

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH MARCH 2019**

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

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

APPLICATION NUMBER: **054077**

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

APPLICANT: **MR. FAULKNER**

APPLICATION VALID DATE: **23.10.18**

LOCAL MEMBERS: **COUNCILLOR MS R JOHNSON**

TOWN/COMMUNITY COUNCIL: **FLINT TOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is an outline planning application for the use of a 0.45ha site for residential development. Details of the access have been provided with all other matters reserved for future consideration.

Members will previously recall this application, as it was reported to the Planning Committee on the 23rd March 2016 with a recommendation to grant planning permission, subject to the Applicant entering into a Section 106 agreement. Members resolved to grant planning permission in line with officer's recommendation. Whilst the Section 106 remains incomplete, the Applicant has made an attempt to progress matters. However, during the preparation it

transpired that there was a minor difference between the ownership claimed by the Applicant and the boundary of the adjoining land, which is owned by Flintshire County Council. The Applicant has therefore sought to amend the application site area, to only include land within their ownership. Whilst this remains in outline form, the amendment to the site area has resulted in a minor reduction in the potential number of units that could be accommodated within the site, reducing from 17 to 16 units. The amendment has also required the proposed access to be revised. In all other matters, the application remains unaltered, with the details to come forward as part of a reserved matters application.

The principle of residential development is acceptable within a Category A Settlement and complies with the key principles of PPW10. 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. Flood risk can be appropriately managed subject to finished floor levels, and it is considered that the detailed layout and design can mitigate any impacts on the amenity of existing residents.

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 to provide the following:

- a) Contribution of £1,100 per dwelling in lieu of on-site open space provision to fund enhancements to toddler play provision at Albert Avenue Play Area, Flint.
1. Outline time commencement – 3 years to submit reserved matters
2. In accordance with Plans
3. Contaminated land investigation
4. Drainage – foul flows from the site shall be allowed discharge to the public sewerage system and this discharge shall be made at or beyond manhole reference no. SJ25725104
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. Formation and construction of means of access to be approved by the Local Planning Authority
9. Details of culvert/ditch to water course
10. Extent of adopted highway shown on site
11. Access kerbed and completed to carriageway base course prior to other site operations

12. Closure of existing access and reinstatement
13. Visibility splay of 2.4m x 43m
14. No obstructions in visibility splay
15. Parking and turning facilities to be provided on-site
16. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
17. Lighting columns to be relocated
18. Construction Traffic management Plan
19. Site levels across whole site
20. 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 3 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 Ms R Johnson
 No response at the time of writing.

Flint Town Council
 No response at the time of writing.

Highways Development Control
 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
- Construction Traffic management Plan

Community and Business Protection

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.

Welsh Government - CADW

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled ancient monument Pentre Bridge Roman Site (FL 131).

The amended plans show that the area of the scheduled monument previously included in the application site area has been removed from the application. The application area already contains a number of buildings and whilst the proposed development will increase their number, it is unlikely that the proposed development will have any additional impact on the setting of the scheduled monument FL 131.

Welsh Water/Dwr Cymru

Welsh Water have reviewed the proposal and note that the developer proposes to dispose of foul flows via the public sewerage system and discharge surface water run-off into an existing watercourse. We would advise that foul flows should be discharged to the 150mm diameter foul public sewer at or beyond manhole reference SJ25725104.

In light of the above, Welsh Water raise no objection to the proposed methods of drainage, however request the imposition of suitably worded conditions to specify the connection to the above referenced manhole and to prevent the direct and in-direct connection into the public sewerage network for the drainage of surface and land water.

Natural Resources Wales

Flood Risk

No objection subject to the imposition of conditions covering;

- 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 the proposed open space may be included. As there may be an impact on 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 may disturb any such remains surviving here, but from present knowledge it is difficult to estimate how damaging this might be, and thus to frame an appropriate archaeological response a condition to require an appropriate site investigation prior to reserved matters would satisfy any such concerns.

Play Unit

Would request a contribution of £1,100 per dwelling in lieu of formal on-site play provision towards enhancements to toddler play provision at Albert Avenue Play Area, Flint.

