

FLINTSHIRE COUNTY COUNCIL

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

DATE: **25th MARCH 2015**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **OUTLINE RESIDENTIAL DEVELOPEMNT ON LAND AT SPA DAVIES AND SONS, STATION YARD, CORWEN ROAD, COED TALON.**

APPLICATION NUMBER: **051831**

APPLICANT: **SPA DAVIES AND SONS**

SITE: **STATION YARD, CORWEN ROAD, COED TALON, FLINTSHIRE**

APPLICATION VALID DATE: **28TH FEBRUARY 2014**

LOCAL MEMBERS: **COUNCILLOR CAROLYN A. THOMAS**

TOWN/COMMUNITY COUNCIL: **TREUDDYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE PROPOSALS REQUIRE MATTERS TO BE SECURED VIA S.106 AGREEMENT FOR WHICH DELEGATED POWERS TO PROCEED DO NOT EXIST.**

SITE VISIT: **NOT REQUESTED**

1.00 SUMMARY

- 1.01 This application is submitted in outline only, with all matters of detail Reserved for subsequent consideration. The application seeks to establish, via a planning permission, the principle of the development of this allocated site for residential development.
- 1.02 Whilst all matters are Reserved, the applicant has provided and indicative series of drawings indicating how the site could be developed and accessed. Members are reminded that these details are purely illustrative.

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

- 2.01 That conditional permission be granted, subject to the applicant entering either into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment which provides for the following;

Education provision – a sum equivalent £18,469 per secondary school pupil generated towards Castell Alyn High School.

2.02 Conditions

1. Time limit 3 years for commencement.
2. Submission of Reserved Matters within 12 months.
3. Submission, agreement and implementation of precise methods of foul, surface and land water drainage schemes. To include surface water regulation system.
4. Submission, agreement and implementation of a scheme to secure affordable housing.
5. Submission, agreement and implementation of a scheme of open space and play area provision.
6. Protection of existing hedgerows and trees during construction.
7. No development within 3 metres of public sewer.
8. No development until written confirmation of opening of culverts is received.
9. Full details of finished floor levels, site levels and proposed water levels submitted and agreed.
10. Design of proposed access road where it culverts the watercourse is submitted and agreed.
11. Proposed finished land levels have been submitted and agreed and prove adequate compensatory flood storage is provided.
12. Scheme for the management of overland flow submitted and agreed.
13. Siting, layout and design of access to be submitted and agreed.
14. No works in connection with formation of access until details submitted and agreed.
15. Access formed to base layer and kerbed before any other site works.
16. Visibility splays of 2.4m x 43m in both directions. No obstruction above 0.6m above channel level and kept clear during construction works.
17. Facilities for parking and turning prior to occupation.
18. Garages to be set back 5.5 from back edge of footway and 7.3m from carriageway.
19. Detailed design, layout, traffic calming, signage, street lighting and drainage of estate roads to be submitted and agreed.
20. Access gradient for 10m to be 1:24 and 1:15 thereafter.
21. Scheme for positive means of surface water drainage from estate onto highway.

- 22. Public Right of Way to be marked out and protected during works.
- 23. No development until Construction Traffic Management Plan submitted and agreed.
- 24. No development until land contamination assessment undertaken, submitted and approved. Remediation scheme to be agreed before works commence.
- 25. Area shown hatched red upon approved plan shall not be the subject of any built development.

2.03 If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Carolyn A. Thomas

Generally supportive of the proposals. Wishes to see monies secured via S.106 for existing play facility at Coed Talon Way. Wishes to see the route of the old rail line through the site protected and secured for pedestrian, cycle and horse use.

Treuddyn Community Council

Members like the indicative scale of development and potential for access via a roundabout. Requests that the permission ensures the connection of the site to the bridleway is protected.

Highways Development Control Manager

No objections. Requests the imposition of Conditions and notes upon any subsequent permission.

