

FLINTSHIRE COUNTY COUNCIL

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

DATE: **3rd SEPTEMBER 2014**

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

SUBJECT: **DEMOLITION OF EXISTING BUILDERS YARD OFFICE AND STORAGE BUILDING AND ERECTION OF 8NO. NEW DWELLINGS AT ROBERTS & WILLIAMS LTD, QUEEN STREET, QUEENSFERRY**

APPLICATION NUMBER: **051988**

APPLICANT: **ROBERTS AND WILLIAMS LTD**

SITE: **ROBERTS AND WILLIAMS LTD, QUEEN STREET, QUEENSFERRY**

APPLICATION VALID DATE: **28.04.14**

LOCAL MEMBERS: **COUNCILLOR D WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY**

REASON FOR COMMITTEE: **S106 AGREEMENT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full planning application for the erection of 8 two bedroom dwellings on the existing builders yard at Queen Street, Queensferry. A Flood Consequences Assessment has been submitted with the application that demonstrates that the consequences of flood can be effectively managed. A Noise Assessment has been undertaken which demonstrates that measures can be put in place to mitigate the noise impacts from the adjacent road. The application is therefore recommended for approval subject to conditions and S106 agreement covering the relevant issues.

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

The proposal is recommended for approval subject to the following:-
Subject to entering into a S106 agreement for the following contributions;

- £1,100 per unit for recreation enhancements in lieu of on-site provision
- funding to the sum of £2500 to provide for the case of a Traffic Regulation Order for the provision of double yellow lines across the frontage of the application site (along Queen Street) on the development side only.

2.01 Conditions

1. Time commencement
2. Plans
3. Code for sustainable homes certificates
4. Removal of permitted development rights for extensions
5. Restriction to ensure ground floor cannot be used as living accommodation
6. Land contamination investigation
7. Implementation of scheme of acoustic mitigation
8. Foul drainage and surface water to be drained separately from the site
9. No direct connect of surface water drainage without approval in writing
10. No land drainage run-off into the public sewerage system
11. Detailed design and implementation of double yellow lines along Queen Street
12. Positive means to prevent the run-off of surface water onto the highway
13. Construction Traffic Management Plan
14. Materials
15. Finished floor levels at first floor (living accommodation) to be set at 7.70m above Ordnance Datum

If the Obligation pursuant to Section 106 of the Town & 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.

3.00 CONSULTATIONS

3.01 Local Member Councillor Wisinger

Agrees to the determination of the application under delegate powers.

Queensferry Community Council

No response received at time of writing.

Welsh Government Department for Economy, Science and Transport
Directs an acoustic report is undertaken pending consideration of the application.

Report submitted and comments awaited on this at the time of writing.

Highways Development Control Manager

It is a highway requirement that the developer enters into a Section 106 agreement with the Authority in order to secure funding to the sum of £2500 to provide for the case of a Traffic Regulation Order for the provision of double yellow lines across the frontage of the application site (along Queen Street) on the development side only. No objection subject to conditions covering;

- Detailed design and implementation of the double yellow lines along Queen Street
- Positive means to prevent the run-off of surface water onto the highway
- Construction Traffic Management Plan

Head of Public Protection

No objections in principle to this application, however, the site is a former builders yard therefore there is some justification that contamination could be present in all or part of the site. Additionally the proposed development which includes residential accommodation and gardens could be particularly vulnerable to the presence of contamination. Therefore, it is recommended that a Contaminated Land site investigation condition is attached to any approval you may grant.

In addition the site is immediately adjacent to the Queensferry junction and slip road onto the A494 Trunk Road. This is an extremely busy main road. The development proposes that the buildings have three floors with the living accommodation being on the first and second floors. The building layout also shows that there will be both living rooms and bedrooms overlooking the dual carriageway. A close boarded acoustic fence will not provide sufficient attenuation to protect the amenity of these living rooms. In light of these observations it is recommended that the applicant's undertake a noise survey to establish the noise climate and to advise on a suitable scheme of appropriate acoustic measures to be built into the design to prevent noise affecting the amenity of the future residents.

Comments awaited on the noise survey at the time of writing.

Welsh Water/Dwr Cymru

No objections subject to standard conditions relating to standard conditions relating to foul and surface water drainage.

Natural Resources Wales

The application site lies entirely within zone C1, as defined by the Development Advice Map referred to under TAN 15 Development and Flood Risk (July 2004). NRW's Flood Map information confirms the site to be within the extreme flood outline.

