

FLINTSHIRE COUNTY COUNCIL

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

DATE: **17TH DECEMBER 2014**

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

SUBJECT: **FULL APPLICATION – RESIDENTIAL DEVELOPMENT TO PROVIDE 10 NO. TWO BEDROOM APARTMENTS AND 4 NO. ONE BEDROOM APARTMENTS AND ASSOCIATED PARKING AT NEW INN, STATION ROAD, SANDYCROFT.**

APPLICATION NUMBER: **052570**

APPLICANT: **JWG DEVELOPMENTS**

SITE: **NEW INN, STATION ROAD, SANDYCROFT.**

APPLICATION VALID DATE: **26.08.14**

LOCAL MEMBERS: **COUNCILLOR D E WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY**

REASON FOR COMMITTEE: **S106 CONTRIBUTIONS**

SITE VISIT: **YES**

This application was deferred from consideration at 12th November Committee in order for a site visit to be undertaken and to obtain the comments from Welsh Water. The report has been updated below to reflect consultation responses received since the previous Committee.

1.00 SUMMARY

1.01 This is a full planning application for the erection of two blocks housing a total 10 two bedroom apartments and 4 one bedroom apartments and associated parking. The main issues are the impact of the form of the development on the surrounding area, impact on residential amenity of adjacent properties, the loss of the public house

and development in a flood risk area.

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

- 2.01 The proposal is recommended for approval subject to the following:-
Subject to entering into a S106 agreement for the following contributions;
- £733 per unit for recreation enhancements in lieu of on-site Provision
 - contribution of £24,514 to Sandycroft Primary School

Conditions

1. Time commencement
2. Plans
3. Materials
4. Ground floor parking only
5. Finished floor levels to be agree at 8.0AOd plus freeboard
6. Developers to produce an Emergency Flood response plan for occupiers
7. Occupiers to sign up to flood warning service
8. Tree protection measures
9. Surface water drainage
10. Foul drainage

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 D E Wisinger

Agrees to the determination of the application under delegated powers.

Queensferry Community Council

No response received at time of writing.

Highways Development Control Manager

No objections.

Public Protection Manager

No adverse comments.

Welsh Water/Dwr Cymru

No objection subject to the imposition of standard conditions relating to surface and foul water drainage.

Natural Resources Wales

The site lies entirely within Zone C1 (Areas of the floodplain which are developed and served by significant infrastructure, including flood defences) as defined in TAN 15 Development and Flood Risk and shown on the Welsh government's Development Advice Map (DAM). The site also lies entirely within NRW's 0.5% AEP tidal flood outline and also partially within NRW's 1% AEP fluvial flood outline. There are no flood defences associated with Sandycroft North drain and therefore the DAM designation C1 may not accurately reflect the flood risks to the site.

The submitted drawings appear to indicate that the ground floor of the development would be used solely for vehicle parking. We would accept that during a breach event the first floor level of the proposed development would be above the maximum in-channel tidal Dee flood level during the 0.5% AEP plus climate change event. However, Chapter 7.2 of TAN15 advises that it would not be sensible for people to live in areas subject to flooding (even in two storey buildings) where timely flood warnings cannot be provided and where safe access/egress cannot be achieved. Your Authority should note that it may not be possible to provide flood warnings in the event of a breach of defences.

We would recommend that an additional freeboard should be included in a proposed minimum finished floor level (FFL).

Also recommend conditions covering;

- Occupiers to sign up to Flood Warning Service
- Developers to produce a flood plan
- To ensure only parking on the ground floor

Airbus

No aerodrome safeguarding objection.

Public Open Spaces Manager

In accordance with Planning Guidance Note No13 seeks a contribution of £733 per dwelling as a contribution to enhance play provision in the community.

