

FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH DETAILS OF ACCESS AT PANDY GARAGE, CHESTER ROAD, OAKENHOLT**

APPLICATION NUMBER: **054077**

APPLICANT: **MR. M. FAULKNER**

SITE: **PANDY GARAGE, CHESTER ROAD, OAKENHOLT**

APPLICATION VALID DATE: **28.07.15**

LOCAL MEMBERS: **COUNCILLOR MS R JOHNSON**

TOWN/COMMUNITY COUNCIL: **FLINT**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline planning application for the use of a 0.48ha site for residential development. Details of access have been provided with all other matters reserved for future consideration.
- 1.02 The principle of residential development is acceptable within a Category A Settlement and complies with the objectives of PPW. Further investigations are required with regard to the archaeology on the site in order to inform the detailed layout of the site at reserved matters stage. Matters of capacity of the foul drainage system can be dealt with by condition on this permission and considered at the reserved matters stage. Flood risk can be managed subject to finished floor levels. The detailed layout and design can mitigate any impacts on residential amenity.

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

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

That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:-

- a) Payment of £49,028 towards educational provision/improvements (toilets) for Croes Atti Primary School;
 - b) Contribution of £1,100 per dwelling in lieu of on-site open space provision to fund improvements to the adjacent play area at Croes Atti Lane
1. Outline time commencement – 3 years to submit reserved matters
 2. Plans
 3. Contaminated land investigation
 4. Drainage – foul flows to existing flow rates only unless Hydraulic modelling exercise is undertaken to show network can accommodate additional foul flows
 5. Surface water drainage scheme
 6. Prior to the reserved matters submission an archaeological investigation shall be undertaken to inform the layout.
 7. Siting layout and design of means of access
 8. Details of culvert/ditch to water course
 9. Extent of adopted highway shown on site
 10. Access kerbed and completed to carriageway base course prior to other site operations
 11. Closure of existing access and reinstatement
 12. Visibility splay of 2.4m x 43m
 13. No obstructions in visibility splay
 14. Parking and turning facilities to be provided on-site
 15. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
 16. Lighting columns to be relocated
 17. Traffic management Plan
 18. Site levels across whole site
 19. Finished floor levels of dwellings to be 8.99m

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.

3.00 CONSULTATIONS

3.01 Local Member

Councillor R Johnson

Preliminary views raises concerns about flood risk.

Flint Town Council

No objection

Highways Development Control Manager

No objections subject to conditions covering;

- Siting layout and design of means of access
- Details of culvert/ditch to water course
- Extent of adopted highway shown on site
- Access kerbed and completed to carriageway base course prior to other site operations
- Closure of existing access and reinstatement
- Visibility splay of 2.4m x 43m
- No obstructions in visibility splay
- Parking and turning facilities to be provided on-site
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- Lighting columns to be relocated
- Traffic management Plan

Public Protection Manager

The development site has a long industrial history as such there is some justification that contamination could be present in all or part of the site. Additionally the proposed development which includes residential accommodation could be particularly vulnerable to the presence of contamination.

Therefore, I would recommend that a Contaminated Land Investigation condition is attached to any approval you may grant.

CADW

The development site lies immediately to the south of the above named scheduled monument, a small area encroaching onto it to the west of the bowling green. The monument comprises the buried but well-preserved remains of a Roman industrial and possibly also domestic settlement first excavated in the 1930s. This forms part of a more extensive complex of industry and settlement arranged along the Roman road heading west towards Flint, including a number of (undesignated) metal working furnaces and structures excavated in the fields to the north in the 1920s, the complex of official buildings to the north west excavated in 1976-81 and to the west, the remains of the roadside industrial settlement at Croes Atti, excavated with public

funding in 2013 prior to their destruction. An eastward extension of this settlement continuing along the line of the Roman road was surveyed and evaluated in 2014 revealing the remains of further structures and an extensive cremation cemetery.

