

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 19TH JUNE 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **PART RETROSPECTIVE APPLICATION ERECTION OF A GABION WALL AND FENCE AT CWM Y GRAIG, RHEWL, MOSTYN.**

APPLICATION NUMBER: **050154**

APPLICANT: **MR FRANK TAYLOR**

SITE: **"CWM Y GRAIG", RHEWL, HOLYWELL**

APPLICATION VALID DATE: **21/ 9/2012**

LOCAL MEMBERS: **COUNCILLOR P HEESOM**

TOWN/COMMUNITY COUNCIL: **MOSTYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUESTS COMMITTEE DETERMINATION IN VIEW OF CONCERNS OVER THE IMPACT OF THE DEVELOPMENT.**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This application seeks retrospective permission for the retention of a gabion wall and a wooden panel fence erected in the rear garden of the existing detached house Cwm y Graig, Rhewl, Mostyn. It is also proposed to erect similar fencing to the eastern side of the property.

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

1. Development carried out in accordance with the submitted details of the planning application.

3.00 CONSULTATIONS

3.01 Local Member

Councillor P Heesom:

Refers to an ownership issue and expresses concerns about aspects of the development.

Mostyn Community Council:

The Council are opposed to the application because of encroachment on to neighbouring property and the related flood risk.

Head of Public Protection:

No response received at time of writing.

Building Control:

A Building Regulations application will not be required

Environment Agency:

The Environment Agency has assessed the application as having a low environmental risk, however standard advice is relevant with any consent issued.

Structural Engineer:

The Council's structural engineer has confirmed that the gabions will suffice for the purpose intended and the ground profile should not impose sufficient loading, even in the long term, that would overwhelm the gabions.

Drainage:

Have no observation to make on the application.

4.00 PUBLICITY

4.01 Neighbour Notification

One letter of objection received at time of writing , objecting on the following grounds;

- Dispute over ownership of the land
- Applicant claimed no trees /hedges on site but there were prior to development and no environmental /ecological assessments undertaken
- The wall has been erected no more than approximately 3m from the stream which runs through the valley, culverted in 2003/4
- The stream has been piped underground in 2003-4
- Concern over volume of water flows in periods of heavy rain and concerned about impact any leakage would have
- Bank appears to have been severely weakened by the excavations carried out and left in a perilous condition
- Coal mining history of the area

5.00 SITE HISTORY

5.01 035214

Erection of Dwelling Permitted 09.10.04

038572

Erection of Detached Dwelling Permitted 07.02.05

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1 General Requirements for Development

GEN 2 Development Inside Settlement Boundary

D2 Design

EWP17 Flood Risk

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks retrospective permission for the retention of the gabion, wall and fence erected to the rear of Cwm y Graig and a similar fence to the side of the property.

7.02 Permission has been granted previously for the erection of Cwm y Graig, a detached two storey dwelling, within the settlement boundary of Rhewl Mostyn. The existing fence and gabion wall is within the rear garden area of the property. As part of the consultation procedure land ownership issues have been raised, however the application has confirmed ownership of the land and the planning application has been submitted with Certificate A completed by the applicant. Any dispute over ownership is a civil matter for both parties to pursue, outside the planning process.

7.03 Site Structural Integrity

The application site land levels fall away from the front of the site to the rear which lies within the valley occupied by a culverted watercourse. The gabion walls have been constructed to retain the land on the other side of the valley on the boundary with the steeply sloping land owned by the objectors. The rear of the site has a post and wire fence in situ above the gabion wall, beyond which is a wooded area. The Council's structural engineer has assessed the excavations and structures on site and the details of the application and has confirmed that the gabions and fences are sufficient for the purpose intended, and that even in the long term the sub ground profile will not impose sufficient loading, that would overwhelm the gabions. I am therefore satisfied with regard to the structural integrity of the development.

7.04 Development Site

The works carried out are not prominent in the street scene and are enclosed within the rear garden area of the property. To the rear of the site is steeply sloping wooded land which lies outside the settlement boundary for Rhewl in the Unitary Development Plan. Planning permission was granted for the erection of the dwelling under reference 038572 before the Unitary Development Plan boundary was changed and the gabion wall and fencing are within the plot.

7.05 Drainage

Concerns had been raised with regards to the development site and the impact it may have upon the stream /culvert and the impact upon the drainage infrastructure and on the site. The proximity of the gabions have been assessed by the structural engineer , the council' s drainage section and the Environment Agency, none of these sections have raised any concern with regard to the development and the stream /culvert on the site. It is also significant that the stream had been culverted before planning permission was granted for the erection of the dwelling and it was not seen as an issue. In view of these responses I am of the opinion that the works contained in this application can not be considered to be detrimental to drainage interests.

7.06 Coal Mining

Whilst it is noted that the Coal Authority records indicate that there are coal mining features and hazards in this area they are of the opinion that any features including unrecorded coal mining at shallow depth and mine entries would have been encountered at the time the dwelling was erected. Considering the nature of this current development the former coal mining activity has little or no relevance .

7.07 Ecological Issues

As the land comprised in the application lies within the residential plot and is effectively garden area any ecological impact is minimal, despite the application being partly retrospective.

8.00 CONCLUSION

8.01 I am of the opinion that due the small scale nature of the development and its location to the rear of the property , the development does not adversely impact upon the area or the street scene and as such the proposal is considered to be compliant with the above polices .

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.

Contact Officer: Barbara Kinnear
Telephone: 01352 703260
Email: barbara.kinnear@flintshire.gov.uk