

FLINTSHIRE COUNTY COUNCIL

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

DATE: **8TH OCTOBER 2014**

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

SUBJECT: **FULL APPLICATION – CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO DEAL WITH A CHANGE IN LEVELS TO THE REAR OF PLOTS 52 – 56, FIELD FARM LANE, BUCKLEY (PARTLY RETROSPECTIVE)**

APPLICATION NUMBER: **052401**

APPLICANT: **PERSIMMON HOMES NORTH WEST**

SITE: **LAND AT FIELD FARM LANE, BUCKLEY**

APPLICATION VALID DATE: **16TH JULY 2014**

LOCAL MEMBERS: **COUNCILLOR MRS C. ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS IMPACT OF DEVELOPMENT ON THE PRIVACY/AMENITY OF OCCUPIERS OF EXISTING PROPERTIES**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application which is partly retrospective proposes the construction of earthworks and retaining structures to deal with a change in levels to the garden areas at the rear of plots 52 – 56, Field Farm Lane, Buckley.
- 1.02 For Members information, this application is a resubmission of a previous application for the construction of earthworks and retaining structures within the rear garden areas of the aforementioned plots.

This was refused under Code No. 051537 by Members (contrary to officer recommendation) on 26th June 2014, following consideration at the Planning & Development Control Committee Meeting on 18th June 2014. This previous application is now subject of an appeal lodged with the Planning Inspectorate which is to be determined by way of an informal hearing during November 2014.

1.03 This current application has been resubmitted to allow reconsideration of the proposal by Members, with additional 3D imagery provided, in order to supplement the previous application and illustrate in more detail the potential impact of development on the privacy/amenity of occupiers of existing properties in particular Field Farm.

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

- 2.01
1. Time limit on commencement.
 2. In accordance with approved plans.
 3. The works hereby approved in respect of plots 55 & 56 shall be commenced within one month of the date of this permission and completed to the satisfaction of the Local Planning Authority within one month of the commencement of site works.
 4. The fence/wall/hedgerow and retaining structures as marked in red on the attached plan shall be retained in perpetuity at a minimum height of 1.8 m.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Mrs C.A. Ellis

Request planning committee determination in order to assess the relationship of development on the privacy/amenity of occupiers of existing properties.

Buckley Town Council

The Council reiterates concerns previously made in that:-

1. There is still an overlooking aspect issue regarding Field Farm.
2. The building is still overbearing and too close to Field Farm.
3. The work that has been carried out on the property does not have the relevant planning permission as it is outside the agreed footprint by 1.5 metres.
4. There will be an adverse impact on the public footpath that runs immediately alongside the property.

Environment Directorate

(Rights of Way)

Public Footpath 21 crosses the site. The applicant may be required to apply for a temporary closure order, to protect the public during

construction.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification Neighbour Notification

One letter of objection received from the occupiers of Field Farm, the main points of which can be summarised as follows:-

- Proposed dwelling is sited closer to Field Farm, than initially approved which exacerbates impact on privacy/amenity.
- A 1.5 m wide raised area to the rear of Plot 56 would enable it to be used as a 'sitting out area' which would lead to overlooking. This should be reduced to a maximum of 0.9 m to restrict its usage.

5.00 SITE HISTORY

5.01 036776

Outline – Residential Development – Approved 12th May 2004.

042356

Reserved Matters – Erection of 139 dwellings, roads, public open space and all associated works – Refused 31st May 2007.

043841

Reserved Matters – Residential development of 79No. dwellings and 24 No. apartments – Withdrawn 8th October 2007.

044085

Variation of Condition No. 2 attached to planning approval reference 036776 to extend the time for the submission of reserved matters and commencement of development – Approved 7th December 2007.

046805

Reserved Matters – Residential development consisting of 89 No. two strong dwellings, open space, roads and associated works – Permitted 8th August 2010.

050382

Substitution of 9 No. house types (plots 43-48 and 54-56) – Permitted 7th March 2013.

051537

Construction of retaining wall within the rear gardens of Plots 52 – 56. Refused 26th June 2014. Appeal to the Planning Inspectorate with informal hearing arranged for 18th November 2014.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy GEN1 – General Requirements for Development.
Policy GEN2 – Development Inside Settlement Boundaries.
Policy D1 – Design Quality, Location and Layout.
Policy D3 – Landscaping.

It is considered that the proposal generally complies with the above Policies and guidance.

7.00 **PLANNING APPRAISAL**

7.01 Introduction

This full application which is partly retrospective proposes the retention and modification of existing retaining structures to provide raised and tiered garden areas to the rear of 5 No. Plots (52 - 56) within the Persimmon Homes, Field Farm development at Field Farm, Buckley. The properties the subject of this application have a common rear site boundary with existing bungalows to the south at Nos 6-16 Aberllanerch Drive, with plot 56 also being located to the east of an existing detached dwelling Field Farm which is accessed through the estate development. The line of Public Footpath 21 linking the development to Aberllanerch Drive runs between the curtilage boundaries of plot 56 and Field Farm.