The plans indicate that a small section of the scheduled area falls within the boundary of the development, albeit away from any structures. Whilst the use of this area is not specified in any supporting documentation it would appear to be left as open space. If any landscaping, access routes, boundary creation or services fall within this area they will require scheduled monument consent from the Welsh Government (Cadw). Given the overarching national policy in favour of the physical preservation of scheduled monuments the onus will be on the applicant to demonstrate that no practicable alternative (route or location), avoiding the monument exists and that the need to undertake the works outweighs the presumption in favour of the protection of such an important monument of national importance. Scheduled Ancient Monument consent is likely to be required subject to the detailed layout.

The proposed trench locations fall outside of the scheduled area and seems logical to the inspector of ancient monuments and archaeology, who is also in agreement with the suggested approach; the Pentre Roman Site is scheduled for its well-preserved below-ground remains and there is some potential for the evaluation trenches to identify further nationally important archaeology, which it should be possible to preserve in situ through an adjustment of design and layout.

Welsh Water/Dwr Cymru

There are isolated incidents of flooding in the public sewerage system downstream of this site which will need to be overcome if development is to proceed. Further assessment of the sewer network would be required to consider the impact of this development upon the receiving sewerage network. In the absence of a completed assessment and based on our knowledge of the local network, we consider that the proposed development would overload the sewerage network. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. We consider any development prior to improvements being made to be premature and therefore object to the development. In order to progress this development and overcome our objection, it will be necessary for a Hydraulic Modelling Assessment to be undertaken at the developer's expense. The conclusion of this study will determine capacity and/or any improvement works required.

Alternatively, if the proposed development site is a brownfield site we are prepared to consider a foul connection into the public sewer outside the proposed development site, albeit to the historical discharge rate of the site. We would suggest investigations are

undertaken by the applicant to confirm if the former development did connect into the sewer. It will also be beneficial for the applicant to explore and provide evidence (i.e. drawings indicating contributing areas, discharge rates) showing if the foul and surface water flows from the existing site discharges into the public foul sewerage system. Upon receiving this information we may be able to reconsider our consultation response for this development.

In relation to the surface water flows from the proposed development, these will have to be disposed of separately by other means, such as using soakaways or discharging directly to a watercourse in liaison with the Land Drainage Authority and / or Natural Resources Wales

Natural Resources Wales

Flood Risk

No objection subject to the imposition of conditions covering;

- Surface water regulation system
- Finished floor levels to be set at 8.99mAOD

Protected Sites

The application site is located approximately 160m away from the boundaries of the Dee Estuary RAMSAR site, the Dee Estuary Site of Special Scientific Interest (SSSI) and Dee Estuary Special Area of Conservation (SAC). From the information provided NRW does consider that the proposed development will not adversely affect the protected sites listed above.

Clwyd Powys Archaeological Trust

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of high archaeological sensitivity.

The plot originally contained the Pandy Mill (PRN 103998) with the place name suggesting a fulling mill that may have medieval origins. The mill was later converted into a flour mill and this is represented on the first edition OS mapping. The mill pool and dam have subsequently been landscaped on the western edge of the plot. The flour mill has been demolished, but remnant stone walls up to two metres high are thought to be incorporated into later buildings at the rear of the plot.

The plot also lies immediately south of the scheduled monument known as Pentre Bridge Roman Site (SAM FI 131) and appears to partly include the scheduled monument within the proposed open space. As there may be a direct impact to the scheduled monument from landscaping or boundary creation activity within the open space area the applicant would need to approach Cadw to determine whether scheduled monument consent is required.

There is an unquantified potential for additional Roman period archaeology outside the scheduled area and across the rest of the development plot. The Roman road through the settlement at Croes Atti and Oakenholt is known to run past the plot on the north side and archaeology related to the nearby industrial or burial activity alongside the road may be present here at sub-surface levels. The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Play Unit

Would request a contribution of £1,100 per dwelling in lieu of formal on-site play provision towards improvements at the adjacent public open space at Croes Atti Lane.

Education

An Education contribution of £49,028 is required towards educational improvements at Croes Atti Primary School.

Community Safety Officer

Comments on how the layout should meet Secured by Design Principles.

