

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND APRIL 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 6 NO. APARTMENTS WITH ASSOCIATED ACCESS AND PARKING AT 1 QUEEN STREET, QUEENSFERRY**

APPLICATION NUMBER: **053080**

APPLICANT: **DIOCESE OF WREXHAM**

SITE: **1 QUEEN STREET, QUEENSFERRY**

APPLICATION VALID DATE: **22ND DECEMBER 2014**

LOCAL MEMBERS: **COUNCILLOR DAVID WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES, SO THAT THE COMMITTEE MEMBERS CAN SEE THE SIZE OF THE PLOT AND THE SURROUNDING AREA.**

1.00 SUMMARY

1.01 This is a full planning application for the erection of 6 no. apartments on a plot of land adjacent to no.1 Queen Street, Queensferry. The application is accompanied by a Flood Consequences Assessment (FCA) in view of it being located within a flood risk area and a Noise Assessment in view of its proximity to the trunk road, and these are addressed in the Planning Appraisal below. The application is recommended for approval subject to conditions and S106 Obligation covering the relevant issues.

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

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

Subject to entering into a S106 Obligation or earlier payment for the following contributions;

- £733.00 per unit for public open space enhancements in lieu of on-site provision

Conditions:

1. Time commencement
2. In accordance with plans
5. Restriction to ensure ground floor cannot be used as living accommodation
7. Implementation of scheme of acoustic mitigation
8. Foul drainage and surface water to be drained separately from the site
9. No direct connect of surface water drainage without approval in writing
10. No land drainage run-off into the public sewerage system.
11. Positive means to prevent the run-off of surface water onto the highway
12. Construction Traffic Management Plan
13. Materials to be approved
14. Finished floor levels at first floor (living accommodation) to be set at 7.70m above Ordnance Datum
15. Access off Queen Street by means of vehicular crossing
16. Highway boundary enclosure not to exceed 1.0m.

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

3.00 CONSULTATIONS

3.01 Local Member
Councillor Wisinger

Requests committee determination and site visit as his initial view is that the proposal is out of character with the street scene, too high, overbearing and having a visual impact on the surrounding properties. He also points out that the site lies within the flood plain

Queensferry Community Council

No response received at time of writing.

Head of Assets and Transportation

No objection subject to the following conditions.

Access to the site from Queen Street shall be provided by means of a vehicular crossing.

The boundary with Chester Road (East) and Queen Street not to exceed a height of 1.0m.

Head of Public Protection

No objection subject a condition regarding enhanced glazing.

Welsh Water/Dwr Cymru

No objections subject to standard conditions relating to standard conditions relating to foul and surface water drainage.

Wales and West Utilities

No objection.

Natural Resources Wales

The application site lies entirely within zone C1, as defined by the Development Advice Map referred to under TAN 15 Development and Flood Risk (July 2004). NRW's Flood Map information confirms the site to be within the extreme flood outline.

NRW have reviewed the contents of the submitted Flood Consequences Assessment (FCA) (Waterco Consultants, w1626-140807-FCA, 07/08/2014) and advise that even if the undercroft parking is considered 'less vulnerable' development, the FCA has failed to demonstrate that it can be built in accordance with Section A1.14 of TAN15 (which requires the development to be flood-free in the design flood event). Consequently, they object to the proposal.

Airbus

No objection

Head of Leisure Services

No objection. A payment of £733.00 should be paid in lieu of on-site public open space.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

2 letters have been received from local residents objecting to the proposal on the grounds of:

- Highway safety – inadequate parking
- Overbearing and visually intrusive to neighbouring properties
- Overlooking of neighbouring gardens

5.00 SITE HISTORY

5.01 P/4/7/24196 – Outline application for the erection of two dwellings (granted 4th July 1995)

P/4/7/15020 – Outline application for residential development (granted 7th October 1986)

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential Development

EWP3 - Renewable energy in New Development

EWP17 - Flood Risk

The proposal is in general compliance with the above development plan policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks full planning permission for the erection of a single block of 6no. apartments on land adjacent to no.1 Queen Street, Queensferry.

7.02 Site Description

The application site is currently used a temporary contractor's compound for works that are being carried out in the area. Prior to this, the site was vacant and overgrown. There is evidence that historically it has been used as an extended garden area for No.3 Queen Street.

