

FLINTSHIRE COUNTY COUNCIL

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

DATE: **5 SEPTEMBER 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RENEWAL OF OUTLINE PLANNING PERMISSION 045547 TO ALLOW THE ERECTION OF A DWELLING AT LAND SIDE OF TALOSSAMME, ABBOTS LANE, PENYFFORDD**

APPLICATION NUMBER: **049792**

APPLICANT: **MR. NORMAN PRICE**

SITE: **LAND SIDE OF TALOSSAME, ABBOTS LANE, PENYFFORDD, CHESTER.**

APPLICATION VALID DATE: **25TH MAY 2012**

LOCAL MEMBERS: **COUNCILLOR MRS C. HINDS**
COUNCILLOR D.T.M. WILLIAMS

TOWN/COMMUNITY COUNCIL: **PENYFFORDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application is for the renewal of outline planning permission Ref. 045547 for the erection of a dwelling at land side of Talossamme, Abbots Lane, Penyffordd.
- 1.02 Members may recall that planning permission was granted upon appeal on 28th July 2009.
- 1.03 The issues for consideration are the principle of the development in Planning Policy terms, the highway implications, drainage of the site, and the effects upon the amenities of adjoining residents and the visual appearance of the area.

1.04 It is considered that circumstances have not significantly altered since the granting of the application originally upon appeal and that outline planning permission should be granted again.

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

2.01 Conditions

1. Submission of reserved matters.
2. Outline time limit.
3. Submission of reserved matters to include existing and proposed site levels and finished floor levels of the dwelling.
4. Foul water and surface water discharges shall be drained separately from the site.
5. No surface water be allowed to connect to the public sewerage system unless otherwise approved by the Local Planning Authority.
6. Land drainage run-off not permitted to discharge, into public sewerage system.
7. Dwelling shall be single storey in height.
8. Code for sustainable homes "Interim Certificate" to be submitted before houses are occupied.
9. Code for Sustainable Homes "Final Certificate" before dwelling is occupied.

3.00 CONSULTATIONS

**3.01 Local Member
Councillor Mrs C. Hinds**

Requests both Committee determination and site visit due to concerns over drainage, backland development and access.

- **Drainage**

Problems with the drainage system in Abbots Lane and Alyn Drive. Residents in West View have had their gardens flooded by mainly surface water. Area is prone to raw sewage and surface water flooding. Meetings with Welsh Water have found drains blocked and have suggested another survey. If a dwelling is to be erected its size should be limited and should not be connected to the main sewer. Any hardstanding should be minimal to cut out the amount of surface water and impact upon neighbours.

- **Backland Development**

The Inspector went against WAG's policy on tandem development, consisting of one house immediately behind another and sharing the same access, may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front, and should be avoided.

- Access

Is unsuitable and if emergency vehicles had to get through at this moment in time they could not. A fire engine would certainly not be able to access this proposed site.

Councillor D.T.M. Williams

Agrees to the determination of this application under delegated powers. Previous approval for outline ruling this acceptable. Problems with drains and services will need taking account of for full planning but as this application was approved on appeal, it appears this application should be approved.

Penyffordd Community Council

Objects on the grounds that the existing problems of raw sewerage and foul sewerage mixing with surface water will be exacerbated. Furthermore, the proposed dwelling if approved should not impose on existing properties.

Head of Assets & Transportation

Notes that the previous application was determined at appeal by the Planning Inspectorate and also notes their comments in relation to the access serving the proposal. No objection to the proposal and confirms do not intend to make a recommendation on highway grounds.

Head of Public Protection

No adverse comments to make regarding these proposals.

Environment Directorate
(Rights of Way)

Public footpath abuts the site but appears unaffected by the development. Therefore, no observations to make.

Dwr Cymru /Welsh Water

Requests that if minded to grant planning consent for the development that suggested conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's Assets.

Environment Agency Wales

Has assessed the application as having a low environmental risk and as such standard advice applies.

