

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **6<sup>TH</sup> NOVEMBER 2013**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **OUTLINE APPLICATION – ERECTION OF 2 NO. TOWN HOUSES, CONSTRUCTION OF MEANS OF ACCESS AND ASSOCIATED WORKS AT 6 WELSH ROAD, GARDEN CITY, DEESIDE.**

**APPLICATION NUMBER:** **049531**

**APPLICANT:** **F.M. PROPERTY DEVELOPMENTS LTD.**

**SITE:** **LAND AT 6 WELSH ROAD, GARDEN CITY, DEESIDE. CH5 2RA**

**APPLICATION VALID DATE:** **7<sup>TH</sup> MARCH 2012**

**LOCAL MEMBERS:** **COUNCILLOR MS C.M. JONES**

**TOWN/COMMUNITY COUNCIL:** **SEALAND COMMUNITY COUNCIL.**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST GIVEN. NEED TO ASSESS IMPACT OF DEVELOPMENT ON AMENITY OF RESIDENTS AND TO ADDRESS HIGHWAY ISSUES.**

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

**1.00 SUMMARY**

- 1.01 This outline application proposes the erection of a pair of semi-detached dwellings on land to the rear of an existing detached residential property at 6 Welsh Road, Garden City, Deeside, Flintshire. The proposed access, site layout and scale of development proposed form part of this application.
- 1.02 For Members information the application has been resubmitted following the withdrawal of a previous application under Code No.

046465 on 4<sup>th</sup> May 2010 for the erection of 2 No. dwellings at this location. The application was previously withdrawn given concerns expressed by the then Environment Agency that the submitted Flood Consequences Assessment (FCA) was inadequate to enable an assessment to be made on the impact of potential flooding on the proposed development.

1.03 For Members information progression of this current application has been protracted in order to address flooding issues as part of the development proposed.

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

2.01 That subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on site play provision that planning permission be granted subject to the following conditions:-

1. Outline – Reserved matters.
2. Outline – Time limit.
3. Materials to be submitted and approved.
4. Foul and surface water to be drained separately.
5. No surface water to connect into the public sewerage system.
6. No land drainage to discharge into public sewerage system.
7. Scheme for enhanced double secondary glazing to be submitted and approved.
8. Siting, layout and design of the means of access to be in accordance with details to be submitted and approved.
9. Access to be a minimum of 4.5 m in width for a distance of 10 m into the site.
10. Adequate facilities to be provided and retained within the site for the parking and turning of vehicles.
11. Site/finished floor levels to be submitted and approved prior to commencement of development.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Ms C.M. Jones

Request site visit and planning committee determination given concerns about impact on amenity of existing residents and adequacy of access.

Sealand Community Council

Object on the grounds that:-

- The proposed development would be extremely harmful for adjacent residents due to its extreme closeness to existing

properties.

- The proposal will create a general nuisance for residents which would have a negative impact on their lives.
- The proposal will create additional noise levels which would not be acceptable.
- The proposal will be harmful to the current townscape of Garden City.
- The proposal is situated very close to the River Dee with the site being within the River Dee flood plain.
- The access/egress onto Welsh Road is situated on the rise to the bridge across the River Dee which accentuates the traffic hazards which has restricted views. The situation is more problematic due to the nearness of Sealand Primary School.

#### Head of Assets and Transportation

Recommend that any permission includes conditions relating to access, visibility and provision of parking/turning facilities.

#### Head of Public Protection

No objections subject to the imposition of conditions requiring the installation of enhanced double/secondary glazing for bedroom and living room windows given noise levels from traffic on Welsh Road.

#### Welsh Water/Dwr Cymru

Request that any permission includes conditions relating to foul, surface and land drainage.

#### Natural Resources Wales

The submitted Flood Consequences Assessment (FCA) confirms that the dwellings can be safeguarded from proposed modelled flood levels.

#### Emergency Planning

No objection, as the properties can be safely evacuated in the event of a flooding incident.

## **4.00 PUBLICITY**

### **4.01 Site Notice, Neighbour Notification**

44 letters of objection received, the main points of which can be summarised as follows:-

- Impact on privacy/amenity of occupiers of existing/proposed dwellings by way of overlooking.
- Development would be out of character with site/surroundings.

- Unacceptable form of backland development.
- Inadequacy of access.
- Inadequacy of drainage/potential for flooding.
- Impact on ecology.

## **5.00 SITE HISTORY**

5.01 **044701** – Erection of 7 No. one bedroom flats in two blocks including the demolition of existing property – Withdrawn 30<sup>th</sup> April 2008.

**046465** – Outline – Erection of 2 No. dwellings and new access – Withdrawn 4<sup>th</sup> May 2010.

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy GEN1 - General Requirement for Development

Policy GEN2 - Development Inside Settlement Boundaries

Policy D2 - Location and Layout

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

Policy HSG3 - Housing on Unallocated Sites Within Settlement Boundaries

Policy HSG8 - Density of Development

Policy EWP17 - Flood Risk

### Additional Guidance

Local Planning Guidance Note 2 – Space Around Dwellings.

