

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **28<sup>TH</sup> JUNE 2017**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 8 NO DWELLINGS AT NEW INN, STATION ROAD, SANDYCROFT**

**APPLICATION NUMBER:** **056521**

**APPLICANT:** **JWG DEVELOPMENTS LTD**

**SITE:** **NEW INN,  
STATION ROAD, SANDYCROFT**

**APPLICATION VALID DATE:** **14<sup>TH</sup> FEBRUARY 2017**

**LOCAL MEMBERS:** **COUNCILLOR D WISINGER**

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

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO CONCERNS BY RESIDENTS OVER THE HEIGHT OF THE DWELLINGS**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

- 1.01 This is a full planning application for the erection of 8 dwellings on land at the New Inn, Station Road, Sandycroft. The principle of development in this location is deemed acceptable and would redevelop a brownfield site in an existing sustainable settlement in line with the principle of Planning Policy Wales. The form of development is acceptable in terms of managing the risks of flooding and complies with Local Planning Guidance Notes 2 in terms of separation distances and overlooking to adjacent properties.

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

2.01 The applicant entering into a S106 agreement, unilateral undertaking or earlier payment of

- £1,100 per unit as a contribution to the junior equipped play area at Phoenix Street, Sandycroft.
- £24,514 for Sandycroft C.P. Primary School. The contribution will be spent on: Improvement to acoustics in the nursery/reception classroom area, which has been identified in the school's Suitability Survey.
- £18,469 to be spent on IT provision at Hawarden High Secondary; and

The following conditions:-

1. Time commencement
2. Plans
3. Materials
4. Finished floor levels 5.84m and driveways at 5.69 AOD  
Ground levels on all parts of the site except the dwellings and driveways should not be raised above pre-development levels
5. Drainage – surface water, land drainage and foul
6. Footway reinstated
7. Driveways to be at least 2.5m
8. Site investigation
9. Obscure glazing to stair well and bathroom windows
10. Remove permitted development rights for extensions and alterations to the roof

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor D Wisinger

Asks for committee determination and a site visit due to concerns raised by local residents about the height of the proposed dwellings.

Queensferry Community Council

Object on the following grounds;

- The area is a flood plain
- How would the site connect to the foul sewer
- The height of the building was not in keeping with other properties in Sandycroft and the windows would be overlooking other properties nearby. Only a two storey building should be permitted.

Highways Development Control Manager

No objections subject to;

- Any redundant kerb to be reinstated
- The absolute minimum width of a driveway, where it is bounded by a hard feature such as a wall or fence, is 2.5m in order to allow for a person to gain access to a vehicle.

#### Public Protection Manager

The application site has been used as a public house and car park and is on 'made' ground. Whilst I have no objection in principle, the site will require investigation as regards to the potential for contamination.

#### Welsh Water/Dwr Cymru

No objection subject to standard drainage conditions.

#### Natural Resources Wales

The applicant has submitted a flood consequences assessment which was prepared for an earlier application 054062 which proposed first floor flats above underground parking.

While the development is not fully compliant with the requirements of TAN15 it is considered that subject the proposed conditions would substantially address the significant concerns that were previously identified and we would not object.

- Finished floor levels of all buildings to be set no lower than 5.84m AOD
- Driveway levels to be set no lower than 5.69m AOD
- Ground levels on all parts of the site except the dwellings and driveways should not be raised above pre-development levels

#### Play Unit

In accordance with Planning Guidance Note No13 seeks a contribution of £1,100 per unit as a contribution to enhance play provision in the community. This would be for the toddler play equipment at the play area on Phoenix Street, Sandycroft.

