

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26TH JULY 2017**

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

SUBJECT: **PROPOSED DEMOLITION OF EXISTING VACANT FACTORY BUILDING AND ERECTION OF 70NO. NEW DWELLINGS, NEW ACCESS TO THE SITE AND AREA OF PUBLIC OPEN SPACE AT ALLIED BAKERIES, CHESTER ROAD SALTNEY**

APPLICATION NUMBER: **056779**

APPLICANT: **EDWARDS HOMES LTD**

SITE: **ALLIED BAKERIES, CHESTER ROAD SALTNEY**

APPLICATION VALID DATE: **30.03.17**

LOCAL MEMBERS: **COUNCILLOR R LLOYD**

TOWN/COMMUNITY COUNCIL: **SALTNEY**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT, DEPARTURE FROM THE DEVELOPMENT PLAN AND LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of 70 dwellings which would include a mixture of two, three and four bedroomed dwellings, access, parking and infrastructure works at the former Allied Bakeries Site, Chester Road, Saltney. The site is a former bakery and is designated as a Principle Employment Area in the UDP. While it cannot be said the site is no longer suitable for employment purposes it is not considered that the loss of the site to residential use would result in an unacceptable reduction in the loss and range of employment site. It is considered that there is a lack of potential

residential sites within the settlement boundary of Saltney and this development would see the reuse of a brownfield site in a highly sustainable location. This would therefore be in compliance with the aims and principle of PPW given the lack of a 5 year land supply.

Other detailed matters in relation to land contamination, noise, flood risk, trees, ecology and highways have been assessed in detail and can be dealt with by condition. The application provides for affordable housing and open space both on site and through a commuted sum. There would also be local highway improvements in the form of an Active Travel route with a footpath and cycle way along Saint. David's Terrace and along the site frontage on Chester Road. A footpath/cycle link along the northern part of the site would also link to Saint. David's Terrace and the existing children's play area.

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

- 2.01 Subject to entering into a S106 agreement unilateral undertaking or early payment for the following contributions;
- To gift 4 two bed dwellings to North East Wales Homes to be used as affordable housing
 - To provide further 8 intermediate affordable homes for sale at a discount market rate; 4 two bedroom and 4 three bedroom
 - Open space - In lieu of the onsite play equipment the council would require payment of £1,100.00 per dwelling (£733.00 if affordable dwellings) this payment would be used to refurbish existing play facilities in the community.
 - Maintenance of public open space either through adoption or through a management company
 - Traffic Regulation Order prohibiting loading/waiting across the Chester Road frontage of the site
1. Time commencement 2 years
 2. Plans
 3. Siting layout and design of the means of access
 4. Access to be kerbed and completed to carriageway base course layer
 5. Visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway with no obstruction
 6. Parking
 7. Garages set back 5.5m behind the back line of footway or 7.3m from the edge of the carriageway where the crossing of a grass service margin is involved
 8. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
 9. Footway/cycleway shall be provided along the site frontage

- constructed to adoption requirements
10. Positive means to prevent surface water runoff on the highway
 11. Construction Traffic management plan
 12. The path to the north of the site to the public open space should be constructed at a width of 3 metres suitable for shared use by pedestrian and cyclists.
 13. Tree protection measures on retained trees
 14. Details of hedge planting for new hedge, implementation, management and maintenance
 15. Landscaping detail to eastern boundary
 16. Boundary treatment
 17. Construction Management Strategy for aerodrome safeguarding
 18. Bird hazard Management Plan
 19. Recommended conditions for biosecurity
 20. Ecological compliance audit
 21. FFL set no lower than 6.50m above AOD and road and car park no lower than 6.15m above AOD
 22. General levels condition
 23. Scheme for compensatory flood storage area
 24. Land contamination – SI, Verification and monitoring
 25. Land contamination – Unsuspected circumstances
 26. No infiltration of surface water
 27. No piling or penetrative methods of foundation design
 28. Details of hard and soft landscape plan for 4000sm play area and smaller amenity area
 29. Noise mitigation measures – for gardens as required, trickle vents to all habitable rooms, 2.5 metre brick wall to eastern boundary
 30. Ecology – precautionary measures to vegetation clearance
 31. No vegetation clearance within the bird breeding season
 32. Surface water, foul drainage and land drainage details
 33. Bird boxes scheme
 34. Materials

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 R Lloyd

Requests committee determination due to the size of the site and the amount of properties to be built. Requests a site visit so the committee can see where the new entrance is proposed and the effect it may have on existing traffic and infrastructure. Also in order to view the close proximity to the local High School and how it may

effect pupils safety when crossing the new junction on their journey to and from school.

Adjoining local Member Councillor V Gay

As adjoining ward member welcomes the change of use from industrial land to residential however is greatly concerned about;

- the access to the development will add further pressures to traffic movement along Chester Road
- the siting of the play area has the potential to be an environmental and antisocial issue for residents as the play area is on Garden Village which has resulted in complaints from residents and incurred a cost to the Town Council to purchase and install a CCTV system
- would ask consideration is given to a request for commuted sum to improve the existing play area situated at the end of St. Davids Terrace at the rear of St. David's High School
- design of the properties - would like to see more two bedroom properties
- support the removal of the hedgerow aligning the High Street however the responsibility for the maintenance of any new hedge should be from the developer and not Streetscene
- propose the inclusion of a cycle path alongside the improved pavement to link with the existing cycle path
- opportunity to improve the access at the junction of St. Davids Terrace at the access/egress with Chester Road by widening the pavement and relocating the post box
- the straight road layout of the access road could inadvertently encourage speeding to request consideration is given to speed humps or an amendment to the highway layout.
- request conditions covering the path at the north of the site;
 - Lighting along the path and vehicle access barriers to be placed at either end of the proposed path
 - That waste bins and dog waste bins to be included at with end of the path
 - Minimal shrubbery is included in the landscaping to reduce shadow and hiding place and reduce the burden of maintenance

Saltney Town Council

No response received.