Airbus

No comments to make.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

8 objections on the grounds that;

- Sufficient housing in Oakenholt at Cros Atti and in Flint
- Increase in traffic on an already busy road the A548
- Would make access to adjacent property of Rubern difficult
- Its in a flood risk area
- There is a stream running through the site
- Impact of two storey properties next to a bungalow
- Loss of light and privacy
- Impact on adjacent beauty spot

5.00 SITE HISTORY

5.01 3/FL/60/82

Change of use to shop. Approved 23.03.82

739/83

Outline erection of 7 lock up garages for industrial use. Refused
04.05.84

585/85

Extension to form workshop Approved 09.04.86

00/85

Façade to form conservatory showroom Approved 04.10.00

6.00 PLANNING POLICIES

6.01

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New 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 – New Dwellings Inside Settlement Boundaries

HSG8 - Density of Development

HSG9 - Housing Mix and Type

HE6 – Scheduled Ancient Monuments and other Nationally Important
Archaeological Sites

HE7 – Other Sites of Lesser Archaeological Significance

HE8 – Recording of Historic Features

SR5 - Outdoor Play Space and New Residential Development

EWP3 - Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

EWP17 – Flood Risk

Planning Policy Wales Edition 8 July 2016

TAN 1 Joint Housing Availability Studies 2015

Circular 60/96 - Archaeology and Planning

The proposal accords with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application for the use of a 0.48ha site for residential development. Details of access have been provided with all other matters reserved for future consideration.

7.02 Site Description

The site is currently occupied by a number of buildings housing commercial premises namely, Delyn Windows and second hand car sales along with a number of storage buildings, associated car parking and hardstanding. The site is currently accessed from Chester Road. The current position of the site access is to the south of the extent of the site frontage with Chester Road.

7.03 The site is bounded to the south by the residential property of Rubern which is a dormer bungalow. To the north of the site is a further residential property of New House. To the north west of the site is a bowling green and play area. To the west of the site is a pond. There is a stream which runs through the site and feeds into this pond. There is residential development in the form of terraced housing along Chester Road opposite the development site.

7.04 Proposed development

This is an outline planning application for the use of a 0.48ha site for residential development. Details of access have been provided with all other matters reserved for future consideration. Indicative layout has been submitted which shows 17 two storey 2 and 3 bedroomed semi-detached properties and terraced properties with indicative building heights of 7.3 metres to the ridge. Access to the site is proposed from Chester Road central within the site frontage to Chester Road. The existing stream is included within an area of open space on site and is not proposed to be development.

7.05 The application was accompanied by a Flood Consequences Assessment by WaterCo.

7.06 Issues

The main issues to consider are the archaeological implications of the development, flood risk and highways.

7.07 Principle of development

The application site is within the settlement of Flint which is a main town (Category A settlement) within the Flintshire Unitary Development Plan. It is therefore a focus for growth and residential development. The site is brownfield land with a mixture of uses and is not fully utilised at present. The site is within a predominately residential area and is not allocated for employment use. Residential use would be more compatible with the adjoining uses and has the

potential to improve the character of the street scene subject to the agreement of the detailed design.

7.08 The site complies with the principles of Planning Policy Wales and TAN1 in terms of the presumption in favour of suitable development and the use of previously development land and would contribute towards the land supply deficit.

7.09 Flood Risk

The site lies within Zone C2 as defined in TAN 15 Development & Flood Risk (2004) and shown on Welsh Government's Development Advice Map. This is confirmed by Natural Resources Wales' Floodmap, which shows that the site is within the 0.1% AEP fluvial flood outline and that parts of the site lie within the 1% AEP fluvial flood outline associated with the Nant Ffwrddan. Current site levels range from 13.3m AOD in the west to 7.7m AOD on Chester Road to the east.

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 Flint in the Flintshire Unitary Development Plan. Flint is a Category A settlement as defined in the UDP strategy and is a main town within which to focus growth. 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 buildings and associated hardstanding. This therefore meets with criteria (iii).