#### Education

Primary School: Sandycroft C.P. School

Current NOR (@ January 2017) 304 (excluding Nursery)

Capacity (@ January 2017) 320 (excluding Nursery)

No. Surplus Places: 16

Percentage of Surplus Places: 5.00%

School capacity 320 x 5% = 16 (16)

320 – 16=304 Trigger point for contributions is 304 pupils

(No. of units) 8 x 0.24 (primary formula multiplier) = 1.92 (2) No. of pupils generated) x £12,257 per pupil (Building Cost multiplier) = £24,514

Actual pupils 304 + 2 (from the multiplier) = 306 meets trigger

Actual pupils  $304 + 2 = 306$  meets trigger of  $304 = 2 \times £12,257 = £24,514$

Secondary School: Hawarden High  
Current NOR (@ January 2017) is 1172  
Capacity (@ January 2017) is 1145  
No. Surplus Places is -27  
Percentage of Surplus Places is: -2.36%

School capacity of  $1145 \times 5\% = 57.25$  (rounded up or down) 57  
Capacity  $1145 - 57 = 1088$  Trigger point for contributions is 1088 pupils

(No. of Units  $8 \times 0.174$  (secondary formula multiplier) = 1.39 (1 No. of pupils) generated  $1 \times £18,469$  per pupil (Building Cost multiplier) = £18,469

Actual pupils  $1172 + 1 = 1173$  meets trigger of 1088

Primary – Sandycroft C.P. Primary School – it is our intention to seek a Section 106 contribution of £24,514. The contribution will be spent on: Improvement to acoustics in the nursery/reception classroom area, which has been identified in the schools Suitability Survey.

Secondary – Hawarden High Secondary – it is our intention to seek a Section 106 contribution £18,469 to be spent on IT provision.

#### **4.00 PUBLICITY**

##### **4.01 Site Notice and Neighbour Notification**

2 objections on the grounds of;

- Properties will be significantly higher than the existing properties as they are being raised by 600mm and the additional storey
- Out of scale and character with the area
- Overdevelopment
- This is no different than the previous three storey development which was refused and had significant local opposition
- Windows could be added as an amendment at a later stage
- Direct overlooking from bedroom windows into gardens of adjoining properties
- Impact on privacy and residential amenity
- Contrary to GEN1
- No FCA submitted
- No details of existing levels
- Concern about any land raising and impacts on surrounding properties
- No mains sewer for foul flows
- Impact on trees in the car park

- No objection to a form of two storey development on this site

## **5.00 SITE HISTORY**

### 5.01 History

98/798 Single Storey Extension to rear/ side of lounge bar.  
Approved 13.10.98

552/90 Erection of a ground floor extension to house cellar and  
bottle store. 04.12.90

55/19250 Outline planning application for residential. 03.04.90

052570 Residential development to provide 10No.two bedroom  
apartments and 4No one bedroom apartments and associated  
parking. Refused 22.12.14

054062 Demolition of existing public house and residential  
redevelopment to provide 12 no. apartments and associated parking  
Approved under delegated powers 19.01.16 but decision not issued  
as S106 not signed.

## **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

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

S11 – Retention of Local Facilities

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

EWP14 - Derelict and Contaminated Lane

EWP17 - Flood Risk

Planning Policy Wales Edition 9

The proposal would comply with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the erection of 8 dwellings on land at the New Inn, Station Road, Sandycroft. The scheme proposes four pairs of semi-detached dwellings, each with three bedrooms, driveway parking and rear gardens.

### **7.02 Site Description**

The site is currently occupied by the New Inn public house and associated curtilage and parking areas. The existing public house is a two storey building located to the south east of the site with a parking area to the north. To the north east of the site is a terrace of four residential properties. To the south west of the public house is a pair of terraced properties and to the north west of the site are a number of detached residential properties.

7.03 Broughton brook runs along the north west boundary of the site and there are a number of trees along this boundary on the banks of the brook. To the north west beyond the brook are further residential properties. The site is on the edge of the settlement of Sandycroft and is bounded to the east by Station Road. The area is predominately residential in nature. The A548 runs parallel to Station Road, beyond which is agricultural land. The site therefore is visible from the road network.

