

FLINTSHIRE COUNTY COUNCIL**AGENDA ITEM NUMBER: 5.19**

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**
DATE : **22 JUNE 2011**
REPORT BY: **HEAD OF PLANNING**
SUBJECT : **RENEWAL OF OUTLINE PERMISSION 043636 FOR THE
ERECTION OF ONE DWELLING ON LAND TO THE REAR OF
27 MAES GWYNFRYN, GWESPYR**

APPLICATION NO: **047859**
APPLICANT: **MR & MRS G HAIGH**
SITE: **LAND REAR OF
27 MAES GWYNFRYN,
GWESPYR,
HOLYWELL,
CH8 9LE**

APPLICATION VALID DATE: **20/09/2010**
LOCAL MEMBERS: **COUNCILLOR F GILLMORE**
TOWN/COMMUNITY COUNCIL: **LLANASA COMMUNITY COUNCIL:**
REASON FOR COMMITTEE: **RECOMMENDATION FOR
APPROVAL, SUBJECT TO A
SECTION 106 AGREEMENT**

SITE VISIT: **NOT REQUIRED**

1.00 SUMMARY

- 1.01 The application is for the renewal of outline planning permission, reference 043636, for one dwelling. The matter for consideration is the imposition of a Section 106 Agreement to ensure future affordability in accordance with Policy HSG3 of the emerging Flintshire Unitary Development Plan. This policy has been modified in terms of providing a Local Housing Need since the submission of the previously approved outline.

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

- 2.01 That subject to the applicant entering into a Section 106 Agreement ensuring the future affordability of the dwelling, conditional permission be granted.

Conditions

1. Approval of Reserved Matters

2. Time limit on Submission of Reserved Matters and commencement
3. Any proposed occupant of the proposed dwelling shall be registered on the Council's Affordable Homeownership Register, which is administered by Cymdeithas Tai Clwyd.
4. Reserved matters shall include details of existing and proposed site levels and proposed finished floor levels of the building
5. The submission of reserved matters shall provide for a single storey dwelling only.
6. Removal of PD rights
7. Submission of samples of materials to be used in the external finishes of the proposed dwelling.
8. Submission of a scheme detailing the boundary treatments to the site.
9. Access visibility sightline requirements
10. Provision of parking and turning facilities within the site
11. Access to the site shall be in accordance with the standard detail relating to a single residential access.
12. The gradient of the access from the edge of the existing carriageway and for a minimum distance of 6 m shall be level grade.
13. The legally defined line of the public right of way must be marked out on the site in strict accordance with the definitive map.
14. Foul water and surface water discharges shall be drained separately from the site.
15. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
16. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
17. The proposed development site is crossed by public sewerage with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

3.00 CONSULTATIONS

- 3.01 Local Member: Councillor F Gillmore:
Agrees to determination under delegated powers.

Llanasa Community Council:
No objection

Head of Public Protection:
No adverse comments

Head of Assets and Transportation:

PROW: Applicant must contact ROW section before proceeding with any works.

Legally defined PROW must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before design implementation. The surface must not be disturbed without permission and development over the line of PROW must not commence until any necessary diversion or extinguishment has been lawfully authorized.

Head of Assets and Transportation:

DC: Red edged land to include FCC land to be purchased.

Conditions relating to :

- Visibility sightlines
- Turning and parking
- Access details
- Gradient
- PROW

Supplementary notes, with particular reference to clause 9 to be attached to any planning application.

SP Power Systems Ltd:

Plant and apparatus in the area of the proposed development.

Wales & West Utilities:

No apparatus in the area of our enquiry.

Environment Agency:

No response at time of writing report

Dwr Cymru/Welsh Water:

Conditions and advisory notes as detailed in list of conditions

CPAT:

Although the development lies close to the areas of archaeological significance, it appears that no known features will be affected by the intended work.

Ramblers: Condition should be attached to any planning permission in regard to the protection of the PROW. Support the provision of a kissing gate.