Technical Advice Note 15 - 'Development and Flood Risk'

## **7.00 PLANNING APPRAISAL**

7.01 Introduction

This outline application proposes the erection of a pair of semi-detached dwellings within the rear curtilage of an existing detached dwelling at 6 Welsh Road, Garden City, Deeside, Flintshire.

7.02 Site/Surroundings

The site the subject of this application, amounts to approximately 0.1 hectares in area and comprises part of the garden area of the existing dwelling. It is located in a central position to the east of an existing cul-de-sac development at Ferry Bank, to the west of an existing pair of semi-detached properties at 8/10 Welsh Road and north of an existing semi-detached development at Cleveland Grove.

7.03 Proposed Development

Although submitted in outline, indicative sketch plans illustrate the proposed development of a pair of semi-detached dwellings to the

rear of the existing detached property. Vehicular access to the existing property would be from a proposed new driveway, with the proposed development served by a new separate independent access to the west of the existing dwelling. It is proposed that the dwellings would be 2 storey in height to reflect the height of existing dwellings in proximity to the site.

7.04 Planning Policy/Principle

For Members information the site is located within the settlement boundary of Garden City as defined in the Flintshire Unitary Development Plan where the principle of residential development is supported subject to the safeguarding of relevant amenity considerations.

7.05 The application site comprises the rear garden area of an existing dwelling and constitutes a form of 'backland' development which involves the development of land behind an existing frontage of houses. The definition of the site as comprising a form of 'backland development' is not in itself an automatic reason for development to be refused and can be acceptable if a satisfactory means of access can be achieved and there is no detrimental impact on the privacy/amenity of the occupiers of nearby residential properties.

7.06 Impact on Character of Surrounding Area

The area is characterised predominantly by semi-detached and terraced properties particularly adjacent to the southern and western boundaries of the application site. It is considered that the development of a pair of semi-detached properties could be satisfactorily accommodated on the site with adequate circulation space provided so as not to harm the character and appearance of the surrounding area.

7.07 Impact on Privacy/Amenity

Indicative sketch plans submitted as part of the application illustrate the development of a pair of semi-detached dwellings, the distances between existing properties complying with the Council's Space About Dwellings standards. It is considered that the privacy/amenity of the occupiers of existing/proposed dwellings would be safeguarded as part of the proposed development.

7.08 Adequacy of Highways

Consultation on the application has been undertaken with the Head of Assets & Transportation who raises no objection to the proposed development at this location subject to the imposition of conditions relating to access, visibility and parking/turning.

7.09 Flood Risk

As the site lies within a C1 Flood Zone, a Flood Consequences Assessment (FCA) has been submitted as part of the application in accordance with the requirements of Technical Advice Note 15 –

## Development and Flood Risk.

- 7.10 Consultation on the FCA has been undertaken with Natural Resources Wales (NRA) in order to assess whether the flood risks associated with the proposed development can be acceptably managed.
- 7.11 Natural Resources Wales have confirmed that there is no objection to the principle of development subject to the setting of the floor levels of the proposed dwellings at 6.24 m AOD. In addition and given the proposal to strengthen the flood defences of the River Dee, as part of the Northern Gateway development, it is considered that these works once undertaken will provide betterment in terms of the existing flood risk to the proposed dwellings. This will allow the opportunity for finished floor levels of the dwellings to be reduced from that currently proposed which can be addressed at reserved matters stage.
- 7.12 Of particular concern however is the need to ensure that the breach scenario depths and velocities of flood risk outside the buildings themselves will eliminate the associated risks to the access route to/from the development site.
- 7.13 Consultation on this particular aspect of the development has been undertaken with the Council's Emergency Planners with it being concluded that emergency evacuation would be acceptable under such conditions.
- 7.14 Material Considerations  
Whilst it is recognised that each application needs to be assessed on its own individual merits, there are a number of appeal decisions which have been allowed by the Planning Inspectorate which are considered to be material to the determination of this application. For Members information these relate to proposals for backland development on two sites in Mynydd Isa which have been allowed contrary to the Local Planning Authority's decision to refuse permission. The characteristics of this site and surroundings are extremely similar to those allowed on appeal. In these circumstances it is considered that these decisions are of particular relevance and material to the determination of this application.

## 8.00 CONCLUSION

- 8.01 Whilst the site falls within the definition of 'backland development', as previously highlighted, this is not in itself an automatic reason for the principle of development to be refused, given that it can be acceptable subject to the safeguarding of relevant amenity considerations. It is considered that the site is physically capable of accommodating a pair of semi-detached dwellings, whilst maintaining adequate separation distances between the existing/proposed dwellings forming this application. The scale of development is in my view reflective and

sympathetic to the character of existing development in proximity to the site and there is no objection subject to conditions to the development from the Head of Assets & Transportation. Natural Resources Wales and the Council's Emergency Planners do not object to the impact of potential flooding on the proposed development and I therefore recommend accordingly.

- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

**Contact Officer:** Robert Mark Harris  
**Telephone:** (01352) 703269  
**Email:** Robert.Mark.Harris@Flintshire.gov.uk