SP Energy Networks

Have plant and apparatus within the area of the proposed development. The developer should therefore be advised of the need to take appropriate steps to avoid potential danger that may arise during their works in relation to the electrical apparatus.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

12 letters of objection received. The grounds of objection being:-

- Capacity of drains.
- How the new development will connect to mains services and future of drains especially if they are unable to cope with an additional large family home.
- Tandem development. Two houses in front will have their privacy reduced. Access is limited and the proposal will create more traffic on a very narrow piece of land causing safety issues. Government is against these 'ad hoc' dwellings with no thought for the impact on the surroundings.
- Destruction of wildlife habitats.
- It is a quiet backland site where privacy, existing standards of residential amenities will be greatly diminished in domestic activity, general noise, car movements.
- Driveway narrow for emergency vehicles and large vehicles. Health and safety of children who may be present in the shared driveway whilst vehicles are moving to and from the house behind it.
- Land has always been a garden, not a building plot.
- No certainty that surface water could be successfully drained from the site to a soakaway, and the applicant has yet to carry out any percolation tests.
- No improvements made to the proposal since last refusal.
- Outline proposals could be stretched to a larger building with dormer windows to create more accommodation which is unacceptable in terms of privacy to adjoining occupiers.
- Concern about soakaways and where they would end could be directly to neighbouring properties causing problems.

5.00 SITE HISTORY

5.01 04970 – Erection of a dwelling – Current.

045547 – Outline – Erection of a detached dwelling – Refused
18th December 2008 and allowed upon appeal 28th July 2009.

044705 – Outline – Erection of a detached dwelling – Withdrawn
18th April 2008.

040029 – Outline – Erection of a 3 bedroom bungalow – Refused
22nd September 2006.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

GEN1 – General Requirements for Development.

GEN2 – Development inside Settlement Boundaries.

TWH1 – Development Affecting Trees & Woodlands.

AC13 – Access and Traffic Impact.

HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP16 – Water Resources.

EWP17 – Flood Risk.

National Policy

Planning Policy Wales (Edition 4, February 2011).

Technical Advice Note (TAN) 15: Development & Flood Risk (2004).

Technical Advice Note (TAN) 22: Sustainable Buildings.

Given that the site is located within both the settlement limit for Penyffordd and a Category B Settlement, at the time of submission of this planning application there was a live consent upon the site and in that the existing growth rate has taken account of the consent, the proposal is considered acceptable in principle in planning policy terms.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposal

The site comprises of approximately 560 sq.m. of a flat garden area, adjacent to the garden of Talossamme, Penyffordd. Access to the site is gained via a long narrow lane which runs past the front of both Graigwen and Talossamme, off Abbotts Lane. It is located to the rear of Nos. 16-22 Alyn Drive and Nos. 5 & 7 Park Lane, Penyffordd.

It is divorced from the semi-detached property of Graigwen by approximately 30 m to the east.

The site is also located within the settlement to Penyffordd situated approximately 800 m from the centre of the village to the south west.

The proposal is for renewal of outline planning permission 045547 to allow the erection of a dwelling. The reserved matter of access is also

being applied for at this stage. An indicative plan has been included with the application showing the proposed scale of the dwelling relative to the plot size. The footprint of the dwelling has been shown to be approximately 30% of the plot area leaving 70% for amenity, garden and parking.

7.02 Issues

The main issues to consider within the determination of this planning application are the principle of the development in planning policy terms, the highway implications, drainage of the site and the effects upon the amenities of adjoining occupiers in terms of loss of light, privacy and the visual appearance of the area.

7.03 Background

Members may recall that the previous application, 045547 was refused planning permission under delegated powers on the grounds that it was considered that the proposal would represent an inappropriate form of tandem development which did not provide for a separate means of vehicular access and would introduce domestic activity into this backland site and would therefore be a diminishment of existing standards of residential amenity to the properties of Talossamme and Graigwen. The application was subsequently allowed on appeal on 28th July 2009 subject to various conditions being imposed.

7.04 Principle of Development

The site lies within the settlement boundary for Penyffordd as defined by the Flintshire Unitary Development Plan. Within the Plan, Penyffordd is classed as a Category B settlement. Policy HSG3 allows new housing development where it would cumulatively result in more than 15% growth since 2000 and does not result in tandem development or overdevelopment in relation to the character of the site and surrounding area. As at April 2012, the growth for Penyffordd was 29.3%, thus exceeding the 15% limit. However, given, at the time of submission of this planning application there was a live consent upon the site and that the existing growth rate has taken account of the consent, the proposal is acceptable in this respect.

