequences Assessment (FCA) has been submitted with the application in accordance with criteria (iv) undertaken by Weetwood in February 2013 with a Flood Risk Note submitted in June 2013. This has been assessed by Natural Resources Wales and the Local Authority's Emergency Planning department.
- 7.11 In terms of fluvial flooding, historically, the site was located within the 1976 flood event derived from the channel capacity of Queensferry Drain being exceeded. However NRW has confirmed that modelled information for Broughton Brook, which includes Queensferry Drain and Pentre Drain shows that the site is now not at risk of flooding from

fluvial sources.

- 7.12 In terms of tidal flooding, the River Dee is located approximately 0.7km to the north of the proposed development site. This section of the River Dee is tidally dominated and benefits from suitable flood defence infrastructure. An overtopping and breach analysis study of the River Dee was undertaken by Weetwood in February 2010. Peak tidal level predictions within the River Dee have subsequently been reduced by NRW as part of the Coastal Flooding Boundary Conditions UK Mainland and Islands Report.
- 7.13 Current site levels are approximately 5.57m Above Ordnance Datum (AOD). Levels along Rectors Lane are in the region of 5.31 to 6.42m AOD. In the FCA Weetwood have re-run their model using the revised tidal level predictions set out by NRW for the scenarios of the River Dee defence being overtopped and breached. During the 1 in 200 year (2113) event, if overtopping of the flood defences occurred some inundation of the site is expected as a result of overland flow routes to the east and west. The peak flood level in such circumstances is expected to be 5.62m AOD with a mean flood depth and velocity of 0.09m and 0.03metres per second. Such depths and velocities are well below the indicative guideline figures in A1.15 of TAN 15 for what is considered tolerable conditions for residential development.
- 7.14 In the 1 in 200 (2113) year event if there was a breach of the defences a peak flood level of 5.81m AOD is expected at the site, with a mean flood depth and velocity of 0.23m and 0.25metres per second. Such depths and velocities are well below the indicative guideline figures in A1.15 of TAN 15 for what is considered tolerable conditions for residential development.
- 7.15 The finished floor level of the building at ground floor would be 5.92 AOD. This provides a freeboard of 300mm above the flood level expected in the 1 in 200 year overtopping event. However in order to provide a flood free living environment and a safe refuge all living accommodation is located on the first floor at a height of 2.5 metres, which is at over 8 metres AOD. This is also considered sufficient to mitigate against a 1 in 200 year breach event. This is above the 7.41 metres AOD required by Natural Resources Wales to account for the predicted level of the 0.5% annual probability tide plus an allowance for climate change over the 100 year development lifetime.
- 7.16 A Flood Risk Note was submitted in association with the FCA to demonstrate that safe evacuation could be achieved and to identify whether the proposed building will be able to withstand impacts from potential floating debris during a breach of the River Dee defences for the 1 in 200 year (2113) tidal event. This concludes that safe vehicular access/egress would be provided along Rectors Lane before merging with Hawarden Way to the southwest. Pedestrian

access/egress may also be provided along this route however in the event this is not possible safe refuge would be provided within the building. It has also been demonstrated that flow velocities during a breach event are unlikely to cause structural instability to the proposed development. In addition, the expected flood depths are unlikely to be significant enough to transport large debris that could damage the structure of the building.

7.17 The Local Authority's Emergency Planning Department is therefore satisfied that the threat posed by a 1 in 200 year breach event is tolerable and in this instance is satisfied that the residents would either be able to self evacuate in a safe manner or stay put without harm. It is recommended that prior to the occupation of the building a Flood Warning and Evacuation Plan is developed in consultation with the Council's Emergency Planning Department.

7.18 Natural Resources Wales also requested the imposition of a condition to ensure that the lower floor car parking area cannot be converted into living accommodation without a further planning application or the removal of permitted development rights. However, apartments do not benefit from any permitted development rights therefore this condition is not required as an application for any alteration to the building would require planning permission.

7.19 It is therefore considered that the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in TAN 15 sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) the development is acceptable.

7.20 Capacity of sewage system

There have been incidents of flooding recently in the local area affecting residential properties in the vicinity of the site as mentioned in the objections to the application. This flooding is due to the lack of capacity in the sewage network. Welsh Water has stated that there are capacity issues in the network in the vicinity of the site and these works are scheduled to be resolved by 2014. No connection to the public sewer would be permitted before this time. A Grampian style condition is therefore requested to be imposed to ensure that the properties are not occupied prior to that time.