### **7.04 Site History**

A previous application 052570 for 14 apartments was refused by Planning and Development Control Committee in December 2014 on the following grounds;

1. The proposed development is out of character with the streetscene and the general area as it is three storey in nature and is therefore contrary to Policies GEN1, D1, D2 and HSG3 of the Flintshire Unitary Development Plan.
2. The proposed development in terms of its height in relation to existing nearby properties would lead to overlooking and would have a detrimental impact on residential amenity and is therefore contrary to Policies GEN1, D1, D2 and HSG3 of the Flintshire Unitary Development Plan.
3. The proposed development is in a C1 area of flood risk and there is a concern that people may be trapped in buildings if timely flood warning are not provided and where safe access and egress cannot be achieved and is therefore contrary to Policy EWP17 of the Flintshire Unitary Development Plan.

7.05 A subsequent application was submitted for 12 no. apartments and associated parking in July 2015 to overcome the above issues. This

scheme was for 4 two bedroom and 8 one bedroom apartments and associated parking underneath the building and to the rear of the building. The form of the buildings were two storey in height, with all living accommodation at first floor and only parking at ground floor. It was considered that this scheme overcame the first two reasons for refusal set out above. The application was also accompanied by a Flood Consequences Assessment which overcame the third reason. This was approved under delegated powers in January 2016 but decision not issued as the S106 was not signed as this scheme was deemed not to be viable.

Proposed development

- 7.06 This current application is for 8 dwellings which are 3 bedroom in nature and are two storey to the rear and two and a half storey to the front. Each dwelling has a rear garden and a driveway with provision for the parking of 2 cars. The dwellings are rendered with a tiled roof. The finished floor levels of the dwellings are raised with a stepped access. This development differs from the previous development as it is for four pairs of semi-detached houses so the solid mass of the previously approved apartment development is lessened.

Principle of development

- 7.07 The site is situated within the Settlement boundary of Sandycroft which is a Category B settlement within the Adopted Flintshire Unitary Development Plan. The growth rate of Sandycroft as of April 2015 is 3%. Although the growth rates no longer apply it demonstrates that there has been a low level of growth in this settlement during the plan period. The site is a brownfield site in a settlement boundary. The principle of residential development is therefore acceptable.

- 7.08 The proposal would lead to the demolition of the existing public house and the loss of this community facility. There is another public house; The Bridge Inn situated 130m from the application site within the settlement boundary of Sandycroft. The New Inn public house has also been on the market for over 12 months with no interest in it for the continuation of that use. It is therefore considered the loss of the public house would not be contrary to policy S11 as other facilities exist within the locality.

Impact of the form of the development on the surrounding area and impact on residential amenity of adjacent properties

- 7.09 The site is bounded by residential properties to the north, west and south. The surrounding residential properties vary in type but are all two storey in nature. The previous application 052570 was three storey in nature in parts and was 10.5 metres in height at the highest point. This scheme was considered to be out of character with the streetscene and the general area. In terms of its height in relation to existing nearby properties would lead to overlooking and would have a detrimental impact on residential amenity. The two storey apartment proposal 056521 reduced the height to 8 metres This current

proposal for dwellings has a ridge height of 1.65m above the ridge height of the approved apartments at 9.65m but is just under 1m lower than the refused apartment scheme.

7.10 Although the ridge height of the building is higher than that previously approved, the elevation which faces the properties to the rear of the site on Phillip Street is two storey and windows are only at two storey level measured at 5 metres at the mid point of the window. Each dwelling has one bedroom and a bathroom with windows on this elevation. The bathroom would be obscured glazed.

7.11 The proposed dwellings are 10 metres from the site boundary and therefore have rear gardens 10 metres in length. While this is slightly lower than the 11 metre rear gardens set out in Local Planning Guidance Note 2: Space Around Dwellings it still provides 70m<sup>2</sup> of amenity space for each dwelling which meets with LPGN:2. Inspectors, as recently as the appeal at Bryn Llywd Yard (055725) have expressed that the width of a proposed garden area will adequately compensate for reduced depth of amenity space. This is also the same garden depth as the other dwellings on this street and therefore is characteristic of the area.