7.03 The site is located on the corner of Chester Road and Queen Street and is roughly rectangular in shape with the highway abutting the south west and south east boundaries of the site. The site is located in a predominately residential area with traditional two storey terraced properties of varying styles to the north west and north east. Further to the south east is of the site is the A494.

- 7.04 Proposed Development
This is a full planning application for the erection of a two and a half storey block of 6no. 1no. and 2no. bed apartments with undercroft parking for 8no. cars, a cycle storage and a refuse collection area on ground floor. The residential accommodation will be on the upper floors.
- 7.05 The building will be 'L' shaped and will front both Chester Road and Queen Street. Turning facilities will be provided to the rear of the building and vehicular access will be off an existing vehicular access off Queen Street.
- 7.06 Principle of development
Queensferry is a Category A settlement with a growth rate of 1.8% as of April 2013. The UDP strategy through policy STR4 directs housing development to Category A settlements. The application is therefore considered acceptable in principle subject to meeting the other requirements of Policy HSG3 in relation to impact on the character of the site the surrounding area and Policy GEN1.
- 7.07 Flood risk
The application site lies entirely within zone C1, as defined by the Development Advice Map referred to under TAN 15 Development and Flood Risk (July 2004). NRW's Flood Map information confirms the site to be within the extreme flood outline.
- 7.08 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 fig 4.3) 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.
- 7.09 In terms of justifying the development, the site is located within the settlement boundary of Queensferry in the Flintshire Unitary

Development Plan. Queensferry is a main settlement for development as defined in the UDP strategy. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) above.

- 7.10 In terms of meeting with the aims of PPW, the site is considered to be brownfield land. It is considered that the site does fall within the definition of previously developed land, as the land has previously been a garden associated with a residential property and therefore has had a residential use. This therefore meets with criteria (iii).
- 7.11 NRW have reviewed the Flood Consequences Assessment (FCA) that accompanied the application, which was undertaken by the same consultants that undertook the FCA for a proposed development for 8 dwellings approximately 100m further down Queen Street (ref: 051988). The FCA's were almost identical in terms of the level of risk that each site posed and the proposed design methods for mitigating against any floods was identical, i.e. undercroft parking no habitable accommodation on ground floor. Whilst NRW had no objection to the application for 8 dwellings, they do object to this proposal. They state that the proposal fails to comply with A1.14 of TAN15 in respect to the expected flood depths in the undercroft parking area; however, this appears to be based on the undercroft parking being considered as an integral part of the residence and therefore the shallow depth in the event of a flood should be 150mm, not 300mm. The undercroft parking for the 8 dwellings was not considered to be an integral part of the residence and therefore the 300mm shallow depth was permissible.
- 7.12 Given the above, there is a clearly inconsistent approach taken to two very similar developments with almost identical flood risks, and therefore it is considered that the proposal should be approved, subject to the conditions suggested by NRW for planning application ref: 051988, in that the first floor residential accommodation shall be set at a minimum level of 7.70m above Ordnance Datum in order to ensure that the residential part of the development does not flood during the 0.5% probability flood event, with an allowance for climate change
- 7.13 Impact on residential amenity
The site is within close proximity of residential properties and therefore there is potential for overlooking; however, this has been mitigated against through the use of high level windows and obscure glazing where necessary, particularly to protect the amenities of no.3 Queen Street and no. 21 Chester Road.
- 7.14 There is adequate distance between the proposed new building and neighbouring properties to ensure that there will not be any overbearing or over shadowing impact.

7.15 Design

The proposed building will be two and a half storey, with only the two upper floors used for habitable accommodation.

7.16 The height of the ridge of the building will be approximately 800mm higher than the neighbouring properties. Whilst the site is in a prominent location on the corner of two roads, it will be at the end of two rows of dwellings and therefore the rise in roof heights will not adversely affect the character of the streetscene. Although modern in its design, the building will sit comfortably within its residential setting and create a clearly defined end point to both of the rows of dwellings.

7.17 Noise

The application site is located within very close proximity of the A494. As such, Welsh Government (Trunk Roads) has requested that an acoustic survey is to be carried out prior to the determination of the application. A survey has been completed by the applicant and forwarded to Welsh Government for their comment. A response has yet to be received at the time of writing this report.

8.00 CONCLUSION

8.01 It is considered that the form of development is acceptable in this location and whilst there has been objection to the proposal from NRW, given the similarities of the proposal with the nearby proposal, for the sake of consistency it is considered that the consequences of flooding have been addressed in the form of the design.

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.

LIST OF BACKGROUND DOCUMENTS

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

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