7.02 Background

By way of the background of planning history at this location which is referred to in paragraph 5.00 of this report, the overall site comprising 4.5 hectares in area has the benefit of planning permissions for the erection of a total of 90 dwellings. Three of the plots the subject of this application (54, 55 & 56) have been the subject of a substitution of house type application, this being permitted under Code No. 050382 on 7th March 2013 with development having been undertaken in accordance with this permission. The approved garden areas associated with plots 52 – 56 of the development as initially permitted were, given the difference in site levels, sloping in nature from the rear of the dwellings to the common site boundary with Aberllanerch Drive.

7.03 Proposed Development

Following the committee site visit undertaken by Members on 12th May 2014 in respect of application 051537, the feedback obtained resulted in an amendment to the scheme from that initially submitted. These changes have been incorporated into this current application with accompanying 3D imagery and it is proposed to:-

- a. Retain the ground levels and log retaining walls/steps already constructed to the rear of Plots 52 – 54 to allow for the use of the garden on two levels.
- b. Incorporate a revised platform approximately 1.5 m wide immediately to the rear of plots 55 & 56 with steps down to access a sloping garden area as initially proposed as part of

the originally approved estate layout. It is not proposed to provide any additional tiers within these garden areas. A 1.8 m screen between the raised platform and Field Farm is proposed and 2 m high screen boundary fence defining the western site curtilage boundary is proposed with supplemental hedgerow planting in front. In addition a 2 m high screen fence on the rear boundary with properties 14/16 Aberllanerch Drive is proposed.

7.04 Main Planning Considerations

The main issues to be taken into account in consideration of this application are:-

- Visual impact associated with the proposed retaining structures and raising/tiering of the garden areas.
- Position of Plot 56 relative to Field Farm and impact of development on the privacy/amenity of the occupiers of Field Farm and Aberllanerch Drive.
- Impact on public footpath 21 the line of which is adjacent to plot 56 and Field Farm.

7.05 Visual Impact

The rear garden areas associated with plots 52-54 of the development are enclosed with a substantial hedgerow, screening the development from the rear of Nos 8/10/12 Aberllanerch Drive. The new gardens associated with Nos 55 & 56 however, are visually more prominent as there is limited screening/planting on the common site boundaries of these plots with 14/16 Aberllanerch Drive and Field Farm on the opposite side of Public Footpath 21.

7.06 It is considered that the tiered garden areas associated with Plots 52 – 54 are acceptable in the context of the immediate environs with the proposed modifications to plots 55 & 56 helping to retain the existing sloping topography of the garden areas.

7.07 Impact on Privacy/Amenity

Particular concerns have been raised by the occupiers of Field Farm to the position of Plot 56 of the development and whether the dwelling is in the correct position in accordance with the previously approved plans.

7.08 It has been established by officers that the dwelling is in the correct position relative to the site boundaries of the estate development. Whilst concern has been raised that the dwelling on plot 56 is 5 m closer to Field Farm than approved, it is actually 1.8 m closer to this existing property, as Field Farm was shown on the initial plans to be approximately 1.8 m further away from the site boundary than its actual siting.

7.09 On this basis no enforcement action can be taken as the dwelling on

Plot 56 is accurately positioned relative to the site boundaries in accordance with the previously approved site layout.

7.10 Whilst the concerns raised by the occupiers of Field Farm are duly noted in this respect, it is considered that the impact on amenity can be addressed through this application, with improved screening/landscaping incorporated to help prevent overlooking and soften the impact of development along the boundary with Field Farm.

7.11 Impact on Public Footpath 21

Public Footpath 21 runs alongside the western site boundary of plot 56, between it and Field Farm. During site construction work on plot 56, the footpath has been the subject of a temporary closure. Consultation on this application has been undertaken with the Public Rights of Way Section in order to consider the impact of the proposed development on the footpath and its users. It is considered that given the extent of changes proposed with introduction of associated screening/landscaping on the boundary of plot 56 adjacent to the footpath that the nature/extent of these works may again oblige the footpath to be closed whilst the works are undertaken. This would require the applicant to contact the Rights of Way Section before proceeding with any further site works.

8.00 CONCLUSION

8.01 In conclusion, it is maintained that the plans submitted as part of this application in respect of plots 55 & 56 provides an acceptable solution to ensuring that the privacy/amenity of the occupiers of Field Farm/Aberllanerch Drive are safeguarded. If Members are mindful to grant permission this should in my view be subject to the incorporation and retention of associated boundary treatment/landscaping to ensure that the privacy/amenity of the occupiers of Field Farm/Aberllanerch Drive are safeguarded in perpetuity. 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.

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