

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **9<sup>TH</sup> OCTOBER 2013**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **OUTLINE APPLICATION – RESIDENTIAL DEVELOPMENT AT CHAPEL STREET, CONNAH’S QUAY.**

**APPLICATION NUMBER:** **050153**

**APPLICANT:** **MR. SID HALL**

**SITE:** **CHAPEL STREET, CONNAH’S QUAY.**

**APPLICATION VALID DATE:** **21<sup>ST</sup> SEPTEMBER 2012**

**LOCAL MEMBERS:** **COUNCILLOR A.P. SHOTTON**  
**COUNCILLOR J.B. ATTRIDGE**

**TOWN/COMMUNITY COUNCIL:** **CONNAH’S QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SECTION 106 LEGAL AGREEMENT FOR EDUCATIONAL AND OPEN SPACE CONTRIBUTIONS.**

**SITE VISIT:** **NO.**

**1.00 SUMMARY**

- 1.01 This application seeks outline planning permission, with all matters reserved for subsequent approval for residential development at land off Chapel Street, Connaah’s Quay. The illustrative plans show the development of five, two storey houses with each dwelling being accessed via private driveways off Chapel Street. The maximum height, width and length of the dwellings will be 7.9m, 5.8m and 9.4m respectively.
- 1.02 The main issues for consideration are the principle of the development in planning policy terms, the highway implications and the drainage of

the site.

- 1.03 Although the site forms part of the protective green space designation of Central Park, Connah's Quay whereby the principle of residential development is normally discouraged, given that the site is a very small portion of the Park, is located upon the edge of it and part of it is currently used as informal car parking it is considered to have little play or recreational value and therefore is acceptable in planning policy terms. In addition, the highway and drainage implications are also deemed to be acceptable subject to conditions.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106/Obligation/Unilateral Undertaking to provide the following:-
- a. Payment of £12,257 towards educational provision/improvements at Ysgol Bryn Deva. This contribution to be paid upon completion of the first dwelling sale upon the site.
  - b. Payment of not less than £1,100 per dwelling to be provided upon 50% sale or occupation of the development in lieu of on site public open space. The receipt to be used to enhance existing recreation provision in the community.

If the Obligation/Unilateral undertaking (as outlined above) is not completed within 6 months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

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

Conditions

- 1. Outline – Submission of details of all reserved matters.
- 2. Outline – Time limit on commencement.
- 3. In accord with approved detail.
- 4. Outline – Submission and approval of site levels including proposed finished floor levels of the dwellings.
- 5. Siting, layout and design of site access to be further submitted and approved, prior to commencement of site works.
- 6. Vehicular access to have visibility splay of 2.4 m x 43 m in both directions and no obstructions to visibility in excess of 1 m.
- 7. Gradient of driveways not to exceed 1 in 12.
- 8. 1.8 m wide footway provided along site frontage within Chapel Street, constructed to adoption requirements.

9. Positive means to prevent run-off of surface water from any part of the site onto the highway be approved in accordance with details to be further submitted and approved prior to commencement of development.
10. Foul water and surface water discharges shall be drained separately from the site.
11. No surface water drained either directly or indirectly, to the public sewerage system unless otherwise approved.
12. Land drainage run-off not permitted to discharge, directly or indirectly into the public sewerage system.
13. No development (including the raising or lowering of ground levels) permitted within the following safety zones which is measured either side of the centre line:
  - 600 mm diameter surface water public sewer – 6 m either side.
  - 375 mm diameter combined public sewer – 5 m either side.
14. Site investigation of nature and extent of contamination in accordance with a methodology to be further submitted and approved. If contamination is found, a report specifying the measures to be taken to remediate the site to render it suitable for development to be also further submitted and approved.
15. Code for Sustainable Homes Level 3 to be achieved.
16. Design stage assessment to be submitted.
17. Dwellings not occupied until “Post Construction stage” assessment submitted and approved.
18. Notwithstanding details submitted on approved plans, any Reserved Matters Application to include precise details of a footpath link within the site from Chapel Street to Central Park. Agreed details implemented in full upon first occupation of the first dwelling.
19. Notwithstanding details shown upon approved plans, any Reserved Matters Application to include details of proposed overspill parking for the Naval Club. Agreed details to be implemented in full upon first occupation of first dwelling.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor A.P. Shotton

No response received to date.

Councillor J.B. Attridge

Agrees to determination under delegated powers.

Connah’s Quay Town Council

Do not object to this application.

Head of Assets and Transportation

Recommends that any permission to include suggested conditions.

Head of Public Protection

No objections in principle to application. Site is close to former landfill sites and as such there is potential for the land to be affected by contamination from those landfill operations. Recommends a suggested planning condition attached to any planning permission granted.

Environment Directorate  
(Rights of Way)

Footpath 25 abuts the site but appears unaffected by the development.

Path must be protected and free from interference from the construction.

Public Open Spaces Manager

Site is adjacent to an existing public open space and may have the same designation as open space in terms of development. This aspect should be investigated and relevant policy applied. If development falls outside public open space would be seeking a payment of not less than £1,100 per dwelling should be provided upon 50% sale or occupation of the development. Receipt would be used to enhance existing recreation provision in the community. Should the developer require the authority to adopt amenity/landscape space a commuted sum payment for 10 years costs would be required.

Director of Lifelong Learning

The impact on pupil numbers that this proposed development will have, indicate that Ysgol Bryn Deva will have the greatest need for additional capacity. Therefore the financial contribution requested is £12,257 for Ysgol Bryn Deva.

