

FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH MAY 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 (site visit was already undertaken prior to the previous committee dated 22nd April 2015)**

1.00 SUMMARY

- 1.01 This application was previously presented to Planning Committee Members on 22nd April 2015, whereby the resolution was to request confirmation from NRW as to why this proposal is considered differently to that of the nearby development, ref: 051988. This report addresses NRW's subsequent response.
- 1.02 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
3. Restriction to ensure ground floor cannot be used as living accommodation
4. Implementation of scheme of acoustic mitigation
5. Foul drainage and surface water to be drained separately from the site
6. No direct connect of surface water drainage without approval in writing
7. No land drainage run-off into the public sewerage system.
8. Positive means to prevent the run-off of surface water onto the highway
9. Construction Traffic Management Plan
10. Materials to be approved
11. Finished floor levels at first floor (living accommodation) to be set at 7.70m above Ordnance Datum
12. Access off Queen Street by means of vehicular crossing
13. Highway boundary enclosure not to exceed 1.0m.
14. The results of the Acoustic Report (20548R01bPKrmw) must be implemented by the applicant.
15. Any noise barrier shall be set back at least 1.0 metre into the developer's land, from the existing Welsh Government boundary feature to allow for maintenance of the proposed noise barrier and boundary fence.
16. Any flood lighting shall be designed to prevent light spill onto the adjacent trunk road carriageway and shall not be prejudicial to highway safety.
17. The window on the north east elevation serving unit 3 shall be fitted with obscured glazing and shall remain as such in perpetuity.
18. Details of a Flood Plan to be provided to residents shall be

submitted and agreed.

If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 (as outlined above) is not completed or earlier payment is not received 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 preliminary view is that the proposal maybe 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.

Welsh Government (Trunk Roads)

No objection subject to the following conditions:

1. The results of the Acoustic Report (20548R01bPKrmw) must be implemented by the applicant.
2. Any noise barrier shall be set back at least 1.0 metre into the developer's land, from the existing Welsh Government boundary feature to allow for maintenance of the proposed noise barrier and boundary fence.
3. Any flood lighting shall be designed to prevent light spill onto the adjacent trunk road carriageway and shall not be prejudicial to highway safety.

Emergency Planning Regional Manager

No objection to the proposal subject to the recommendation in the Waterco FCA report that advises that a Flood Plan including evacuation procedures is provided to residents and that each householder must sign up to NRW's flood warning scheme.

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 as 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 are almost identical in terms of the level of risk that each site posed and the proposed design methods for mitigating against any floods is 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 of 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 Clarification from NRW as to why this proposal has been considered differently to planning application ref: 051988 is the following:
- 7.13 **'For site NT/2014/115809 (ref: 051988), as the site already benefits from planning permission for 'Less Vulnerable' development, the proposals would not result in an increase in vulnerability for the ground floor. For this reason, we have not objected to the development, however, we have requested a condition restricting residential accommodation to the upper floor(s). [TAN15 Section 11.20 'Changes of Use' states that flood risk may be considered unacceptable only where the changes of use is from Less to High vulnerability].**
- 7.14 **For site NT/2015/116636 (this application), as the site does not benefit from existing planning permission (this has been confirmed by the LPA), we have treated the proposals as a new 'Less Vulnerable' development within an area vulnerable to flooding. The developer's FCA has failed to demonstrate that the proposals comply with the requirements of TAN15 – in particular, section A1.14 – and as such, we have no option but to object to the development.**
- 7.15 **In view of the above, NRW conclude that our responses are entirely consistent with the principles set out in TAN15 as well as being consistent with other responses for similar sites within Flintshire and across north Wales. In these cases, the responses differ simply because of the different current planning status of both sites.'**
- 7.16 In response to the above, vacant to 'less vulnerable' (53080) as opposed to 'less vulnerable' to 'less vulnerable' (51988), is only relevant if it is considered that it is a 'greenfield' site as opposed to 'brownfield' land, which we consider it to be. It is for the local planning

authority to determine whether or not the land is 'brownfield' land, not NRW. 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.

7.17 Furthermore, NRW have stated that

'in areas at flood risk where a FCA does not comply with the acceptability criteria in TAN15, NRW (and previously EAW) has consistently objected to new development within residential gardens. Such development would introduce additional development into an area at flood risk'

7.18 However, this is not always the case. Another recent development in this area (application ref. 52875) involved the erection of two dwellings within the rear garden of No. 6 Welsh Road, Garden City. NRW's initial response on this pointed out that the site lies within Zone C1 and objected to the development in the absence of a FCA. Following the submission of the FCA and detailed correspondence regarding hydraulic modelling, etc. NRW withdrew its objection and planning permission was granted subject to the completion of a Section 106 obligation.

7.19 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.

7.20 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.

7.21 Design

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

7.22 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.

7.23 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.

Welsh Government have confirmed that they have no objection to the proposal in respect of any noise impact that the nearby A494 may have on the occupants of the proposed apartments subject to conditions ensuring adequate mitigation measures are implemented in accordance with the acoustic report submitted.

8.00 CONCLUSION

8.01 It is considered that the form of development is acceptable in this location and notwithstanding the clarification from NRW that they consistently object to development in gardens, in this instance, to refuse the application on these grounds would not be a pragmatic approach to developing a site that addresses all other issues and would complete both street frontages.

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

Contact Officer: Alex Walker
Telephone: (01352) 703235
Email: alex.walker@flintshire.gov.uk