In terms of the proposal constituting tandem development or overdevelopment of the site, the Inspector considered that the proposals were acceptable in both respects. The Inspector stated:-

“In this case there is an existing access serving both Graigwen and Talossamme and the owners of Graigwen must pass Talossamme to reach its garden where the dwelling is now proposed. I realise that there are ownership issues against the access drive now. The site is also of sufficient size to accommodate a dwelling and enable a vehicle to manoeuvre within it.

Access to the site would mean passing the other two houses and

there are windows and doors facing the access. However, I consider that, in this particular arrangement, the use of the access by one more dwelling would not result in undue disturbance to the occupiers of the existing houses. The appellant has suggested that the dwelling could be single storey and this being the case the privacy of the occupiers of Talossamme and those on Alyn Drive and Park Drive would not be harmed. A single storey dwelling would also be unobtrusive on this site and unlikely to harm the neighbours living condition in any other way”.

Therefore, given the above, it is considered that the proposals are still acceptable in principle in planning policy terms.

7.05 Highways

Access to the site is via the existing long, narrow track to the garden area part 30 m the properties of Graigwen and Talossamme at the front which in turn is off Abbots Lane.

On the previous application, our highways department raised no objections subject to the imposition of certain suggested planning conditions upon any consent granted. It is noted that the Inspector states in the reasoning of allowing the appeal concludes that:-

“There is nothing in the appeal documents before me to suggest that the existing access is not a satisfactory one from a highway safety point of view and given that access is specifically applied for I consider the conditions unnecessary. Parking and manoeuvring within the site would be with a part of the reserved matters, in particular layout”.

Given the above, that the access has not altered since the previous decision and that our highways department raise no objections, to this scheme it is considered that the existing access is acceptable to accommodate a dwelling upon the site.

7.06 Drainage

Concerns regarding both drainage and flooding are noted. However, both Dwr Cymru and Environment Agency Wales have been consulted on the application and raise no objections to the proposal subject to certain suggested conditions and notes placed upon any consent granted. Dwr Cymru suggest that both surface water and foul water discharges be drained separately from the site.

The Inspector in allowing the appeal upon the previous application states:-

“I have considered all other matters raised including those in respect of drainage and flooding but none after my conclusion”.

It is further stated that:-

“A condition relating to the submission and approval of a scheme for the disposal of foul and surface water is reasonable given the concerns raised about drainage in the area”.

Given the above and the imposition of certain suggested planning conditions and notes upon any consent granted, it is considered that the proposal is acceptable in terms of drainage and flooding.

7.07 Amenities of Adjoining Residents

In allowing the previous application on appeal, the Inspector stated:-

“Access to the site would mean passing the other two houses and take are windows and doors facing the access. However, I consider that, in this particular arrangement, the use of the access by one more dwelling would not result in undue disturbance to the occupiers of the existing houses. The appellant has suggested that the dwelling could be single storey and this being the case the privacy of the occupiers of Talossamme and those on Alyn Drive and Park Drive would not be harmed. A single storey dwelling would also be unobtrusive on this site and unlikely to harm the neighbours living conditions in any other way. Whilst I accept that there are sites where tandem development can cause problems with access and have a harmful effect on the living conditions on the frontage property, in this case the existing arrangement is such that I do not consider any harm would arise”.

As this application is again for a single storey dwelling, given the above, it is considered that the proposal would not significantly harm the amenities of adjoining residents.

7.08 Character & Appearance

Although the type of dwelling will have to be limited to single storey, this is considered in keeping with the area, given that there is a mix of both single and two storey dwellings surrounding the site. The actual design and materials used for the dwelling will be the subject of any reserved matters application which would be further submitted.

8.00 CONCLUSION

8.01 It is considered that circumstances have not significantly altered since the granting of this application originally upon appeal and that outline planning permission should be granted again.

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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