Advises that Footpath 77 crosses the site and its route must be identified and protected during the course of works. The applicant may need to acquire a Temporary Closure Order during construction works.

Pollution Control Officer

No adverse comments. Requests that a condition requiring a contaminated land assessment and proposed remediation scheme be imposed.

Capital Projects and Planning Unit (CPPU)

Advises that sufficient capacity exists in the local primary school (Ysgol Derwenfa, Leeswood) and therefore no contribution is sought in this respect.

Advises that the local Secondary School affected by the proposals would be Ysgol Castell Alyn, which is already over capacity.

Accordingly, a sum equivalent to the number of secondary pupils generated from the development multiplied by the building cost multiplier for secondary schools (in accordance with LPGN No. 23).

For Members information this would be calculated as shown below;

y (where y = the number of pupils) \times 0.174 (secondary school multiplier) = Z

$Z \times \text{£}18,469$ (building cost multiplier for secondary schools) = S.106 contribution required.

Public Open Spaces Manager (POSM)

Advises there to be an adequate provision of Public Open Space within the locality. Considers that the nature of the development should provide for an on-site facility for play provision for children aged 8 and under. In addition, the residual provision which would normally be sought should be provided via a commuted sum to be used to enhance existing facilities within the community.

Dwr Cymru/Welsh Water (DCWW)

No objections. Requests the imposition of conditions and advisory notes upon any permission.

Natural Resources Wales (NRW)

Notwithstanding the fact that the site is part within a C2 flood risk zone, NRW are satisfied that the risks and consequences of flooding can be acceptably managed and therefore requests the imposition of conditions.

The Coal Authority

Notes that the site is located within an area which has been the subject of historical mining activity but as the site itself falls outside of the Development High Risk Area, a mining risk assessment is not required and therefore no objection to the proposals are raised. Requests a note is added to any permission to advise the applicant of the historical coal mining in the area.

Airbus

No adverse comments.

SP Energy Networks

No objection. Requests that notes are attached to any subsequent permission for the applicants' attention.

4.00 PUBLICITY

- 4.01 The application has been publicised by way of a press notice, site, notice and neighbour notification letters. At the time of writing this report, 2 letters have been received in response. Neither letter raises

an objection in principle but raises queries in relation to detailed matters which are not addressed at this application stage. These queries relate to the exact development proposals and a desire to ensure that residential amenity is not compromised.

5.00 SITE HISTORY

5.01 98/1404

Certificate of lawfulness – Mixed industrial use
Granted 11.4.2000

034353

Outline – residential development
Withdrawn

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan (FUDP)

Policy GEN1 - General requirements for development
Policy GEN2 - Development inside settlement boundaries
Policy HSG1(39) - New Housing Development Proposals
Policy HSG8 - Density of Development
Policy HSG10 - Affordable housing within settlement boundaries
Policy AC7 - Protection of Disused Railway Lines
Policy AC13 - Access and Traffic Impact
Policy L3 - Green Spaces
Policy EWP2 - Energy Efficiency in New Development
Policy EWP3 - Renewable Energy in New Development
Policy EWP17 - Flood Risk
Policy SR5 - Play areas and new housing development
Policy IMP1 - Planning conditions & planning obligations

6.02 The above policies offer a general presumption in support of development proposals of this type upon allocated sites within settlement boundaries. The site is specifically allocated for residential development within the FUDP and would amount to the redevelopment of a brownfield site which is supported by both local and national planning policy. Accordingly, the proposals would comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline application proposes the development of this 1.9 hectare site for the purposes of residential development. Whilst the application is submitted in outline with all matters reserved for future consideration, the indicative details submitted suggest that the site could be developed for approximately 49 dwellings, together with the formation of a new point of vehicular access from the A5104 to the east of the site.