- 7.13 In terms of (iv) the application is supported by a Flood Consequences Assessment (FCA) undertaken by Waterco, for which updated detailed flood risk modelling has been carried out for the Nant Ffwrddan, which indicates that these designations may not accurately reflect the flood risks to the site. The site is not affected by the present-day tidal flood outlines. Parts of the site are shown to be at risk of surface water flooding in Natural Resources Wales' Flood Map for Surface Water.
- 7.14 Natural Resources Wales have reviewed and are satisfied with the hydrological and modelling for this site used to inform the submitted FCA. The FCA shows that the proposed residential development will remain dry in the 1% AEP plus climate change event, including a blockage event of the culverts on the site, in compliance with A1.14 of TAN 15. NRW therefore have no objection to the proposed development.
- 7.15 The FCA shows that, while there may be some shallow flooding of the site in the 0.1% AEP event with blockage, depths and velocities are within the thresholds of A1.15 of TAN 15. A safe access and egress route to be used in the event of an emergency is available from Chester Road.
- 7.16 While there will be some displacement of floodwater in a 0.1% AEP with blockage scenario, in this instance the applicant's consultant has calculated that this volume would be 'less than 1m³' and therefore the potential effect elsewhere will be minimal. NRW therefore raise no objection subject to the imposition of a condition stating finished floor levels would be set no lower than 8.99mAOD.
- 7.17 This will involve some land raising or design solution which would be detailed as part of the reserved matters submission. The FCA indicates this is required only for properties on the eastern part of the site which would provide a 300mm freeboard above surrounding ground levels. Finished floor levels of other properties should be set at 150mm above ground levels. This can be covered by condition to be considered as part of the reserved matters.
- 7.18 Highways
There are currently two points of access to the site. One to the south of the site frontage between the former Delyn Windows building and the residential property of Ruebern and one to the north of the building associated with the garage and car sales. It is proposed to create one access point within the centre of the site frontage to serve the proposed residential development. Ruebern is set back from the road and has a parking area at the front of the property.
- 7.19 Residents have raised concerns about the level of traffic generation from the proposed residential use of the site. There is already a level of traffic generation associated with the existing businesses on site.

- 7.20 The exact number of dwellings would be determined at reserved matters stage. Highways have no objection to this subject to the imposition of conditions as set out in their response.
- 7.21 Ecology
The application site is located approximately 160m away from the boundaries of the Dee Estuary RAMSAR site, the Dee Estuary Site of Special Scientific Interest (SSSI) and Dee Estuary Special Area of Conservation (SAC). From the information provided it is considered that the proposed development will not adversely affect the protected sites listed above.
- 7.22 Although there are buildings on the site due to the location of the site in a built up area and the nature of the buildings it is considered a bat survey is not required. There are therefore no ecological implications for the proposed development.
- 7.23 Archaeology
Clwyd Powys Archaeological Trust advises that information retained within the Regional Historic Environment Record indicates that this application falls in an area of high archaeological sensitivity.
- 7.24 The plot originally contained the Pandy Mill (PRN 103998) with the place name suggesting a fulling mill that may have medieval origins. The mill was later converted into a flour mill and this is represented on the first edition OS mapping. The mill pool and dam have subsequently been landscaped on the western edge of the plot. The flour mill has been demolished, but remnant stone walls up to two metres high are thought to be incorporated into later buildings at the rear of the plot.
- 7.25 There is an unquantified potential for additional Roman period archaeology outside the scheduled area and across the rest of the development plot. The Roman road through the settlement at Croes Atti and Oakenholt is known to run past the plot on the north side and archaeology related to the nearby industrial or burial activity alongside the road may be present here at sub-surface levels. The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. CPAT advise that there is insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration they advise that this application is not determined until this resource has been properly evaluated.