7.12 The occupier of No 46 Phillip Street has raised concerns over this application in terms of overlooking similar to the three storey application. This property does not directly overlook the site but is sited at an angle to the site. The distance from this dwelling to the boundary of the site is approximately 24 metres. The proposed dwellings are 10 metres from the site boundary giving a separation distance of 34 metres from dwelling to dwelling.

7.13 50 Phillip Street overlooks the site to the north west, however there is a minimum of approximately 15 metres from this dwelling to the nearest point of the site due to the nature of the site boundary. The proposed buildings are set back 10 metres from the boundary, therefore there is a separation distance of 25 metres from the proposed dwellings and this property.

7.14 These are both in accordance with the separation distances set out in Local Planning Guidance Note 2: Space Around Dwellings.

7.15 The adjacent houses to the north east and south west have side elevations with no windows overlooking the site. The proposed buildings are set back from the footway and extend into the site at a similar depth to the adjacent properties. The only windows on the side elevations are to stairwells which again can be obscured glazed. There is therefore no potential for overlooking to the adjacent properties.

7.16 Residents have raised concerns over the height of the building being out of character in the street scene. It is considered the current form



of development with four pairs of semi-detached dwellings would not be out of character with the area which has a variety of house types. While the ridge height of the dwellings may be higher than the adjacent dwellings it is not considered that the height of the dwellings would be out of character in the street scene. Furthermore, although the proposed houses are higher than the previously approved flat development the pairs of semi-detached houses will have less solid physical mass in the street-scene as the gaps between the houses will serve as punctuation, letting light through and reducing the overall built form of the development.

#### Flood risk

7.17 The application is accompanied by a Flood Consequences Assessment undertaken by Betts Associates which was submitted to support application 054062. This was additional to the Flood Consequences Assessment submitted to support 052570. Despite the previous resolution to grant permission as the S106 agreement was not signed and the permission was not released NRW do not consider that the site has a lawful use for a 'highly vulnerable use' and therefore this application would lead to increase in the vulnerability category of the site.

7.18 The 0.12 ha site lies entirely within Zone C1 (Areas of the floodplain which are developed and served by significant infrastructure, including flood defences) as defined in TAN 15 Development and Flood Risk and shown on the Welsh Government's Development Advice Map (DAM). The site also lies entirely within NRW's 0.5% AEP tidal flood outline and also partially within NRW's 1% AEP fluvial flood outline. There are no flood defences associated with Sandycroft North drain and therefore the DAM designation C1 may not accurately reflect the flood risks to the site.

7.19 The results of the overtopping analysis indicate that for the 1 in 200 year event plus climate change the peak flood level is expected to be 5.22m AOD. The results of the breach analysis indicate that for the 1 in 200 year event plus climate change the peak flood level is expected to be 5.81m AOD. The results of the overtopping analysis indicate that for the 1 in 1000 year event plus climate change the peak flood level is expected to be 5.31m AOD. The results of the breach analysis indicate that for the 1 in 200 year event plus climate change the peak flood level is expected to be 5.94m AOD.

7.20 The proposed finished floor levels for the dwellings are at 5.84 AOD with living accommodation at ground floor. The ground level of the properties is raised slightly with stepped entrances to the front and rear. Following concerns from NRW it is proposed to raise driveway levels to 5.69m AOD. Garden levels should remain at current ground levels. Station Road is at 5.30 m AOD.

The proposed finished floor levels at 5.84m AOD are therefore slightly

7.21 above the flood level indicated for the 0.5% AEP plus climate change breach level of 5.81m AOD and in this instance NRW accept that the proposed buildings could remain dry in the design event in compliance with A.141 of TAN15. This is within the tolerable conditions set out in Table A1.15 of TAN15.

7.22 The driveways are set at 5.69m AOD and this may result in shallow flooding on the driveways during the 0.5% probability flood event including a breach of the River Dee defences, nevertheless NRW accept that shallow flooding in the order of 120mm would be unlikely to affect any vehicles parked on the driveways. As such it is considered that such depths would be tolerable. While the proposed development is not fully compliant with the requirements of TAN15 it is considered that the proposed scheme of dwellings is a better form of development in terms of its impact on the street scene and the demand for this type of housing is greater than the previously approved apartment scheme.