NRW have reviewed the contents of the submitted Flood Consequences Assessment (FCA) (Waterco Consultants, w1537-140314-FCA, 14/03/2014) and advise that in order to ensure that the residential part of the development complies with section A1.14 of TAN15 i.e. not flooded during the 0.5% probability flood event, with an allowance for climate change, that a condition is imposed setting the first floor residential accommodation to be set at a minimum level of 7.70m above Ordnance Datum.

Public Open Spaces Manager

In accordance with Planning Guidance Note No13 seeks a contribution of £1,100 per dwelling as a contribution to enhance play provision in the community.

Chief Officer (Education and Youth)

No education contribution is required as both the Primary and Secondary Schools have surplus places.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

3 objections on the grounds of;

- Flooding; weather has become unpredictable
- Has been incidences of overflowing manholes in Queen Street
- Previous applications have been refused on flood risk grounds for less houses
- Would set a precedent for developing in flood risk areas
- Design is not in keeping with the scale, character or appearance of the street scene. The rest of the street is two storey and these are three storey
- Overlooking and loss of privacy across the road
- Loss of light
- Existing on-street parking problem will prevent vehicles turning into the new development
- Submitted photos do not show current levels of on street parking in the area
- Detrimental impact on inadequate drainage system
- Concern the properties will be let as HMO's which leads to loss of sense of community and added traffic and waste problems
- Will the residents be able to reverse out of the spaces provided if vehicles are parked on the road

Comments from 1 resident that;

- The houses will improve the overall look of the street
- The development of the site will improve the level of noise experienced from the dual carriageway

5.00 SITE HISTORY

5.01 **037471** - Erection of 5 No. two storey terraced houses - Refused 18.04.05

4/7/12608 - 2 Non- illuminated signs - Consent 01.11.83

4/7/4702 - Erection of 4 no precast concrete storage units - Consent 23.02.78

4/7/4603 - Extension to form new office accommodation and conversion of existing building to workshop - Consent 24.11.77

4/7/4094 - Change of use from builders storage yard and garaging to joiners shop, sawmill and office - Consent 22.09.77

275/69 - Proposed replacement of store building with office building and reconstruction of highway boundary fence - Consent.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential Development

EWP3 - Renewable energy in New Development

EWP14 - Derelict and Contaminated Lane

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 for the erection of 8 two bedroom

dwellings on the existing builders yard at Queen Street, Queensferry.

7.02 Site Description

The application site is currently in use as a builders yard with office and storage buildings of two storeys in height. The site accommodates a number of buildings and sheds with some on site storage of materials and vehicles. The site is located in a predominately residential area and is bounded to the north west by Queen Street, with traditional two storey terraced properties of varying styles to the north west and east. To the south of the site is the A494.

7.03 Proposed Development

This is a full planning application for 8 two bedroom houses in two blocks of 4 dwellings in each block. The dwellings are three storey with a single garage and entrance on the ground floor, living accommodation on the first floor and 2 bedrooms on the second floor. Each dwelling would have a parking area in front of the property off Queen Street with space for two cars in addition to the garage and private rear garden areas ranging from 50m² to 98m². There is a rear pedestrian access to the gardens which will be treated with a 1.8 metre high close boarded fence with gated access to each property.

7.04 Principle of development

Queensferry is a Category A settlement with a growth rate of 1.8% as of April 2013. The UDP strategy through policy STR4 directs housing development to Category A settlements. The application is therefore considered acceptable in principle subject to meeting the other requirements of Policy HSG3 in relation to impact on the character of the site the surrounding area and Policy GEN1.

7.05 Flood risk

The application site lies entirely within zone C1, as defined by the Development Advice Map referred to under TAN 15 Development and Flood Risk (July 2004). NRW's Flood Map information confirms the site to be within the extreme flood outline.

7.06 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.
- 7.07 In terms of justifying the development, the site is located within the settlement boundary of Queensferry in the Flintshire Unitary Development Plan. Queensferry is a main settlement for development as defined in the UDP strategy. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) above.
- 7.08 In terms of meeting with the aims of PPW, the site is brownfield land. It is considered that the site does fall within the definition of previously developed land, as the site is occupied by a number of buildings and has a previous industrial use. This therefore meets with criteria (iii).
- 7.09 The development proposals put forward involves the use of the ground floor as domestic garages, with all habitable accommodation set at first floor level and above. This proposes a "less vulnerable" use of the site at the ground floor level.
- 7.10 NRW have reviewed the contents of the submitted Flood Consequences Assessment (FCA) (Waterco Consultants, w1537-140314-FCA, 14/03/2014) and advise that in order to ensure that the residential part of the development complies with section A1.14 of TAN15 i.e. not flooded during the 0.5% probability flood event, with an allowance for climate change, that a condition is imposed setting the first floor residential accommodation to be set at a minimum level of 7.70m above Ordnance Datum.
- 7.11 Emergency Planning have been consulted on the proposed access and egress routes for evacuation in the event of a flood and are satisfied with the information submitted with regard to the proposed routes and the likely depth and velocity of flood water in a 1 in 200 year tidal event (including 100 years of climate change).
- 7.12 Residents refer to previous applications on the site being refused on the grounds of flood risk. The previous submissions were not accompanied by a Flood Consequences Assessment and the design of the dwellings did not account for flood risk. This application has addressed these issues to the satisfaction of NRW and emergency planning.
- 7.13 Residents have raised issues relating to drainage. Welsh Water have not raised any concerns in this regard.
- 7.14 Impact on residential amenity