Highways Development Control Manager

The path to the north of the site to the public open space should be constructed at a width of 3 metres suitable for shared use by pedestrian and cyclists.

Due to the nature of the development with properties fronting onto Chester Road but with no direct vehicular access. A S106 agreement therefore needs to cover a Traffic Regulation Order prohibiting loading/waiting across the Chester Road frontage of the site.

Conditions covering;

- Siting layout and design of the means of access
- Access to be kerbed and completed to carriageway base course layer
- Visibility splay of 2.4m x 43m in both directions measured along the nearside edge of the adjoining carriageway with no obstruction
- Parking
- Garages set back 5.5m behind the back line of footway or 7.3m from the edge of the carriageway where the crossing of a grass service margin is involved
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- Footway/cycleway shall be provided along the site frontage constructed to adoption requirements
- Positive means to prevent surface water runoff on the highway
- Construction Traffic management plan

Public Protection Manager

Contaminated Land

The submitted Stage 1 and Stage 2 Contamination assessments has been considered. It is considered that the submitted site investigation report is incomplete and there is information outstanding. A condition requiring a land contamination assessment is therefore considered necessary.

Noise

No objection in respect of the submitted Noise Assessment provided the applicants apply the proposed mitigation measures and features proposed in the report.

Welsh Water/Dwr Cymru

Standard drainage conditions. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Natural Resources Wales

Flood Risk

The site lies partially within Zone C1 as defined by Welsh Government's Development Advice Map referred to in TAN15: Development and Flood Risk.

The applicant is proposing to modify site levels to ensure that the properties remain flood free during the 0.5% annual probability tidal breach flood event (including allowance for climate change). Finished floor levels are to be raised to a minimum level of 6.50 metres above AOD which is 350mm above the predicted onsite water level for that event. Given the 'uncertainty' associated with the estimation of sea

level predictions it is considered that this level is acceptable.

It is also intended to raise road levels and residential driveways above the calculated onsite flood levels which is welcomed. Some garden areas will remain susceptible to flooding however no greater than 0.3metres during the 0.5% annual probability tidal breach flood vent and other ancillary areas across the site could be subject to significant flood depths.

Suggest conditions for;

- Finished floor levels shall be set no lower than 6.50 metres above AOD. Driveways and car parking areas and access roads shall be set no lower than 6.15 metres.

The Flood Consequence Assessment and supplementary flood risk information acknowledges that the development without appropriate mitigation could increase flood risk elsewhere as a result of the loss of floodplain storage volumes. The applicant has provided a plan showing areas of the site which will be engineered to provide compensatory flood storage with the aim of offsetting any losses associated with the development. The public open spaces and some garden area would be engineered to form a series of flood storage basins. Land levels within the open space would be lowered and an additional area of compensatory floor storage is proposed with the omission of plots 11-14. The information provided is sufficient to demonstrate that it would be possible to deliver a scheme of compensatory flood storage on the site but it does not constitute a detailed construction design so a condition is required to secure this.

- The development hereby permitted shall not be commenced until such time as a scheme of compensatory flood storage which provides for no less than 2266 cubic metres of storage on site.

Land contamination

The site sits over a principal aquifer and is within a Source Protection Zone. The reports identify potential sources of contamination and recommend that further targeted investigation be carried out. The site is therefore sensitive in terms of controlled waters and suggest conditions for;

- Land contamination – site investigation, verification and monitoring
- Land contamination – dealing with unsuspected contamination
- No infiltration of surface water unless it is demonstrated that there is no resultant unacceptable
- No piling or other foundation designs using penetrative methods unless it has been demonstrated that there is no resultant unacceptable risk to ground water.

Ecology

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 as amended. It is considered that the Preliminary Roost Assessment undertaken is satisfactory. The conclusions of this state that there is a low potential for bats. No evidence of bats was found during the surveys. We therefore consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat.

Great Crested newts and water voles are protected under the Conservation of Habitats and Species Regulations. We consider the assessment in respect of Great Crested Newts and water voles to be satisfactory. The proposals are not likely to be detrimental to the maintenance of the favourable conservation status of any local population of these two species.

Recommended conditions for biosecurity and an ecological compliance audit.

Airbus

Construction Management Strategy for aerodrome safeguarding to be conditioned to provide details of ;

- cranes to include
- Areas of construction activity and the storage of materials
- Control of activities likely to produce dust
- Temporary lighting
- Control of waste likely to attract birds

Bird Hazard Management Plan to be conditioned

Network Rail

The 1.8 metre high mesh fence proposed adjacent to the railway boundary is acceptable as it would provide a trespass proof fence.

Other informatives in relation to construction adjacent to the railway line.