7.21 In terms of surface water, a separate scheme for surface water flows would need to be submitted. This would be dealt with by condition.

7.22 Impact on residential amenity

The site is bounded by residential properties to the south east and south west. The building is orientated facing Rector's Lane with the side elevation facing the residential properties on Church View. This elevation is blank and is 12 metres from the habitable rooms of 3 and 5 Church View. This element of the building has been moved forward

towards the road which slightly reduces the length of the building which faces the residential properties. The separation distances are in accordance with the Council's Local Planning Guidance Note 2 Space Around Dwellings. At present there are 4 existing conifer trees in the application site which provide some screening due to the height of the trees. The trees require pruning as they are tall and thin due to lack of maintenance. A condition can be imposed to require boundary treatment in the form of a fence to provide immediate screening at ground level and some hedge/tree plating to soften this view.

7.23 The development site is bounded to the south east by the rear garden of 7 Church View and beyond that are the gardens of the terraced properties on Church View. Residents are concerned about over looking from the proposed apartments into the private gardens of the existing residential properties. There would no direct overlooking from the proposed apartment block into the habitable rooms of the existing properties but there would be views into their gardens. There is a distance of 6 metres from the proposed building and the boundary of the garden of 7 Church View. There are no standards in relation to overlooking distances in relation to private gardens. The properties on Church View all have long rear gardens with a number of outbuildings and sheds and varying boundary treatments. It is not an unusual situation to have views into private gardens in urban areas.

7.24 Access

The application provides 12 car parking spaces. 8 spaces are provided underneath the three storey element of the building with a further 4 spaces provided to the rear of the building. These spaces are accessed by driving through the two storey section of the building.

7.25 Concerns have been raised that the nature of the parking layout will lead to parking on the highway which will cause obstructions to other road users particularly HGV's.

7.26 The Head of Assets and Transportation has been in ongoing dialogue with the applicants to agree a parking layout and access and egress arrangement that is acceptable in highways terms. The amended layout has moved the two storey element of the building forward to meet the building line of the three storey element and relocated the bin store from the rear of the site to create a parking and turning area to the rear of the building. Following the submission of a topographical survey it is considered that adequate visibility can be provided from the access points given the nature and classification of Rectors Lane.

7.27 The Local Planning Authority's maximum parking standard's require 1 space per unit and 1 car space per 2 units for visitors in accordance with UDP Policy AC18. This equates to a requirement of 10.5 spaces. The provision of 12 spaces therefore meets with the Council's standards in numerical terms.

7.28 The Head of Assets and Transportation has some reservations in relation to the parking layout within the building and the parking and turning area, in terms of the practicalities of parking underneath the building due to the location of the pillars, however it is not considered that this could be substantiated in a defensible reason for refusal, as it is not directly a highway safety reason. There is therefore no objection on highways grounds.

7.29 Design and scale

Objectors have raised the issue that the scale of the development is out of keeping with the area. The building is three storey in part, however the element nearest the existing residential properties is two storey. The site is positioned between two storey residential development to the west and industrial development of varying scales and forms to the east and north. It is therefore considered the form of the development is an acceptable form and design in this varied urban landscape.

7.30 It is proposed the building would be red brick and render with a traditional style slate roof. The nearby residential properties are a mixture of brick and render terraced properties with slate roofs and semi detached properties of render and concrete tile roofs. The industrial development is of varying materials and scales. It is therefore considered the proposed development is in keeping with the surrounding area.

7.31 Other matters

As the proposal is for less than five dwellings with two or more bedrooms a Section 106 contribution towards education is not required.

8.00 CONCLUSION

8.01 It is considered that the development provides an acceptable form of residential development in an existing settlement in accordance with the Council's standards. The applicant has demonstrated through the Flood Consequences Assessment that the consequences of flooding in a breach event can be acceptably managed and the issue of flooding due to the capacity of the sewage network will be addressed by Welsh Water by 2014. It is considered therefore that permission should be granted subject to conditions.

In considering this planning application 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.

Contact Officer: Emma Hancock
Telephone: (01352) 703254
Email: emma.hancock@flintshire.gov.uk