7.23 The increase in the level of the driveways will to some extent take up floodplain storage calculated at 77.6m<sup>3</sup> by the developer. NRW would normally expect to see the impact of land raising offset by land lowering or compensatory storage elsewhere or that a hydraulic model should be produced to demonstrate that the impacts would not be measurable elsewhere. However in the context of the wider flood plain in this case the net-loss of floodplain is considered to be extremely small in comparison with the wider flood cell. Taking into account the fact that a FCA should be 'commensurate with the scale and nature of development' NRW do not believe it would be reasonable to request further modelling work.

7.24 The rates of the rise of floodwaters for the site access road are 0.87m/hr and 0.64m/hr. The maximum velocity for the site and the access road are 0.74m/s and 1.77m/s respectively. These are outside what is considered tolerable in Table A1.15 of TAN15 however the maximum speed of inundation of flood risk is 11.7 hours which is almost 3 times the recommended maximum providing an additional 7 hours to the recommended time within which appropriately equipped personnel could undertake emergency activities. As the site is within a Flood Warning Area 11.7 hours is ample time to evacuate. Also Station Road is situated adjacent to Higher Station Road which is at a higher level and does not experience flooding even during the 1 in 1000 plus climate change event.

7.25 Emergency evacuation plans would be provided to all residents. Emergency access and egress will be via Station Road during times of extreme flooding. The site is within a flood warning zone. It is therefore considered that the proposed risks of flooding can be acceptably managed.

### Surface and foul drainage

7.26 It is proposed to discharge surface water into Broughton Brook at the rear, this would be dealt with by a detailed condition. There is no foul sewage infrastructure on Station Road at present however it is the intention to acquire a sewer. This would be done through Welsh Water's procedures. This would be dealt with by condition.

7.27 Members were previously concerned about access to Broughton Brook. Access for emergency vehicles to the Brook is now shown on the plans.

### S106 contributions and CILG compliance

7.28 The application requires commuted sums for off-site open space improvements and improvements to education provision.

7.29 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'.

7.30 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.

### Open Space

7.31 Local Planning Guidance Note No.13 Open Space Requirements (LPGN13) and Policy SR5 Play Areas and New Housing Development of the Adopted Flintshire Development Plan sets out the Council's requirements in terms of new residential development and the provision of recreational open space. In accordance with Planning Guidance Note No13 seeks a contribution of £1,100 per unit as a contribution to enhance play provision in the community. This would be for the toddler equipped play area at Phoenix Street, Sandycroft. This is in close proximity to the application site and it is considered that this meets the Regulation 122 tests.

### Education

7.32 The Council has adopted Supplementary Planning Guidance Note No.23 Developer Contributions to Education on 17th July 2012. The nearest Primary School is Sandycroft County Primary School which currently has 5% surplus places. The nearest High School is Hawarden High School which has -2.36% surplus places. As the development would take both schools under the threshold of 5%

surplus spaces contributions are required for both schools.

7.33 The contribution formula is set out in the consultation section of the report. It is our intention to seek a Section 106 contribution of £24,514 for Sandycroft C.P. Primary School. The contribution will be spent on improvement to acoustics in the nursery/reception classroom area, which has been identified in the schools Suitability Survey.

7.34 In terms of the Secondary school it is our intention to seek a Section 106 contribution £18,469 to be spent on IT provision at Hawarden High. It is considered that these both meet the Regulation 122 tests.

## **8.00 CONCLUSION**

8.01 The principle of development in this location is deemed acceptable and would redevelop a brownfield site in an existing sustainable settlement in line with the principle of Planning Policy Wales. The form of development is acceptable in terms of managing the risks of flooding and complies with Local Planning Guidance Notes 2 in terms of separation distances and overlooking to adjacent properties.

### 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:** Emma Hancock  
**Telephone:** 01352 703254  
**Email:** [emma.hancock@flintshire.gov.uk](mailto:emma.hancock@flintshire.gov.uk)