Education

Primary - Saltney Ferry CP

Number on Role January 2017 – 94

Capacity - 236

Surplus Places – 142

Percentage of surplus places 60.16%

School Capacity $236 \times 5\% = 11.8$ (12)

$236 - 12 = 224$ Trigger point for contributions is 224 pupils

No of units $70 \times 0.24 = 16.8$ 17 pupils

Actual pupils $94 + 17 = 111$

No contribution is required.

Secondary - St. David's High School

Number on Role January 2017 – 406
Capacity - 725
Surplus Places – 319
Percentage of surplus places 44%
School Capacity $725 \times 5\% = 36.25$ (36)
 $725 - 36 = 689$ Trigger point for contributions is 689 pupils
No of units $70 \times 0.174 = 12.18$ 12 pupils
Actual pupils $406 + 12 = 418$
No contribution is required.

Play Unit

1. I would raise no objection to the none provision of play equipment on the POS subject to the area being in the region of 4000 sq meters being enclosed and landscaped to the satisfaction of the council. A planning condition reflecting this requirement before commencement of the development would need to be in place
2. The area would be designated as informal recreation space requiring pathways and seating provision, the specification and design for which would need to be approved by the council.
3. In lieu of the onsite play equipment the council would require payment of £1,100.00 per dwelling (£733.00 if affordable dwellings) this payment would be used to refurbish existing play facilities in the community.
4. The nearest existing play facility to this development is located at St David's Terrace. The provision of a pedestrian safe footway from this development to St David's Terrace, would enhance the quality of the recreation provision for residents of this community.
5. Should the developer require the council to adopt and maintain the POS a 10 year commuted sum payment would be required upon formal adoption.

Clwyd Powys Archaeological Trust

No archaeological implications for the proposed development at this location.

Community Safety

Principles recommended for designing out crime.

Housing Strategy

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units and in 2015/16 124 affordable units were delivered – a combination of supported housing, social and intermediate rent as well as shared equity.

The LHMA overall identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social

rented (56.2%) and intermediate (43.8%) tenures.

There is an identified level of interest for intermediate products (i.e. affordable ownership and rent) in Saltney:

- with 7 applicants currently registered for a shared equity property with 3no. registered for 2 beds and 4no. for 3 beds; and
- a further 43 applicants registered for affordable (intermediate) rent with NEW Homes with 30no. applicants requiring 2 bed, 13 requiring a 3 bed.

The applicant is proposing to provide;

- plots 52-55 4 two bed gifted units (count as 12 units)
- plots 27, 28, 68 & 69 4 two bed shared ownership/intermediate affordable housing
- plots 21, 22, 42 & 43 three bed shared ownership/intermediate affordable housing

This is equivalent of 30% (20 units affordable housing provision) on site, with a mix of rent and shared equity for which there is a demonstrable need in the area.

Economic Development

From an economic development perspective it is important that land allocated for employment use is retained for that purpose in order to provide for future economic growth and to provide an adequate range of site options for potential investors.

However, it is recognised that not all sites that have been allocated for employment use remain of equal value for that purpose. The Council reviewed its employment site allocations in 2015 and found that there was an adequate supply of land available to meet forecast needs. The review proposed that sites suited to modern high quality employment uses were safeguarded and that sites which are unlikely to be as suitable for future development could be released if it can be shown that they are unsuited for employment use or if they have been unsuccessfully marketed for employment use.

The site proposed for use by this application has been occupied for employment use until very recently. It is not clear what efforts have been made to secure employment uses for the site prior to the proposal for residential use being submitted. The service is aware, anecdotally, that there had been business investor interest in the site prior to this proposal being submitted.

From an economic development perspective we would find it difficult to support the application in the absence of further information or a fuller assessment.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

The application was advertised as a departure from the development plan.

12 objections were received on the following grounds;

- Overlooking and impact on privacy to houses and gardens on Maydor avenue
- Noise impact
- Local infrastructure doctors, dentist and schools is at capacity and lacking. No library or sports facilities
- Object to any development that adds traffic at peak times onto the High Street
- The junctions on this road with Sandy Lane and St. Davids Terrace are difficult to navigate at peak times. Bakery traffic was at off peak times
- This will create another new access off the High Street which is already congested
- Will lead to more accidents
- Concern about route to school and safety of pedestrians
- Saltney needs more social housing not affordable housing
- Policing needs upgrading
- Trees on the site should be retained. Home to bats and other species
- Flood risk area
- Footpath and public open space adjacent to the railway line poses a safety and security risk and will lead to anti-social behaviour
- The cycle track from Morrisons should continue through this development away from the road and lead to the High School
- Boundary treatment on Maydor Avenue replacing
- Lack of bungalows in Saltney for private ownership
- Loss of jobs and an employment site
- A new railway station could have been provided on the site
- Impact on bats in the existing buildings

1 letter of support but states that means of travel and roads around the area would have to be improved to prevent backlogs of traffic which already occur on the high street at peak times.