- 7.26 The applicants commissioned a desk based archaeological assessment which was undertaken by CPAT which outlines the needs for further investigation as set out above. However, this is a brownfield site which has been the subject of numerous uses including a petrol filling station with associated tanks and buildings. The site is predominately covered in hardstanding. A new building was erected in 1986 and trial trenching was undertaken as part of that development. This was following a previous earlier excavation in 1934. This recorded some 'industrial activity' and has been recorded accordingly. CPAT has suggested two trench locations for the evaluation, one in the north west boundary in an L shape which is in the indicative proposed open space and one in the south west of the site.
- 7.27 It is considered due to the brownfield nature of the site, existing business operating on site and the previous excavations that it would be reasonable to condition any archaeological investigations to part of the reserved matters submission in order to inform the proposed layout. The outline application put forward for consideration does not propose a set number of dwellings and the layout is indicative therefore the principle of development could be accepted with the exact number and detail to be determined following further investigatory work.
- 7.28 Impact on Scheduled Ancient Monument
The development site lies immediately south of the scheduled monument known as Pentre Bridge Roman Site (SAM FI 131) and appears to partly include the scheduled monument within the proposed open space.
- 7.29 The monument comprises the buried but well-preserved remains of a Roman industrial and possibly also domestic settlement first excavated in the 1930s. This forms part of a more extensive complex of industry and settlement arranged along the Roman road heading west towards Flint, including a number of (undesignated) metal working furnaces and structures excavated in the fields to the north in the 1920s, the complex of official buildings to the north west excavated in 1976-81 and to the west, the remains of the roadside industrial settlement at Croes Atti, excavated with public funding in 2013 prior to their destruction. An eastward extension of this settlement continuing along the line of the Roman road was surveyed and evaluated in 2014 revealing the remains of further structures and an extensive cremation cemetery.
- 7.30 The plans indicate that a small section of the scheduled area falls within the boundary of the development, albeit away from any structures. Whilst the use of this area is not specified in any supporting documentation it would appear to be left as open space. If any landscaping, access routes, boundary creation or services fall within this area they will require scheduled monument consent from

the Welsh Government (Cadw). Given the overarching national policy in favour of the physical preservation of scheduled monuments the onus will be on the applicant to demonstrate that no practicable alternative (route or location), avoiding the monument exists and that the need to undertake the works outweighs the presumption in favour of the protection of such an important monument of national importance. This is a matter for the detailed layout and to be considered at reserved matters stage.

7.31 The proposed trench locations fall outside of the scheduled area and seems logical to the inspector of ancient monuments and archaeology, who is also in agreement with the suggested approach. The Pentre Roman Site is scheduled for its well-preserved below-ground remains and there is some potential for the evaluation trenches to identify further nationally important archaeology, which it should be possible to preserve in situ through an adjustment of design and layout. Scheduled ancient monument consent may be required at reserved matters stage.

7.32 Foul and Surface water drainage

Welsh Water object to a new connection in this location into the foul network as there is insufficient capacity in the existing network, however there are a number of business on this site which have connections into the network. Any new development would replace those flows and this can be calculated at the reserved matters stage as at this stage the number of dwellings is unknown as this will depend on the extent of the developable area following the archeologically investigations. .

7.33 Impact on residential amenity

There is an adjacent dwelling Rubern which is set back from the road. This is a dormer bungalow with parking at the front. Any detailed layout would need to take into account this dwelling to ensure that there is no detrimental impacts in terms of overlooking and to achieve a layout and design that is in scale with the adjacent property.

7.34 S106 Contributions

The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. 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 Although open space is shown on the plan this would be informal in nature due to the potential archaeology issues, impact on the Scheduled Ancient Monument and stream running through the site. There is also a play area adjacent to the site and it is requested that a contribution of £1,100 per dwelling in lieu of formal on-site play provision is made towards improvements at Croes Atti Lane. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date.
- 7.36 A contribution of £49,028 is required towards educational enhancements (toilets) at Croes Atti Primary School, which currently has a deficit in pupil places of 6, which equates to -2.90%. This development would exacerbate the current situation. This is in accordance with Local Planning Guidance Note 23: Education Contributions. There have not been 5 contributions towards this project to date.
- 7.37 It is considered that both of these contributions meet the Regulation 122 tests.

8.00 CONCLUSION

- 8.01 The principle of residential development is acceptable within a Category A Settlement and complies with the objectives of PPW. Further investigations are required with regard to the archaeology on the site in order to inform the detailed layout of the site at reserved matters stage. Matters of capacity of the foul drainage system can be dealt with by condition on this permission and considered at the reserved matters stage. Flood risk can be managed subject to finished floor levels. The detailed layout and design can mitigate any impacts on residential amenity.
- 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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

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

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