The site has historically had a commercial use which would have had an impact on the residential amenity of the adjacent residents from the sites activities and associated vehicles movements along with its visual impact. The proposed scheme of residential units would therefore reduce the impact on what is a predominately a residential area.

- 7.15 Residents are concerned about the highway and parking implications of the development given the current on street parking due to the nature of the existing traditional terraced properties which have no driveways. The proposed dwellings would each have a garage and sufficient room to park at least one car on the driveway. This meets the Council's standards for 2 bedroom dwellings. The highway Development Control Manager is satisfied that there is sufficient room for the residents of the proposed dwellings to reverse out of these spaces onto the road, accounting for on-street parking. A S106 agreement would be entered into to provide for double yellow lines along the development side of the site to ensure that the driveways and garages are permanently accessible.
- 7.16 Residents have raised concerns that the residential units would be used as House's of Multiple Occupation (HMO) and would lead to the loss of community in the area. The proposed dwellings are two bedroom houses and any use as a HMO would require a change of use.
- 7.17 Residents have raised concerns in respect of overlooking from the proposed properties into existing dwellings, loss of light and impact on privacy. The proposed dwellings are set back 5.5 metres form the footway, so including the road and front yards of the existing properties there is a separation distance of 16 metres between the proposed and existing properties across the road. This is more than the separation distances between the existing properties further along Queen Street as these properties are only set back 3 metres from the footway. It is considered that the separation distances are adequate across a highway.
- 7.18 Concerns have been raised that the design and height of the properties are out of character with the street scene. The majority of the properties in the street are two storey in height and the proposed dwellings are three storey in height. The dwellings have been designed in this way as a flood mitigation measure with no living accommodation on ground floor.
- 7.19 The submitted street scene shows that the existing properties are 13.3 metres in height and the proposed dwellings are 14.24 metres in height. It is therefore not considered that the difference in height is significant or would look out of character in the street scene. The existing properties in the street are not all of the same style or design and there is a variety of housing types and styles with a mixture of

brick and render with slate roofs. The proposed dwellings are brick with off white render feature panels on the gables with a tiled roof. It is considered that the proposed dwellings would add to the character of the street scene.

7.20 Ecology

There are a number of buildings on the site which would be demolished as part of the application. Given the sites urban location and proximity to a major road the site has low potential for bats however the site may be used for nesting birds and a precautionary approach should be taken in this regard.

7.21 Noise

Welsh Government requested that an Acoustic report was undertaken prior to the consideration of the application. This was undertaken by SRL Technical Services Ltd and submitted for consideration.

7.22 Technical Advice Note 11 (TAN 11) sets the Noise Exposure Categories (NEC's) for assessing sites for proposed residential development. For sites falling into Category A, noise is unlikely to be an issue when determining whether or not planning permission will be granted. Categories B and C deal with situations where noise mitigation measures would be needed to make a development acceptable. Category D "should normally be refused" permission. TAN 11 sets noise levels for each Noise Exposure Category for different noise sources.

7.23 For this site the primary source of noise affecting the site is road traffic on the A494 to the south. Measurements were taken throughout the day and night to account for peak traffic flows. The survey found that the external noise levels at the south elevations would fall within NEC Categories D during the day and night. The external walls of the development will be of brick and block construction which will provide sufficient sound insulation against external noise. The windows and ventilation units are the critical elements to ensure internal noise levels are acceptable. The noise report sets out minimum glazing and ventilation requirements required to adequately reduce internal noise levels for habitable rooms of the house. This reduces the noise levels internally to within NEC Category A. While the garden areas will be screened from the road the noise levels will still be within Category D. This level of amenity will be no different to that of the existing dwellings on Queen Street.

8.00 CONCLUSION

8.01 It is considered that the form of development is acceptable in this location and the consequences of flooding have been addressed in the form of the design. A noise assessment has been submitted and mitigation can be undertaken to minimise the impacts of noise from the road. The application is therefore recommended for approval

subject to conditions and S106 agreement covering the relevant issues.

- 8.02 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.

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