5.00 SITE HISTORY

5.01 Significant site history to do with the industrial uses on the site and the adjacent site.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development
STR4 - Housing
STR8 - Built Environment
STR10 - Resources
GEN1 - General Requirements for New Development
GEN3 - Development Outside Settlement Boundaries
GEN4 – Green Barrier
D1 - Design Quality, Location and Layout
D2 - Design
D3 – Landscaping
EM3 – Development Zones and Principal Employment Areas
EM6 – Protection of Employment Land
TWH1 - Development Affecting Trees and Woodlands
TWH2 – Protection of Hedgerows
WB1 - Species Protection
WB4 – Local Wildlife Sites of Wildlife and Geological Importance
WB6 – Enhancement of Nature Conservation Interests
AC2 – Pedestrian Provision and Public Rights of Way
AC3 – Cycling Provision
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
L1 – Landscape Character
HSG4 – New Dwellings Outside Settlement Boundaries
HSG8 - Density of Development
HSG9 - Housing Mix and Type
HSG10 - Affordable Housing within Settlement Boundaries
SR5 - Outdoor Play Space and New Residential Development
EWP3 - Renewable Energy in New Development
EWP16 – Water Resources
EWP17 – Flood Risk
RE1 - Protection of Agricultural Land
SR5 – Outdoor Play Space and New Residential Development
IMP1 – Planning Conditions and Planning Obligations

Planning Policy Wales Edition 9 November 2016
Technical Advice Note 1 Joint Housing Availability Studies
Technical Advice Note 5: Nature Conservation and Planning
Technical Advice Note 11: Noise
Technical Advice Note 15: Development and Flood Risk
Technical Advice Note 18: Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of 70 dwellings which would include a mixture of two, three and four bedroomed dwellings, access, parking and infrastructure works at the former Allied Bakeries Site, Chester Road, Saltney.

7.02 Site Description

The 2.52 ha application site is situated off the A5104 Chester Road and has a direct frontage with the road. The site has a number of industrial buildings on the site and hardstanding areas and was most recently used by Allied Bakeries.

7.03 There is an existing established hedge along the road frontage. To the west of the site is the residential area of St. Davids Terrace and Maydor Avenue. There are a number of trees along this western site boundary. The surrounding dwellings are predominately two storey and are a mixture of detached and semi-detached dwellings. There is a single storey clinic building on St. David's Terrace and further to the west is St. David's High School which is also accessed off St. David's Terrace. To the north of the site is the railway line. To the east of the site are existing employment uses in the form of a scrap yard and an engineering company. Beyond those uses is vacant land and then Morrison's petrol filling station and supermarket.

7.04 Proposed Development

This is a full planning application for the erection of 70 dwellings which would include a mixture of two, three and four bedroomed dwellings. This would include 12 affordable units with 4 two bedroom dwellings to be gifted to NEW homes and a further 8; 4 two bed and 4 three bed intermediate affordable homes for sale at a discount market rate. The layout includes the provision of two areas of public open space. Access will be gained by means of a new access road on the site frontage. A pedestrian link to the adjacent residential development is also proposed to link to the existing footpath. The existing roadside hedge would be removed in order to provide for an Active Travel route along the site frontage in the form of a 3.5 metre wide footway/cycle way. A hedge would be replanted behind this footway. A pedestrian link will also be provide from the proposed public open space to St. David's Terrace to facilitate access to the existing children's equipped play area.

7.05 The application was accompanied by;

- Pre-application consultation report
- Design and Access Statement by D S Jones & Co
- Stage 1 Contamination Assessment Smith Grant January 2017
- Transport Statement by Systra March 2017
- Flood Consequence Report by Systra January 2017 subsequently amended
- Noise Assessment by Echo Acoustics Ltd March 2017
- Tree Report by Canopy February 2017
- Preliminary Roost Assessment 19.02.17 by Worsfold and Bowen
- Bat Activity Survey 03.06.17 by Worsfold and Bowen
- Extended Phase One Habitat Survey February 2017 by Marches Ecology

Principle of development Loss of Employment land

7.06 The application site is a brownfield site within the settlement boundary of Saltney however it is within a Principle Employment Area under Policy EM3 of the Flintshire Unitary Development Plan. This policy promotes B1, B2 and B8 uses within these areas. Policy EM6 seeks to Protect Employment Land from non-employment uses unless the criteria in the policy can be met. This proposal for residential use on such a site therefore needs to demonstrate that the criteria of this policy can be met.

7.07 a) No other suitable site is available for the development proposed;

The site is promoted on the basis of the lack of a 5 year land supply. The jobs from the employment site have been relocated to another site this therefore leaves a brownfield site for redevelopment.

7.08 It is accepted that the Council does not have a 5 year housing land supply, particularly as the Welsh Government/PINS will not be progressing the 2015 JHLAS. In terms of TAN1 the Council 'will be considered not to have a 5-year supply' as it does not have an adopted UDP /LDP and cannot formally carry out a JHLAS. The commentary in the 2014 JHLAS Report explains how the Council will seek to increase supply and part of this is considering 'speculative' sites which represent sustainable development. A guidance note on speculative development was subsequently issued to assist in the submission of speculative development proposals. This is available on the Council website.

7.09 In such circumstances, advice contained in para 6.2 of TAN1 is that *'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'*.

Welsh Government Advice and National Planning Policy

7.10 Planning Policy Wales Edition 7 July 2014 paragraph 4.2.4 states " A *plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2) Where;*

- *There is no adopted development plan (see 2.6) or*
- *The relevant development plan policies are considered outdated or superseded (see 2.7) or*
- *Where there are no relevant policies (see 2.7)*

there is a presumption in favour of proposal in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.”

7.11 Paragraph 4.2.5 states “*In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision.*”

7.12 Saltney had a growth of 12.9% over the plan period up to 2015. There are limited opportunities in the current settlement boundary of Saltney for further residential development on the scale proposed. During the UDP period development has occurred at Boundary Lane for 128 units and 142 High Street for 58 units.