Airbus

Airbus confirm that there is no aerodrome safeguarding objection to the proposal based on the information given.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

1 letter of objection has been received, raising the following:

- Increases the risk elsewhere
- Out of date FCA
- Insufficient information in respect of Archaeology
- Increase in traffic and its impact on highway safety on the A548
- Speed of traffic
- Insufficient drainage capacity

- Pedestrian safety due to narrow existing pavements

As this is an amended scheme I consider it prudent to reiterate the previous objections received in 2016.

8 letters of objection, raising the following:

- 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
- It's 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 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

STR8 – Built Environment

STR10 – Resources

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 – 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

EWP14 – Derelict and Contaminated Land
EWP16 – Water Resources
EWP17 – Flood Risk

SPGN no. 28 Archaeology
PGN no. 13 Open Space Requirements

Planning Policy Wales Edition 10 (December 2018)
TAN1 Joint Housing Land Availability Studies
TAN11 Noise
TAN15 Development and Flood Risk
TAN24 The Historic Environment

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline application for the principle of residential development on land at Pandy Garage, Oakenholt. Details of the access have been provided with all other matters reserved for future consideration.

7.02 Site Description

The application site extends for 0.45ha and 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 accessed off Chester Road.

7.03 The site is bounded to the south by the residential property of Rubern, 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 lies a pond, which is fed by a stream that travels through the site. There are residential properties in the form of terraced housing along Chester Road, opposite the application site.

7.04 Proposed Development

This is an outline application with all matters reserved except for access. This application seeks the principle of residential development for the erection of 16 dwellings. An indicative layout has been submitted with the application which illustrates a development proposal capable of providing 16 dwellings in the form of two storey 2 and 3 bed roomed semi-detached and terraced properties with an indicative height parameter of 7.3m to the ridge. It is envisaged that all 16 dwellings will be provided with private amenity space and car parking. Access to the site is proposed from a central point off Chester Road. The existing stream is included within an area proposed to be open space.

7.05 Issues

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

7.06 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 predominantly residential area and is not allocated for employment use. It is considered that the proposed residential use of the site would be more compatible with the adjoining uses, and has the potential to improve the character and appearance of the street scene along Chester Road, subject to the agreement of the detailed design.

7.07 The proposed site is considered to comply with the key principles of Planning Policy Wales 10 (PPW10) in terms of the presumption in favour of sustainable development, and the sequential approach taken to the re-use of previously developed land in preference to greenfield sites. In accordance with paragraph 3.51 of PPW10, land within settlements should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints identified can be overcome.

7.08 Flood Risk

The application site lies entirely within Zone C1 as defined in TAN15 Development and Flood Risk (2004) and shown on the Natural Resource Wales Development Advice Map. This is confirmed by Natural Resource Wales (NRW) which confirms 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 Nant Ffwrndan, an ordinary watercourse, which flows through the site. The current site levels range from 13.3m AOD in the west and 7.7m AOD on Chester Road to the east.

7.09 New development, to include highly vulnerable development (house) should only be permitted within zone C1 if determined by the Local Planning Authority to be justified in that location. TAN15 justification criteria states that development will only be justified if it can be demonstrated that;

- i. Should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1 of the DAM) **AND**
- ii. Its location is necessary to assist a local authority regeneration initiative or strategy (Development Plan), or contribute to key employment objectives, necessary to sustain an existing settlement or region **AND**
- iii. The site meets the definition of previously developed land (i.e. it is not a Greenfield site) and concurs with the aims of

Planning Policy Wales (i.e. the presumption in favour of sustainable development). **AND**

- iv. A Flood Consequence Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood event (1 in 1000 chance of occurring in any year) have been considered and meet the criteria in order to be considered acceptable.

7.10 In terms of justifying the development, the site has been identified as being within flood risk zone C1. In accordance with TAN15 (fig.1) zone C1 are areas of floodplain which are developed and served by significant infrastructure, including flood defences. The development would therefore accord with criterion (i) above.

7.11 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 that this development would assist in sustaining the existing settlement in accordance with criteria (ii).