Chief Officer (Education and Youth)

Sandycroft Primary has less than 5% surplus places, therefore an education contribution of £24,514 is required.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

7 objections on the grounds of

- three storey buildings are out of character with the surrounding area
- overdevelopment of site

- overlooking, detrimental impact on residential amenity, invasion of privacy, loss of light
- the public house is still open and not vacant as stated in the application documents
- flood risk, the public house has recently flooded, submitted FCA does not address concerns
- the plans show the properties further away than they actually are
- increase in traffic on a narrow residential road
- loss of a public house
- concern about flooding of stream to rear of properties with more development
- no access to mains foul sewer on Station Road
- there is a significant tree in the pub car park which is not shown on the plans and could be affected by the development

5 letters of support on the grounds of;

- Support the proposal as long as the flats don't go further back than my house. Don't want to see a brick wall when sitting in my garden.
- Pub has always been a problem with noise and antisocial behaviour
- Would consider buying one
- Would improve the area
- There would still be a pub in the area down the road

5.00 SITE HISTORY

5.01 98/798

Single Storey Extension to rear/ side of lounge bar. Approved 13.10.98

552/90

Erection of a ground floor extension to house cellar and bottle store. 04.12.90

55/19250

Outline planning application for residential. 03.04.90

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
S11 – Retention of Local Facilities
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 two blocks housing a total 10 two bedroom apartments and 4 one bedroom apartments and associated parking.

7.02 Site Description

The site is currently occupied by the New Inn public house and associated curtilage and parking areas. The existing public house is a two storey building located to the south east of the site with a parking area to the north. To the north east of the site is a terrace of four residential properties. To the south west of the public house is a pair of terraced properties and to the north west of the site are a number of detached residential properties. Broughton brook runs along the north west boundary of the site and there are a number of trees along this boundary on the banks of the brook. To the north west beyond the brook are further residential properties.

7.03 The site is on the edge of the settlement of Sandycroft and is bounded to the east by Station Road. The area is predominately residential in nature. The A548 runs parallel to Station Road, beyond which is agricultural land. The site therefore is highly visible from the road network.

7.04 Proposal

This is a full planning application for the erection of two blocks housing a total 10 two bedroom apartments and 4 one bedroom apartments and associated parking underneath the building and to the rear of the building. The form of the buildings are two and three storey in height, with all living accommodation at first and second floor and only parking at ground floor. 26 parking spaces are proposed, with 20 undercroft spaces and 6 spaces to the rear behind the proposed building. The proposed apartment buildings would be brick and render with a tiled roof.

- 7.05 Principle of development
The site is situated within the Settlement boundary of Sandycroft which is a Category B settlement within the Adopted Flintshire Unitary Development Plan. The growth rate of Sandycroft as of April 2014 is 2.2%. The principle of residential development is therefore acceptable.
- 7.06 The proposal would lead to the demolition of the existing public house and the loss of this community facility. While the public house is still trading contrary to statements in the planning application, there is another public house; The Bridge Inn situated 130m from the application site within the settlement boundary of Sandycroft. The public house has also been on the market for over 12 months with no interest in it for the continuation of that use. It is therefore considered the loss of the public house would not be contrary to policy S11 as other facilities exist within the locality.
- 7.07 Flood risk
The application is accompanied by a Flood Consequences Assessment undertaken by JWG Developments Ltd, along with reference Flood Consequences Assessments carried out for other sites in the locality.
- 7.08 The site lies entirely within Zone C1 (Areas of the floodplain which are developed and served by significant infrastructure, including flood defences) as defined in TAN 15 Development and Flood Risk and shown on the Welsh government's Development Advice Map (DAM).
- 7.09 The site also lies entirely within NRW's 0.5% AEP tidal flood outline and also partially within NRW's 1% AEP fluvial flood outline. There are no flood defences associated with Sandycroft North drain and therefore the DAM designation C1 may not accurately reflect the flood risks to the site.
- 7.10 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 fig4.3);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.