7.13 There have been few sites put forward as Candidate sites for the LDP which reflects the small number of available sites particularly within the settlement boundary. The sites that have been put forward are outside the settlement boundary and predominately greenfield. Saltney is considered to be a highly sustainable settlement and the application site is within a sustainable location within that settlement within close proximity to the superstore, schools, clinic and the main road for bus services to Chester and Broughton and further afield. The redevelopment of this site would redevelop a brownfield site within the settlement boundary which are often overlooked in preference for greenfield sites further encroaching into the open countryside.

7.14 Any permission would have a 2 year commencement date in order for housing to be delivered to meet the current lack of a 5 year land supply.

7.15 b) The site or building is no longer considered to be suitable for employment purposes

The site has been in use as a bakery for a significant period of time however this business has relocated to alternative premises. The site is in a mixed use area adjacent to both residential properties to the west and existing businesses to the east with the railway line to the north. However it is not considered that this would prohibit its reuse for an employment use.

7.16 c) It would not result in an unacceptable reduction in the supply or range of employment sites in the area;

The applicants argue that there are 255 hectares of allocated employment land in Flintshire within the Adopted UDP. 16.8 hectares

of this is within Saltney. 2.2 hectares off River Lane and 14.6 hectares land east of Saltney Ferry Road. They argue that this represents an over supply of employment land when there is an under supply of housing land. In addition to the allocated sites they highlight 8 industrial and commercial buildings were being offered for sale or lease at River Lane and Marely Way in Saltney.

7.17 There does appear to be sufficient employment land available in Saltney as the applicants are correct in that 14.6 hectares land east of Saltney Ferry Road allocated in the UDP EM1(24) remains undeveloped. In terms of employment land supply in general across the County 'The Employment Land Review' 2015 indicates that 'there is a substantial surplus of employment land in the County and thus there is no immediate need for the Council to identify further land allocations for B1, B2, B8 uses (other than those already allocated in the UDP) in the emerging LDP.'

or

7.18 d) The proposal would be about the removal or satisfactory relocation of a non-conforming or potentially polluting use from the site or building.

The applicants argue that the site is located in a densely populated residential area which benefits from the removal of an employment site. The site is not ideally located for a large number of HGV movements. The cessation of the employment use therefore benefits the residents and children walking to school as the conflict with HGV's from this use has been removed.

7.19 In summary while it cannot be said the site is no longer suitable for employment purposes it is not considered that the loss of the site to residential use would result in an unacceptable reduction in the loss and range of employment sites within Saltney nor Flintshire as a whole.

Noise

7.20 The site is also in an area with a number of noise sources, namely the A5104 Chester road, a railway line and the adjacent industrial land uses, along with other industrial uses beyond the railway line. A Noise survey was submitted with the planning application undertaken by Echo Acoustics Ltd. This assessed current noise levels at the site from the various noise sources that affect the site. This proposed a number of noise mitigation measures.

Road noise

7.21 This affects the southern boundary of the site with moving traffic on Chester Road. The noise assessment showed that mitigation was required for garden areas for plots 4 and 64. This is by the replacement of proposed 1.8metre high fences to garden boundaries with either a solid block wall or a more robust wooden barrier with a surface density of 12kg/m² to protect amenity areas which are adjacent to Chester Road.

7.22 In terms of the noise levels within the proposed properties the assessment indicates that with windows closed, day and night time noise levels will be suitable for the preservation of residential amenity and sleep. However the opening of windows during the day was calculated to give rise to noise levels 12.6dB greater than the guideline value for dining areas during the day and 11.6dB greater than the night time value for bedrooms at night. Alternative means of providing background ventilation in habitable rooms closest to and facing the road will therefore be required to negate the need to open windows for ventilation. This applies to plots 3 -10 and 63 - 70 which have habitable rooms closest to the road. This can be mitigated with standard trickle-ventilation units.

Rail noise

7.23 Railway noise affects the northern portion of the site from 5.00am to 11.pm. No mitigation measures with respect to rail noise affecting external amenity areas during the day time will be required. The assessment of internal noise levels indicates that with windows closed internal noise levels will be entirely suitable for the preservation of residential amenity and sleep disturbance during the day and night time. However with windows open between 5.00am and 7.00am only, the noise levels could awaken residents from sleep but with closed windows the noise levels are acceptable. Trickle vents are therefore required in any properties which have habitable rooms facing the railway line.

Commercial noise

7.24 The adjacent commercial uses operate during the day time only so night time disturbance is not an issue. The measured noise levels at the northern and north-eastern boundaries are dominated by intermittent train passages. Noise from the scaffolding suppliers on the opposite site tends to comprise of bumping, occasional knocking or hammering and the movement of vehicles including a fork-lift truck all of which generate audible but low-level noise which although audible outside are below the noise from trains.

7.25 The houses are set back from the boundary with the industrial uses and therefore no mitigation is required for external amenity areas. While the noise levels for inside properties during the day are within limits with windows closed or open this does not account for the nature and character of the noise. Although it generally comprises low level noise there are occasionally louder impact noises or angle-grinding and the use of pneumatic tools. These noise have an increased potential to cause a perceived disturbance. The majority of this noise emanates from a gap at the base of the steel cladding of the adjacent building. It was therefore recommended to increase the height of the proposed brick wall along the eastern boundary of the site to 2.5m which is considered sufficient to cover the gap below the cladding from the adjacent building. Trickle vents are therefore

suggested to be installed in all habitable rooms throughout the development.