Housing Strategy:

Information given in regard to housing need in the area and affordable housing

4.00 PUBLICITY

4.01 Site notice and Neighbours:

1 letter of objection received on the grounds of:

- Intrusive form of development
- Overlooking

5.00 SITE HISTORY**5.01 043636**

Outline - Erection of a single storey dwellinghouse. Planning permission granted 30/ 8/2007

036845

Outline - Erection of a dwelling. Planning permission granted 10/ 5/2004

6.00 PLANNING POLICIES**6.01 Clwyd Structure Plan First Alteration
Policy B8**

Structure Plan Second Alteration: Flintshire Edition
Policy HSG7

Delyn Local Plan
Housing policy 6

Emerging Flintshire Unitary Development Plan
Policy STR1 - New Development
Policy STR4 - Housing
Policy GEN1 - General Requirements for Development
Policy GEN2 - Development Inside Settlement Boundaries
Policy HSG3 - Housing on Unallocated sites within Settlement Boundaries
Policy AC13 - Access and Traffic Impact
Policy AC18 - Parking Provision and New Development

The policy implications of the proposed development are addressed in the 'Principle of Development' section of the planning appraisal

7.00 PLANNING APPRAISAL**7.01 Introduction**

This is a renewal of an outline planning permission 043636, to include access, with some matters reserved for the erection of one dwelling on land to the rear of 27 Maes Gwynfryn, Gwespyr.

7.02 Site Description

The site is located to the rear of 27 Maes Gwynfryn and is accessed from Tanrallt Road via a single grassy track that runs between No. 28 Maes

Gwynfryn and Greenways. The Public footpath No. 39 runs along the north western boundary of the proposed access track.

- 7.03 The site is a large vacant plot, which is covered in overgrown vegetation, located on a hillside which slopes downward in a northerly direction and is not visible from the highway. There are no trees located on the site. The boundaries of the site consist of hawthorn hedging, stone walls and concrete post and wooden panel fencing.
- 7.04 To the northwest of the site, on a lower level, is a single storey detached dwelling, Pentre Isa. To the east is a two storey detached dwelling, Berllan and to the south are No. 27 and 28 Maes Gwynfryn, a pair of two storey dwellings. The west of the site has an open aspect. The surrounding properties vary in design, style and materials, which include painted render, stone with slate roofs.
- 7.05 As a Public Right of Way runs along the site, a condition shall be attached to any planning permission ensuring that it is protected in accordance with Public Rights of Way requirements.
- 7.06 In accordance with Highway recommendations, an amended plan has been submitted including the visibility splays within the red edged area, together with the relevant notices and certificates. As the red edged area has now been amended, the conditions recommended by Highways, as outlined above in Section 3, shall be attached to any planning permission.
- 7.07 Principle of Development and Policy Considerations
The application site is within the settlement boundary of the adopted and emerging Local Plans. A similar proposal was granted outline planning permission in August 2007. The detail of this application is the same as the previously approved scheme. However, since the submission of the previous application there have been changes to the emerging Flintshire Unitary Development plan and as such this application is now subject to the requirements of the modified policy HSG3. The site lies within a category C settlement and the growth rate for that settlement has exceeded 10%. If the site had not benefited from a relatively recent planning permission, this in itself would mean that the application would be refused. As the planning permission is included in the housing commitments for Gwespyr, it is considered in this instance to look at this application pragmatically and allow its renewal provided it meets a proven local need. As such any planning permission shall be subject to a Section 106 Agreement to ensure that any dwelling on the site meets and maintains the affordable housing criteria of policy HSG3.
- 7.08 The applicant has submitted information to show how the scheme could meet the affordable and local housing need and has verbally agreed to entering into a S106 agreement in this regard. Permitted Development

Rights will be removed with the granting of planning permission as this may have a bearing on the future affordability of the dwelling.