- 7.02 Members are advised that this application site forms the larger part of the allocated housing site under HSG1(39). The remainder of the allocation is currently the subject of an, as yet, undetermined application under Reference Number 052236.
- 7.03 Site and surroundings
The site is located to the north west of the A5104-Corwen Road and lies within the defined settlement boundary for Coed Talon. The site is presently utilised for mixed industrial purposes consisting predominantly of a scrap metal business. The site contains various industrial buildings and plant associated with this use.
- 7.04 The site is bounded to the north and west by open countryside. This boundary is marked by a belt of mature and well established trees and hedgerows. The eastern boundary is formed by a mixture of residential properties with associated garden spaces and a coach/transportation depot. Black Brook, a tributary of the River Alyn, runs along this boundary as both a watercourse and a culvert in sections. Boundaries to the south consist of properties on Corwen Road and the frontage of the Railway Inn Public House and its associated car parking facilities. It should be noted that The Railway Inn comprises a part of the application site and is proposed to be demolished to facilitate access as part of this proposal.
- 7.05 The site topography is relatively flat, reflecting its former use as a station and yard as part of the now redundant Mold to Brymbo railway. The site levels at the periphery of the site, towards the north west rise and in this regard, are reflective of the landform in this location.
- 7.06 Access to the site is presently derived by an existing access onto Corwen Road between the Railway Inn and an adjoining residential property.
- 7.07 The Proposed Development
The proposal is submitted as an outline application with all matters reserved for future consideration. Whilst the application is accompanied by information indicating layout and access, these details are indicative and illustrative only and do not form part of the proposals for Members consideration.
- 7.08 Members will note that the application site includes land which is not within the allocation and is open countryside. However, the indicative details submitted at this stage illustrate that built form is to be restricted to the former track bed, service yard and station areas of the site and the remainder of the site exists as a landscaped and natural backdrop to the proposed development.
- 7.09 The Principle of Development

The principle of the development of this site for residential purposes is established via the allocation of the site specifically for this purpose in the Flintshire Unitary Development Plan. The principle has been considered via the examination in public of the UDP and the site remains as an allocation without modification following adoption of the UDP by the Council. The proposal is therefore considered acceptable in principle.

- 7.10 However, notwithstanding the allocation of the site, its delivery will not now come forward within the plan period of the UDP and therefore the development of the site will not serve its original purpose of meeting the housing need of the county over the period of the UDP. With this in mind and in order to give greater certainty to the delivery of the site, I propose to reduce the normal time limits applied to a permission such as this. I propose that any permission should be granted on the basis of requiring commencement within 3 years and allow for a 12 month period from the date of this decision for the submission of Reserved Matters.

7.11 Main Planning Issues

It is considered that the main planning issues can be summarised as follows:-

- The adequacy of existing drainage infrastructure to accommodate development;
- The acceptability of the risks to the site in flood terms;
- Impacts upon educational and recreational infrastructure; and
- Highway and pedestrian linkages to and from the site.

7.12 Drainage issues

The main issues for consideration in respect of this matter relate to the provision within the public system for the disposal of surface water and the capacity at the Buckley waste water treatment works to accommodate the foul flows arising from the development of the site.

- 7.13 In response to consultation, I am advised by DCWW that there is no surface water drain in the area and therefore surface water flows will not be permitted to connect to the public drainage system. It should be noted that the application appreciates this fact and actually proposes that surface water is disposed of to the existing watercourse passing through the site. As set out in Paragraph 7.15 below, there is no objection to this proposal in flood risk terms.

- 7.14 Considerable examination of the capacity of the waste water treatment works at Buckley, which would serve this site, has been undertaken as part of the consideration of the proposals by DCWW. I am advised in response to consultation that, following period of monitoring and surveying of the works, the development of the site as proposed would not result in the overloading of the works.

7.15 Flood Risk

The site is predominantly located within a category A flood zone, although parts of the eastern fringes of the site are located within Zones B and C2. The nature of the proposals are such that they are considered within TAN15 to be a 'highly vulnerable' form of development. However, this is acceptable within flood zone A and acceptable within zones B and C2 where measures are secured to mitigate flood impacts.