Contaminated land

7.26 The site has former industrial uses therefore a stage 1 and stage 2 contaminated land assessment was undertaken by Smith Grant and submitted with the planning application. The site sits over a principal aquifer and is within a Source Protection Zone.

7.27 The site was an open field with surface water ditches until the bakery was constructed between 1954 and 1961. It is considered likely that the site was made ground of unknown composition and depth to create a development platform. Natural ground conditions are mapped as consisting of tidal flat deposits of clay, silts and sands underlain by glacial till. Potential on-site contamination hotspots have been identified including tanks and LPG storage enclosures. Contamination that may pose a significant constraint to the proposed residential development is not expected. Moderate concentrations of heavy metals, and other contaminants associated with made ground may be present. The site is therefore sensitive in terms of potential impacts on controlled waters.

7.28 It is recommended that a site investigation is carried out given the potential sources identified on or within the immediate surroundings of the site. This would take the form of bore holes and trial pits along with a ground gas/vapour monitoring programme. An asbestos survey of the buildings should also be undertaken prior to any demolition works.

7.29 A Stage 2 Contamination Assessment which involved a site investigation was also undertaken following the recommendations of the Phase 1. The land contamination officer considers that the site investigation is incomplete as some information is still outstanding. It is therefore recommended that a condition for the site investigation is imposed which will enable the outstanding information to be submitted in order for appropriate remediation to be put forward. NRW suggest similar conditions in order to assess the impact on the principal aquifer.

Site layout

7.30 Due to the presence of the industrial uses adjacent to the site consideration has been given to boundary treatment within the development to provide screening and in order to minimise any impacts on residential amenity from the adjacent consented uses.

7.31 A 2.5 metre high wall has been proposed along the eastern boundary of the site with the adjacent industrial uses which include a scrap yard. The houses have also been set away from the railway line. Existing trees in the western part of the site have been retained where possible.

7.32 The application was supported by a Tree Survey undertaken by Canopy in February 2017. There are three poplars in the western part of the site, one of which is to be retained within public open space. The other two are prominent species but are reaching the end of their safe useful life expectancy and would not be appropriate for retention within a residential development. The majority of the trees in the south western part of the site adjacent to Chester Road and Saint. David's Terrace are proposed to be retained in rear gardens apart from one sycamore which although in good condition would dominate the rear garden and therefore reduce the usability of the amenity space. There are three further sycamores along the western boundary of the site adjacent to the dwellings on Maydor Avenue. These are proposed to be retained and protected.

7.33 Two areas of informal open space are proposed. One in the north east corner of the site and one in the western part of the site. The location of these has been led by the flood risk solution and the proximity of the neighbouring land uses. Both areas of public open space have natural surveillance and have houses facing them and access roads around them. The shape of the site means that there is a narrow strip of land to the north of the site boundary which will provide an area of open space and a footpath/cycle link to Saint Davids Terrace linking the two areas and providing a link to the existing children's play area. This then flows better into a public open space rather than having an area which is enclosed on one end by housing.

7.34 Although issues of anti-social behaviour due to the location and siting of a play area on a similar development in the area have been raised, it is not considered that the situation is the same here. The play area Garden Village is not yet open to the public as it has not been formally adopted by the Council. This therefore may be the reason for any anti-social behaviour although it is unclear how anyone could access the play area. In terms of its positioning within the development it is in fact central to the site with houses surrounding it.

Space Around Dwellings

7.35 There are existing dwellings along the western boundary of the site only off Maydor Avenue and Saint. David's Terrace. The existing large factory buildings is located within 6 metres of the boundary at its closest point and 13 -19 metres from the habitable rooms of the properties on Maydor Avenue. The existing 11 dwellings on Maydor Avenue which have habitable rooms facing the site have short back gardens. The proposed dwellings are all set 10 metres back from the boundary. The proposed dwellings have separation distances of 14.5 metres to 17 metres with the existing dwellings on Maydor Avenue between habitable rooms. However the dwellings in Saint. David's Terrace across a road have separation distances of 15 metres. It is therefore not considered unusual in this urban context to have such

separation distances. The existing factory building, has windows at ground floor and is more dominant in height than the proposed dwellings. The current boundary treatment is a chain link fence. It is proposed to erect a 1.8 metre high close boarded fence which would provide more privacy to the rear gardens and ground floor rooms of the dwellings.

The dwellings on Saint. David's Terrace which face the site have long rear gardens and now back onto the public open space.

7.36 Affordable Housing

The LHMA overall identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures.

7.37

There is an identified level of interest for intermediate products (i.e. affordable ownership and rent) in Saltney:

7.38

- with 7 applicants currently registered for a shared equity property with 3no. registered for 2 beds and 4no. for 3 beds; and
- a further 43 applicants registered for affordable (intermediate) rent with NEW Homes with 30no. applicants requiring 2 bed, 13 requiring a 2bed.

7.39

The applicant is providing 12 affordable units with 4 two bedroom dwellings to be gifted to NEW homes and a further 8 intermediate affordable homes for sale at a discount market rate. The applicant is proposing to provide;

- plots 52-55 4 two bed gifted units
- plots 27, 28, 68 & 69 4 two bed shared ownership/intermediate affordable housing
- plots 21, 22, 42 & 434 three bed shared ownership/intermediate affordable housing

The applicant is proposing to provide equivalent of 30% (20 units) affordable housing provision on site, with a mix of rent and shared equity for which there is a demonstrable need in the area.