7.12 In terms of meeting with the aims of PPW, the site is brownfield land. It is considered that the site falls within the definition of previously developed land, as the site has been subject to previous built development, and this is demonstrated by the site's current use with the existence of buildings and fixed surface infrastructure. This therefore meets with criterion (iii).

7.13 In terms of criterion (iv) the application is supported by a revised Flood Consequence Assessment (FCA) undertaken by Waterco, for which updated detailed flood modelling has been carried out for the Nant Ffwrndan, 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 NRW's Flood Map for Surface Water.

7.14 NRW 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 + climate change event, including a blockage event of the culverts on the site, in compliance with A1.14 of TAN15. 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 TAN15. A safe access and egress route to be used in the event of an emergency is available from Chester Road.

While there will be some displacement of floodwater in a 0.1% AEP

7.16 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 the finished floor levels would be set no lower than 8.99m AOD.

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 that 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.

Highways

7.18 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.

7.19 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 to the front of the property.

7.20 During the previous determination of this application, residents 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. The exact number of dwellings would be determined at reserved matters stage. Highways therefore raise no objection to this subject to the imposition of conditions.

Ecology

7.21 The application site is located approximately 160m away from the boundaries of the Dee Estuary RAMSAR site, the Dee Estuary Site of Special Scientific Importance (SSSI) and the 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 that a bat survey would not be required. There are therefore no ecological implications for the proposed development.

Archaeology

7.23 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.

7.26 The applicant 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 underground 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 that due to the brownfield nature of the site, the presence of existing businesses operating on site and the previous excavations that it would be reasonable to condition any archaeological investigations to form part of the reserved matters submission in order to inform the proposed layout. The outline application put forward for consideration only proposes an indicative set number of dwellings and layout, therefore the principle of development could be accepted with the exact number and detail to be determined following further investigatory work.

Impact on Scheduled Ancient Monument

7.28 The development site lies immediately south of the scheduled monument known as Pentre Bridge Roman Site (FL 131). CADW

have been consulted as part of this application and have carefully considered the information provided. CADW confirms that there are no objections to the impact of the proposed development on the scheduled monument Pentre Bridge Roman Site FL 131.

- 7.29 The amended plans show that the area of the scheduled monument previously included in the application site area has been removed from the application. The application area already contains a number of buildings and whilst the proposed development will increase their number, it is unlikely that the proposed development will have any additional impact on the setting of the scheduled monument FL 131.

Drainage

- 7.30 Previously, Welsh Water objected to a new connection in this location due to there being insufficient capacity in the existing network, this position was taken in 2016. However, Welsh Water now confirm that they would have no objection to a foul connection via the public sewerage system and the discharge of surface water into an existing watercourse. Welsh Water advise that the foul flows should be discharged to the 150mm diameter foul public sewer at or beyond manhole reference SJ25725104. In order to control this, Welsh Water request the imposition of a condition. Welsh Water also request a condition in relation to preventing the direct or indirect connection to the public sewerage network for the disposal of surface and land water.

Impact on residential amenity

- 7.31 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.

S106 and CIL Compliance

- 7.32 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.

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.

7.33 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 enhancements to toddler play provision at Albert Avenue Play Area, Flint. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off site open space contributions where sufficient on site provision is not possible. There have not been 5 contributions towards this project to date.

It is considered that the contribution required meets the Regulation 122 tests.

7.34

8.00 CONCLUSION

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 predominantly residential area and is not allocated for employment use. It is considered that the proposed residential use of the site would be more compatible with the adjoining uses, and has the potential to improve the character and appearance of the street scene along Chester Road, subject to the agreement of the detailed design.

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. The matter of flood risk is considered capable of being adequately managed subject to finished floor levels informed by the FCA submitted with this application. The necessary finished floor levels will be controlled by condition on this permission, requiring the development to be designed and built out to this requirement. Further, it is considered that as part of the reserved matters, the detailed layout and design can mitigate any impacts on residential amenity.

It is considered that the proposal complies with planning policy. Accordingly, I recommend that planning permission is granted subject to conditions as set out within paragraph 2.01 of this report.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

Contact Officer: **Katie H Jones**
Telephone: **(01352) 703257**
Email: **katie.h.jones@flintshire.gov.uk**