7.16 The history of flooding events at the site relates to the Byr Brook which enters the site to the south west and is culverted for the remainder of its course through the site shortly thereafter until it outfalls into an open watercourse at the eastern edge of the site. The flooding which has occurred in the past has been occasioned as a result of debris causing the culvert inlet to become blocked, causing a upstream flooding.

7.17 The development proposes to address this risk by removing the culvert along the length of the watercourse through the site, increasing the capacity within the watercourse to accept anticipated flows and reducing the pressure upon the watercourse upstream which arises as a consequence of culvert blockage.

7.18 The surface water drainage solution to the development of the site provides for surface waters to be discharged to the watercourse. It is proposed that discharge rates to the watercourse will be regulated to pre-development rates by means of employing a flood control device within the surface water drainage system upon the site.

7.19 In response to consultation and following consideration of the submitted Flood Consequences Assessment, NRW have advised that they are satisfied that the developer has demonstrated that the risks and consequences of flooding can be acceptability managed in line within Section 7 and Appendix 1 of TAN15. Accordingly conditions in relation to a variety of issues are requested to be imposed upon any grant of planning permission. I propose to condition accordingly.

7.20 Education and Recreation Impact

The proposals have been considered in the light of the guidance set out in LPGN23 - Developer Contributions to Education; and LPGN13 - Open Space Requirements. Members are aware of the advice contained within these guidance. Following consultations with both the Council's CPPU and POSM I am advised that the proposals will give rise to the need for provisions in both respects.

7.21 In terms of a requirement for contributions towards education infrastructure and provisions within the county, I am advised that the application of the above advice indicates a need for contributions towards the secondary school which serves the area. The details of this need are set out in Section 3 of this report. Precise details of the

proposed numbers of dwellings are not available due to the outline nature of the application. The calculations in such a scenario have been set out with the consultation response.

7.22 I am therefore proposing that the applicant is required to enter into a Section 106 agreement to secure the same.

7.23 In respect of open space and recreation, it will be expected as part of the consideration of detailed proposals for this site that provision is made within the site for a facility to meet the needs of future occupiers. I am advised that the specific need at the site would be for an on-site facility for children aged 8 and below. Extensive play facilities for older children and more general recreation exists within the locality and it is suggested that a commuted sum in respect of the upgrade of these facilities could be sought at a detailed application stage.

7.24 I consider that the most appropriate way to address this issue at this stage of determination in the process is to impose a condition requiring the submissions and agreement of a scheme for play and recreation as part of any detailed application.

7.25 Highway and Pedestrian Issues

Access to the site is proposed to be derived via a new access road creating a junction with the A5104 (Corwen Road). The proposals also indicatively suggest that the route of the former track bed which extends to the north east could be improved to form pedestrian linkages to other rights of way in the immediate surroundings. Members will note that Footpath 77 crosses the site at the extreme eastern edge but joins Ffordd y Bont adjacent to the point at which the route of the former track bed passes beneath Ffordd y Bont.

7.26 In response to consultation, it has been suggested that the proposals represent an opportunity to utilise the track bed route to link into the route to the south west which exists as a soft route bridleway for horses, walkers and cyclists. I see no reason why the same could not be achieved as part of the consideration of detailed proposals but do not consider that this issue needs to form the basis of a condition.

7.27 Other Matters

The site has been in contaminative use both currently as a scrap yard and previously as a railway yard and station. Accordingly the potential impacts of contamination upon the proposed end users of the site is required to be assessed. I am advised in response to consultation that this matter can be adequately addressed by the imposition of a condition precedent requiring assessment of the land and, where required, detailed remediation measures. I propose to condition accordingly

8.00 CONCLUSION

- 8.01 It is considered that the proposed residential development of this site is acceptable as a matter of principle and serves to formalise the tacit acceptance of the suitability of the site for such development enshrined within its allocation for such purposes within the FUDP. Whilst all details are Reserved Matters for future consideration, the proposals are acceptable.
- 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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