- 7.11 In terms of justifying the development, the site is located within the settlement boundary of Sandycroft in the Flintshire Unitary Development Plan. Sandycroft is a Category B settlement as defined in the UDP strategy. As outlined above the growth rate of Sandycroft as of April 2014 is 2.2% and policy HSG3 allows up to 15% growth with any additional growth required to meet a housing need. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) above.
- 7.12 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 building and car parking area. This therefore meets with criteria (iii). 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.
- 7.13 The peak flood level expected in the locality during a 0.5% AEP plus climate change overtopping scenario are 5.29AOD and for the breach scenario are 5.92 AOD. These levels are taken from the FCA for the Lifeboat Inn, which is in proximity to this site and the models have not been run specifically for this site. The proposed finished floor levels for garages are at 5.35 AOD with living accommodation at first floor at 8.0m AOD. NRW recommend that an additional freeboard of at least 300mm should be included in a proposed minimum finished floor level (FFL).
- 7.14 The submitted drawings appear to indicate that the ground floor of the development would be used solely for vehicle parking. NRW accept that during a breach event the first floor level of the proposed development would be above the maximum in-channel tidal Dee flood level during the 0.5% AEP plus climate change event. It is therefore possible that during such an event, residents could be trapped on the upper floors of the building with limited or no access to power or sanitation. Consultation has been undertaken with Emergency Planning who recommend that occupiers of the properties are made aware of the risks of flooding through an emergency flood response plan drawn up by the developers, to make occupiers aware of what to do in the event of a flood through a breach event. This can be the subject of a condition. NRW also request a condition to ensure that the ground floor of the building is used for parking only.
- 7.15 Impact on residential amenity
The site is bounded by residential properties to the north, west and south. The surrounding residential properties vary in type but are all

two storey in nature. Residents are concerned about the three storey nature of the buildings and the impact in terms of overlooking on residential amenity.

- 7.16 The proposed development is two and three storey with the parts of the building nearest to the existing properties at two storey. The applicants have produced a street scene which shows the building in the context of the surrounding development. The two storey elements are 8 metres in height which is a similar height to the existing residential properties adjacent to the site. The three storey elements are 10.5 metres in height, however it is not considered that due to the varying roof heights in the area it would be out of character with the overall street scene. There is an existing building on the site which has a smaller footprint than the proposed development, but is marginally greater in height than the adjacent two storey properties.
- 7.17 In terms of overlooking, 50 Phillip Street overlooks the site, however there is a minimum of approximately 15 metres at the nearest point due to the nature of the site boundary. The proposed buildings are set back 8 metres from the boundary, therefore there is a separation distance of 23 metres. An objection in terms of overlooking has also been received from 46 Phillip Street. This property does not directly overlook the site but the distance from the dwelling to the boundary of the site is approximately 24 metres. The proposed building is 8 metres from the site boundary giving a separation distance of 32 metres. These are both in accordance with the separation distances set out in Local Planning Guidance Note 2: Space Around Dwellings. The adjacent houses to the north east and south west have side elevations with no windows overlooking the site. The proposed buildings are set back from the footway and extend into the site at a similar depth to the adjacent properties.
- 7.18 There is also a concern the plans show the surrounding properties to be further away than they actually are. From assessing the submitted information the plans are at a recognised scale and are on an Ordnance Survey base.
- 7.19 Concern has been raised about the impact of the tree on the site boundary. It is intended that the tree would remain in situ with light pruning on the development side of the site. Conditions for tree protection measures can be imposed to ensure the tree is not adversely affected by the development.
- 7.20 Parking
The site provides for 26 parking spaces. The proposed buildings would house 14 apartments therefore there are more than 1.5 spaces per unit as advocated by the Council's parking standards.
- 7.21 S106 contributions
Open Space

In accordance with Planning Guidance Note No13 seeks a contribution of £733 per dwelling as a contribution to enhance play provision in the community.

7.22 Education

As the development exceeds the threshold of 5 two bedroom units an assessment as to whether an Education contribution is required has been undertaken. The development would be within the catchment of Sandycroft Primary School which has 329 children on role and a capacity of 337 with a surplus of 2.37%. The nearest High School is John Summers which has 374 pupils on role with a capacity of 565, with a surplus of 33.81%. As the Primary School has less than 5% surplus places in line with SPG 23: Developer Contributions to Education a contribution of £24,514 is required.

8.00 CONCLUSION

8.01 The principle of residential development in this location and the loss of the public house is acceptable due to the proximity of other facilities in the area. It is considered that the form and scale of the buildings would not have an adverse impact on the street scene and or have a significant adverse impact on the residential amenity of adjoining properties.

8.02 Issues relating to flood risk have been addressed in the design of the building ensuring the living accommodation would be dry in the event of an extreme flood event. Conditions would be imposed with respect to the requirement for a flood evacuation plan.

8.03 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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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