Highways

7.40

The site is located on the north side of the A5014 Chester Road. Chester Road is a single carriageway with a speed limit of 30mph along the site frontage. There are footways on both sides of the carriageway. A Transport Statement by Systra has been submitted with the application.

7.41

The site is currently accessed through a shared entrance off Chester Road to the east of the application site. This access is shared with the adjoining business uses. It is proposed to create a new point of access to the site in the centre of the site frontage. It is also proposed to create a 3.5 metre wide footway/cycle way along the site frontage.

Pedestrian access will also be provided to the north of the site linking the site with Saint David's Terrace. A 3 metre wide surfaced pedestrian/cycle link will also be provided along the northern boundary of the site. This provides a link though to the existing play area to the west of Saint David's Terrace. The existing roadside hedge would need to be removed to facilitate this. It is proposed to replant a hedge behind the existing hedge. This would be secured by condition.

7.42 Concerns have been raised regarding the location of the access point and additional traffic flows associated with the proposed development. Highways raise no objection to the siting of the access or traffic flows from the proposed development. The site has a historic use associated with its previous use as a bakery. Detailed conditions are set out in the consultations section. Due to the nature of the development with properties fronting onto Chester Road but with no direct vehicular access a S106 agreement needs to cover a Traffic Regulation Order prohibiting loading/waiting across the Chester Road frontage of the site.

7.43 In terms of the Active Travel route, public consultation has now started on Flintshire County Council's Integrated Network Map and Schedule which is a 15-year vision to improve infrastructure for walkers and cyclists across the County. The Integrated Network Map has been developed to meet our duties under the Active Travel Act which was passed by the Welsh Assembly in October 2013. The aim of the Act is to encourage people to walk or cycle for short journeys to access a workplace or educational establishment or to access health, leisure or other services or facilities and to ultimately make Wales a walking and cycling nation. There is an opportunity with the redevelopment of this site to implement an Active Travel Route across the site frontage.

7.44 An entrance to St. David's High School is off Saint David's Terrace which is to west of the application site. Pupils therefore access the school along the site frontage. The footway is also used by residents accessing Morrisons supermarket. The footway along this stretch is very narrow and often restricted by the width of the hedge which runs along the site frontage. It is therefore proposed to remove this hedge and increase the width of the footway to 3.5 metres in order to create and Active Travel route and join up with other sections on this road. The developer has also offered to widen the footway on the eastern side of Saint Davids Terrace within the application site to provide a safer pedestrian route to the school. This improvement to the footway will also facilitate improvements to the access radii at the junction which is currently substandard.

Flood Risk

The majority of the site lies within flood Zone B and partially within Zone C1 as defined by Welsh Government's Development Advice

Map referred to in TAN15: Development and Flood Risk.

7.45

Site levels range from 6.5m to 5.3m AOD and generally fall from east to west. The River Dee is approximately 400m north of the development. Flood defences consisting of raised embankments are located on the river Dee. Bretton Drain is located adjacent to the southern boundary. This drain is a main river which conveys flows from a network of drains to the south to the River Dee.

7.46

7.47

TAN15 requires developers to demonstrate that the development will remain flood free during the 1 in 200 year annual probability tidal breach event including climate change and during the 1 in 100 year fluvial event including climate change, whichever poses the greatest risk to the site. TAN15 also requires re-development schemes to reduce runoff where possible.

7.48

During the 1 in 200 year annual probability tidal breach event including climate change the highest modelled water level is predicted to be 6.15m AOD. Finished floor levels are proposed to be set to accommodate this with an additional freeboard of 300mm. Road levels should also be set above 6.15m AOD. The adjoining road infrastructure of Chester Road is outside the extent of the flood risk and is at an elevated level of at least 6.45m. This provides safe access and egress.

7.49

The applicant is proposing to modify site levels to ensure that the properties remain flood free during the 0.5% annual probability tidal breach flood event (including allowance for climate change). Finished floor levels are to be raised to a minimum level of 6.50 metres above AOD which is 350mm above the predicted onsite water level for that event. Given the 'uncertainty' associated with the estimation of sea level predictions NRW consider that this level is acceptable.

7.50

It is also intended to raise road levels and residential driveways above the calculated onsite flood levels which NRW welcome. Some garden areas will remain susceptible to flooding however no greater than 0.3metres during the 0.5% annual probability tidal breach flood vent and other ancillary areas across the site could be subject to significant flood depths. Finished floor levels shall be conditioned to be set no lower than 6.50 metres above AOD. Driveways and car parking areas and access roads shall be set no lower than 6.15 metres.

7.51

The Flood Consequence Assessment and supplementary flood risk information acknowledges that the development without appropriate mitigation could increase flood risk elsewhere as a result of the loss of floodplain storage volumes. The applicant has provided a plan showing areas of the site which will be engineered to provide compensatory flood storage with the aim of offsetting any losses associated with the development. The public open spaces and some garden area would be engineered to form a series of flood storage

basins. Land levels within the open space would be lowered and an additional area of compensatory floor storage is proposed with the omission of plots 11-14. NRW consider that the information provided is sufficient to demonstrate that it would be possible to deliver a scheme of compensatory flood storage on the site but it does not constitute a detailed construction design so a condition is required to secure this.