Welsh Water/Dwr Cymru

Requests suggested conditions and notes are placed upon any planning permission granted.

Fields in Trust

No observations to make.

Sports Council for Wales

No response received to date.

National Grid Plant Protection

No response received to date.

Ramblers Association

No response received to date.

SP Energy Networks

No response received to date.

Airbus

No aerodrome safeguarding objection to the proposal.

**4.00 PUBLICITY**

4.01 Site Notice & Neighbour Notification

No responses received to date.

**5.00 SITE HISTORY**

5.01 None relevant.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR11 – Sport, Leisure & Recreation.

GEN1 – General Requirements for Development.

L3 (44) – Green Spaces – Central Park, Connah's Quay.

AC13 – Access & Traffic Impact.

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.

SR4 – Protecting Recreational Open Space.

EWP11 – Development on/or Adjacent to Landfill Sites.

EWP16 – Water Resources.

IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2 : Space Around Dwellings.

Local Planning Guidance Note 13 : Open Space Requirements.

Local Planning Guidance Note 22 : Planning Obligations.

Adopted Supplementary Planning Guidance 23 – Developer Contributions to Education.

National Planning Policy

Planning Policy Wales (November 2012)

Technical Advice Note (TAN) 16 – Sport, Recreation & Open Space.

The site is within an identified settlement and within the defined settlement of Connah's Quay as contained in the Flintshire Unitary Development Plan. Connah's Quay is a Category 'A' settlement and policies are generally supportive for residential development in this urban location provided the detail of such schemes is assessed and found to satisfy detailed policies including Policy GEN1.

The land is also part of the protective green space designation of

Central Park, Connah's Quay. It is a strategically important open space that serves a key settlement of Flintshire providing play, sport and recreation needs within the community. As a result, residential development is normally discouraged. However, given that the application proposes to develop a very small portion of the Park, is located upon the edge of it, with the majority of it also used as an informal parking area for the Naval Club, it is considered to have little play or recreational value and therefore considered acceptable in principle in planning policy terms.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description & Proposals**

Comprises approximately 0.95 ha of the wider designated green space within the Flintshire Unitary Development Plan which encompasses Central Park, Connah's Quay. The northern part of the site is used as informal car parking for the Deeside Naval Club. The land rises up from Chapel Street.

7.02 It is located upon the western side of Chapel Street, in between No. 2 Pinewood Avenue and the existing vehicular access to the Naval Club, opposite the junctions of Chapel Street with Princess Street and the rear access to the properties on Princess Street and Garratt Close. To the north west lies the Deeside Naval Club.

7.03 The application seeks outline planning permission with all matters for subsequent approval for residential development. The applicant's agent has submitted details of the types houses and a layout for illustrative purposes only. These details show five, 2 storey properties in a row and stepped back from one another. Overspill parking for the Naval Club is also proposed alongside the access track up to it.

### **7.04 Issues**

The main issues to consider within the determination of this planning application are the principle of the development in planning policy terms, the highway implications and matters of drainage.

### **7.05 Principle of Development**

The site is located within the settlement boundary of Connah's Quay as defined by the Flintshire Unitary Development Plan. Connah's Quay is also defined by the Flintshire Unitary Development Plan as a Category 'A' settlement and policies are generally supportive of residential development in this urban location provided the detail of such schemes is assessed and found to satisfy detailed policies including Policy GEN1.

7.06 The land also lies within the protective green space designation (L3(44)) – Central Park, Connah's Quay as defined by the Flintshire Unitary Development Plan. Central Park is considered a strategically important open space that serves a key settlement of Flintshire,

providing play, sport and recreation needs within the community. Given that the application proposes to develop this part of the designated green space, it would normally be considered contrary to Policy L3 of the Flintshire Unitary Development Plan.

7.07 However, given that the application proposes to develop a very small portion of the Park, is located upon the edge of it and is used predominantly as an informal car parking for the Naval Club, it is considered that this space has little play or recreational value.

7.08 The development by virtue of its location would, however, it is considered would extend an existing residential frontage on Chapel Street with rear boundaries running onto Central Park. This form of development in extending the existing residential frontage would, it is considered, extend an existing barrier for people trying to access Central Park.

7.09 As a result of the above concerns, the applicant is prepared to provide a new footpath as part of the development linking Chapel Street to the rest of the Park. The applicant is also providing overspill car parking for the Naval Club alongside the existing access way together with associated landscaping. These requirements have been placed upon the recommendation as conditions.

7.10 **Highway Implications**

The illustrative layout shows that the dwellings will be accessed via private driveways off Chapel Street. The Head of Assets & Transportation has been consulted on the application who advises that these arrangements are acceptable subject to suggested conditions being placed upon any grant of outline planning permission. These have been placed upon the recommendation as condition No's 5-9.

7.11 **Drainage**

Initial consultation with Dwr Cymru Welsh Water indicated that no development was to take place 6 m either side of a 600 mm diameter surface water public sewer and 5 m either side of the 375 mm diameter combined public sewer in order to gain access to them. Amended plans have now been received indicating that the dwellings will be constructed outside of these areas. An amended consultation response from Dwr Cymru Welsh Water confirms that this is now acceptable, subject to conditions placed upon any planning permission granted.

**8.00 CONCLUSION**

8.01 For the above reasons, this application for residential development on the site is considered to be acceptable, in principle in planning policy terms. Detailed matters of the siting, design, materials and access together with the landscaping of the site will be considered as part of

any further reserved matters application which may be submitted later, once this outline planning permission is granted.

- 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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