7.09 Other Issues

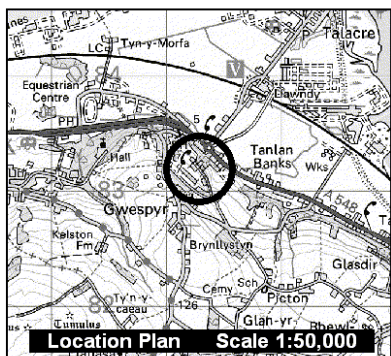
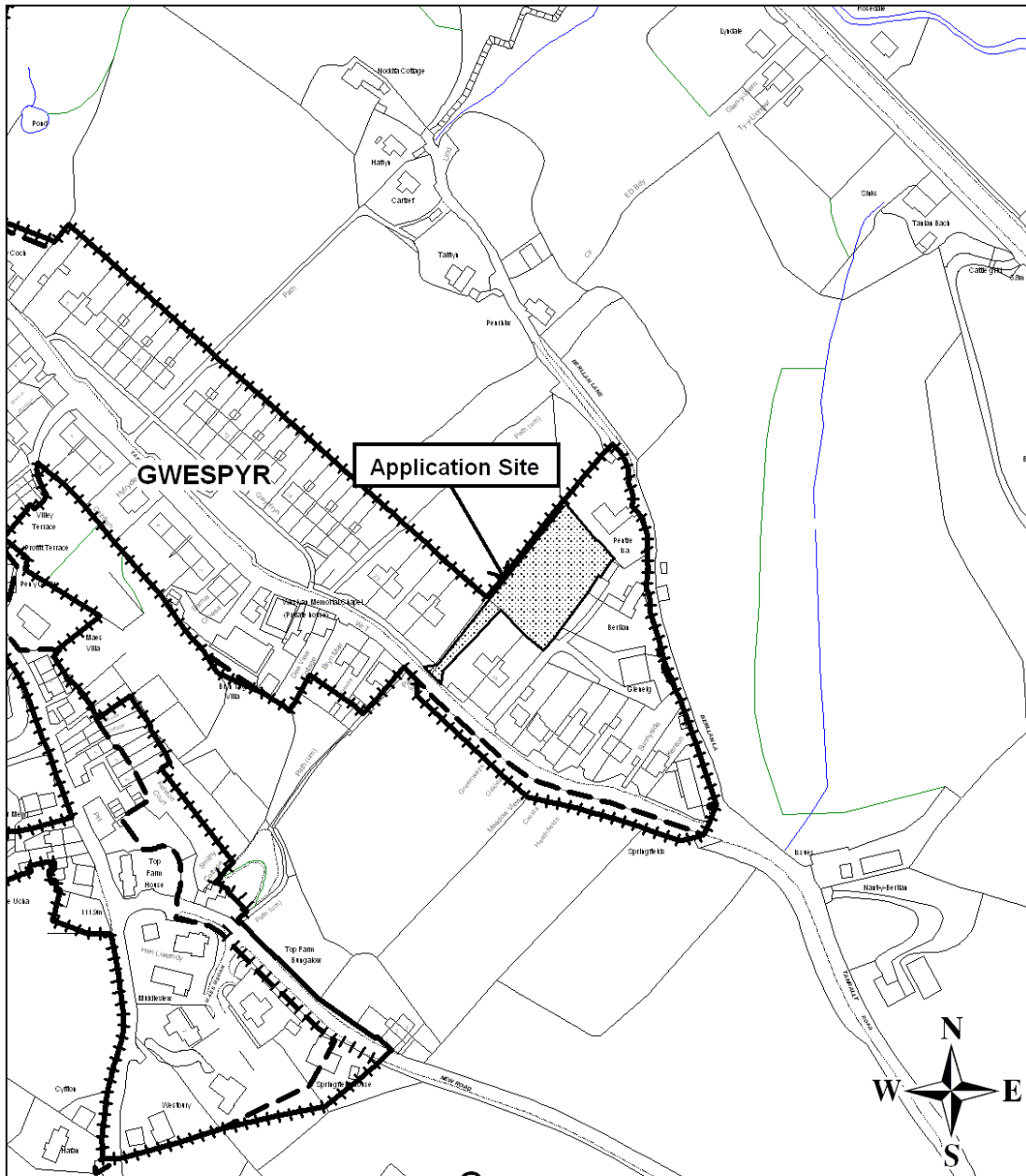
An objection has been received from the neighbouring property, Pentre Isa on the grounds of overlooking and the proposal resulting in an intrusive form of development. However, any issues relating to the siting and design, including fenestration, of the proposed dwelling would be addressed at the reserved matters stage which would enable consideration to be given to the amenity of the surrounding properties to ensure it is not adversely affected. The siting of any proposed dwelling is restricted by the public sewer crossing the site, which requires a 3 metre easement on either side of the pipeline. In addition the site is of sufficient size to accommodate a single storey dwelling in accordance with FCC policy and guidance.

8.00 CONCLUSION

- 8.01 The proposed development is considered acceptable in principle subject to the conditions as stated above and the applicant entering into a Section 106 Agreement to secure future affordable housing provision.

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: Celeste Ringrose
Telephone: 01352 703235
E-Mail: celeste_ringrose@flintshire.gov.uk



	Environment Directorate, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Director: Mr. Carl Longland						
	<p>Key to Settlement Boundaries</p> <ul style="list-style-type: none"> Delyn Local Plan Settlement Boundary North Flintshire Local Plan Settlement Boundary Emerging Flintshire Unitary Development Plan Settlement Boundary 	<p><small>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023388. Flintshire County Council, 2010.</small></p> <table border="1"> <tr> <td>Map Scale</td> <td>1:2500</td> </tr> <tr> <td>Ordnance Survey Sheet</td> <td>SJ 1183</td> </tr> <tr> <td>Planning Application</td> <td>47859</td> </tr> </table>	Map Scale	1:2500	Ordnance Survey Sheet	SJ 1183	Planning Application
Map Scale	1:2500						
Ordnance Survey Sheet	SJ 1183						
Planning Application	47859						