Ecology

7.52 An extended Phase 1 Ecological Survey was undertaken by Marches Ecology and a subsequent Preliminary Roost Assessment and Bat Activity Survey were undertaken by Worsfold and Bowen. No statutory designated sites would be directly impacted due to the proposed development.

7.53 The site is an existing warehouse and office complex with area of hardstanding. Small areas of grassland with scattered shrubs and trees are found around the site margins. The site boundaries are formed by fences or walls apart from the roadside hedgerow which is formed of hawthorn with small amounts of garden privet, butterfly bush and Elder. The hedge has ecological value. There are some small areas of scrub near the site boundaries. There are a small number of semi-mature trees within the site in south west corner of the site and the southern boundary. These are sycamore, Cherry, apple, beech, Lombardy Poplar and silver birch. There are also a number of self-seeded ash.

7.54 As most of the site is characterised by buildings/hard-standing potential foraging opportunities for badgers are limited. The amenity grassland and patches of scrub on the east side of the survey site provide potential foraging habitat of moderate value. Some evidence of badger activity was noted on the survey site and it is possible that a small sett could be obscured by the dense patches of scrub. A precautionary approach should therefore be taken with any vegetation clearance with an ecologist checking a phased clearance approach.

7.55 The nature of the buildings and the location of the site presents low potential for roosting bats. One of the trees is of low to moderate potential value for bats. The value of these features is limited due to existing lighting in this urban area. A subsequent Preliminary Roost Assessment and Bat Activity Survey were undertaken by Worsfold and Bowen. This confirmed no bat activity in the buildings on the site.

7.56 There is no suitable habitat for water voles. There is no aquatic habitat within the survey site of potential value for Great Crested Newts. 21 species of bird were recorded during the Extended Phase I Habitat Survey either using the site or flying over it.

The site provides nesting opportunities for species of bird associated

7.57 with scrub, trees and buildings located in an urban area. Two bird nest boxes were noted within the survey site. The proposed development will remove the scrub, hedgerow and buildings which provide opportunities for nesting birds. The new landscaping proposals with the new hedge and buildings present opportunities for similar features for nesting birds. It is proposed to erect 15 nest boxes specially designed for house sparrows to be erected on the new dwellings and 10 for starlings to be erected to the retained trees.

S106 contributions and CILG compliance

7.58 The application requires commuted sums for off-site open space improvements, management of the open space, a traffic regulation order and delivery of affordable housing.

7.59 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'.

7.59 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:

- 7.60
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.

It is considered that the S106 requirements in relation to affordable housing, open space, and the Traffic Regulation order satisfy the regulations and circular.

7.61 Open Space

7.62 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. Due to the existing levels of provision of open space in the locality and the proximity of them to the development it is considered that while amenity areas will be provided on-site these will not be equipped and instead a contribution will be sought for an off-site contribution of £1,100 per dwelling for market dwellings and £733 for affordable dwellings.

7.63 In this instance this contribution will be towards the provision of either an improved and enlarged play area at Saint David's Terrace or towards play facilities or community amenity space at another location within the community. There are opportunities to spend the money in close proximity to the application site and it is considered

that this meets the Regulation 122 tests.

Affordable Housing

7.64 Local Planning Guidance Note No.9 Affordable Housing and Policy HSG10 'Affordable Housing Within Settlement Boundaries' of the Adopted Flintshire Development Plan set out the Council's position in terms of the affordable housing requirement from residential developments.

7.65 The threshold for providing affordable housing on sites is a minimum size of 1.0 hectares or 25 dwellings, and this is set out in paragraph 11.75 of the UDP. This development therefore exceeds this threshold. Policy HSG10 applies to this development and therefore the 30% provision is applied as a starting point.

7.66 The proposed layout provides for 30% affordable housing constituting 4 properties of which two bed properties and would be gifted to the Council. This equates to 12 units. A further 8 properties would be these would be made available on a shared equity basis sold at 70% market value with the 30% share retained by the Council. 4 of these are two bed and 4 are three bed. These would be sold to designated persons who qualify for the purchase of the units in terms of having a local connection and meeting other qualifying criteria as set out in the affordable housing statement. The Head of Housing Strategy is satisfied with the submitted level.

7.67 Based on the methodology above and the scale of development the provision of 12 properties (equivalent to 20 units) would represent provision of 30% affordable housing and is considered to relate fairly and reasonably in scale and kind to the development for which permission is sought. It is considered that this meets the Regulation 122 tests.

Traffic Regulation Order

7.68 Due to the nature of the development with properties fronting onto Chester Road but with no direct vehicular access a S106 agreement therefore needs to cover the need for a Traffic Regulation Order prohibiting loading/waiting across the Chester Road frontage of the site. It is considered that this is as a direct result of the development and the creation of a new access point. It is therefore considered that this meets the CIL tests.

8.00 CONCLUSION

8.01 The site is a former bakery and is designated as a Principle Employment Area in the UDP. While it cannot be said the site is no longer suitable for employment purposes it is not considered that the loss of the site to residential use would result in an unacceptable reduction in the loss and range of employment site. It is considered that there is a lack of potential residential sites within the settlement

boundary of Saltney and this development would see the reuse of a brownfield site in a highly sustainable location. This would therefore be in compliance with the aims and principle of PPW given the lack of a 5 year land supply.

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:

Telephone:

Email: