

FLINTSHIRE COUNTY COUNCIL

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

DATE: **15TH JANUARY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **ERECTION OF A FOUR BEDROOM DETACHED DWELLING AT 37 WOOD LANE, HAWARDEN.**

APPLICATION NUMBER: **051234**

APPLICANT: **MR AND MRS SHAW**

SITE: **LAND TO THE REAR OF 37 WOOD LANE, HAWARDEN**

APPLICATION VALID DATE: **11/09/13**

LOCAL MEMBERS: **COUNCILLOR ALISON HALFORD**
COUNCILLOR DAVID MACKIE

TOWN/COMMUNITY COUNCIL: **HAWARDEN**

REASON FOR COMMITTEE: **S106 AGREEMENT FOR LOCAL NEED**

SITE VISIT: **NO**

This application was deferred from Planning and Development Control Committee on 11th December 2013 in order for additional information to be provided to Members with regard to affordability, housing need and backland/tandem development. Additional paragraphs have been inserted into the body of the report below to address these issues.

1.00 SUMMARY

1.01 This is a full application for the erection a four bedroom house at the rear of 37 Wood Lane, Hawarden. The main issues to consider are the principle of development, impact on residential amenity, highways and the potential coal mining legacy on the site. It is considered that the proposed dwelling is in accordance with Policy HSG3 and meets the Councils requirements for Space Around Dwellings. The risks in relation to the coal mining legacy on the site can be dealt with by an appropriate condition.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:-

- The property shall be occupied by the applicants Mr and Mrs Shaw in the first instance;
- If the property is put up for sale in the future 30% of the property value is repaid to the Council, secured as a charge on the property

The proposal is recommended for approval subject to the following conditions:

Conditions

1. Time limit.
2. In accordance with plans.
3. Foul and surface water shall be drained separately.
4. Surface water connection.
5. Land drainage run-off.
6. Code Level 3 for Sustainable Homes compliant.
7. Landscaping including boundary treatment.
8. Site investigation and remediation if necessary.
9. Obscure glazing to conservatory of 37 Wood Lane.
10. Visibility splay from access of 2.4m x 43m in both directions, no obstruction above 1.0m
11. Access to the site in accordance with standard detail for single residential access
12. The access shall be a minimum width of 4.5m for a distance of 10m
13. Facilities to be provided and retained within the site for parking and turning of vehicles
14. Removal of permitted development rights

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member

Councillor A Halford

Requests Committee determination base on the concerns of the objector.

Councillor D Mackie

No formal response received at time of writing.

Hawarden Community Council

Objects on the grounds that it constitutes backland development.

Head of Assets and Transportation

No objection subject to conditions covering;

- Visibility splay from access of 2.4m x 43m in both directions, no obstruction above 1.0m
- Access to the site in accordance with standard detail for single residential access
- The access shall be a minimum width of 4.5m for a distance of 10m
- Facilities to be provided and retained within the site for parking and turning of vehicles

Head of Public Protection

A condition should be imposed requiring a site investigation prior to commencement of development and appropriate remediation undertaken.

Welsh Water/Dwr Cymru

Standard conditions in relation to foul and surface water drainage.

Natural Resources Wales

No objections, subject to limited thinning of trees on the site. If any of the trees are to be felled these should be subject to emergence surveys for bats prior to their felling.

Airbus

No aerodrome safeguarding objection.

The Coal Authority

The application site falls within the defined development high risk area. Within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to this application. A Coal Mining Risk Assessment has been submitted with the application. Records indicate that the site is likely to have been subject to historic unrecorded coal mining at shallow depth. Prior to development intrusive investigation works, including gas monitoring, are required in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified if necessary. This should be secured by condition.

Housing Strategy Manager

The applicants meet the affordable housing criteria under policy HSG3 in terms of their local connection and affordable housing need. Any permission requires a S106 agreement stating that if the property is sold in the future 30% of the property value is repaid to the Council and this is secured by the way of a charge on the property.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

1 objection on the grounds of;

- Would affect privacy at rear of property and garden
- Light pollution at night from currently dark garden
- If current 5 metre hedge is reduced in height to 2 metres, while the garden would be lighter the impact of the new house would be emphasised further
- The proposed development would take up the similar footprint as the proposed dwellings previously refused
- Additional house will increase the volume of traffic on Wood Lane and could lead to parking on the road which reduces visibility for other properties exiting their properties
- This area of Hawarden is already overdeveloped

5.00 SITE HISTORY

5.01 039899 – Erection of 6 no starter homes in two blocks of three. Refused 12.10.05

038829 – Proposed erection of 7no starter homes in terraced blocks of 3 and 4 together with construction of an access from existing access road. Refused 08.02.05

16919 Kitchen, dining room and dormer bedroom extension. Approved 07.06.88

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

STR8 – Built Environment

GEN1 – General Requirements for Development

GEN2 – Development Inside Settlement Boundaries

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

D1 – Design Quality, Location and Layout

D2 – Design

D3 – Landscaping

AC13 – Access and Traffic impact

AC18 – Parking Provision and New Development

The proposal is in accordance with the above development plan policies.

7.00 PLANNING APPRAISAL

Introduction

7.01 This is a full application for the erection a four bedroom house at the

rear of 37 Wood Lane, Hawarden.

Site Description

- 7.02 The application site is the rear garden of 37 Wood Lane Hawarden. The site is bounded by the dwelling and remaining rear garden of 37 Wood Lane to the west, an electricity substation to the south west, the community centre to the south east and 35 Wood Lane to the north. An area of land between the application site and the community centre is owned by Scottish Power and is currently leased by the applicant for use as additional garden. The site boundaries are mature garden hedges, fencing and walling of varying heights. The site is within a residential area in the settlement boundary of Ewloe.

Proposal

- 7.03 The proposed dwelling is sited to the rear of the existing dwelling and would share an access. The dwelling is two storey with four bedrooms and a separate double garage. The proposed materials are brick with a tile roof to match existing properties in the locality. The dwelling would have a private garden space to its rear.

Issues

- 7.04 The main issues to consider are the principle of development, local needs housing, impact on residential amenity, backland development, highways and the potential coal mining legacy on the site.

Principle of Development

- 7.05 The application site is within the settlement boundary of Ewloe, although the postal address is Hawarden. Ewloe is a Category B settlement within the Adopted Flintshire Unitary Development Plan. Within such settlements growth is controlled by Policy HSG3 'Housing on Unallocated Sites Within Settlement Boundaries'. Specifically criteria b states;

'On unallocated sites within settlement boundaries, new housing, the change of use of non-residential buildings to dwellings, the renovation or replacement of existing dwellings, and infill development will be permitted provided that:

b. in category B settlements it is the renovation or replacement of an existing dwelling or where it would cumulatively result in more than 15% growth since 2000 the development is justified on the grounds of housing need,'

- 7.06 The purpose of policy HSG3 is to control the expansion of settlements where there is already a high level of growth and to ensure new dwellings are for local needs. In terms of growth of the settlement, at April 2013 Ewloe had sufficient sites with planning permission, units which have been built and land allocated in the UDP, which when added together take its growth within the plan period (2000-2015) to 18.1%. Since the cumulative growth is already above 15%, any new dwellings in Ewloe will need to be for local housing needs.

- 7.07 Local Need
Policy HSG3 states that if the growth is above 15% any additional housing needs to be justified on the grounds of local housing need. This does not preclude new housing growth as long as the case is made in terms of local housing need.
- 7.08 The applicant's house 37 Wood Lane is currently on the market as the current mortgage along with other debts mean it is unaffordable to them. The applicant is on the affordable housing register and Cymdeithas Tai Clwyd have stated that Mr and Mrs Shaw qualify for affordable housing assistance. The applicant is proposing a self-build project to reduce the size of their mortgage and therefore making it an affordable option compared to their current situation, enabling them to stay in the locality. In assessing their case the Housing Association have received details of Mr & Mrs Shaw's financial situation including, recent payslips, mortgage statements, loan statements, full expenditure details, information on dependants, expected build costs of new property, potential sales value and expected selling costs of existing home. Mr and Mrs Shaw have also demonstrated to the Housing Association their local connections. They have lived in the area for 16 years and their 3 youngest children attend local schools. Mrs Shaw is undertaking a midwifery course and is based at Connah's Quay clinic. Mr Shaw also works for a North Wales building company. They have 4 older children
- 7.09 Any permission would restrict the first occupation to Mr & Mrs Shaw and would require a S106 agreement which would put a charge on the house so that if it is sold in the future 30% of the money would be paid back to the Council. The Housing Strategy Officer considers that the applicants meet the affordable housing criteria under policy HSG3 in terms of their local connection and affordable housing need. The size of the dwelling is required to accommodate their family.
- 7.10 Members questioned the need for a four bedroom house and double garage. Mr. Shaw explained to the Committee that he and his wife have an extended family of 7 children and a grandchild, 3 of which live at home and are of school age. Mr. Shaw therefore requires a four bedroom house to accommodate his family and to meet his housing need. The house also has a double garage, which provides necessary storage capacity for family life, along with space for parking of two cars.
- 7.11 It is therefore considered that the application is justified on the grounds of housing need and planning permission is granted subject to a S106 agreement stating that if the property is sold in the future 30% of the property value is repaid to the Council and this is secured by the way of a charge on the property.
- 7.12 Impact on residential amenity

The impacts of the proposed dwelling need to be considered in relation to the impact on the residential amenity of the existing occupiers of 37 Wood Lane along with the impact on neighbouring properties and on the proposed new dwelling.

- 7.13 The existing and proposed dwelling would share the same vehicle access. The existing dwelling would have parking at the front and the proposed dwelling would have a double garage. There is therefore a potential impact on residential amenity to 37 Wood Lane from the vehicle access to the new dwelling. The shared access would pass the existing conservatory on 37 Wood Lane. It is proposed to obscure glaze the side window on the conservatory on 37 Wood Lane to reduce any potential impact on residential amenity from vehicle movements from the new dwelling on the occupiers of 37 Wood Lane.
- 7.14 The proposed dwelling is orientated so its principle elevations face south west towards the electricity substation and north east facing the rear garden of 35 Wood Lane. The proposed dwelling is sited 7 metres from the boundary with 35 Wood Lane but is sited adjacent to the rear garden of 35 Wood Lane. There is 20 metres from the corner of the proposed dwelling and the 35 Wood Lane and 20 metres from the rear elevation of 37 Wood Lane and the side elevation of the proposed dwelling. Due to its location and orientation there would be no direct overlooking into the habitable rooms of either 35 or 37 Wood Lane and there are no habitable rooms at first floor on the side elevation which would face 37 Wood Lane. It is considered that the siting of the dwelling is in accordance with the separation distances set out in Local Planning Guidance Note 2: Space Around Dwellings.
- 7.15 The existing dwelling and proposed dwelling would both have more than 70m² private garden space. Both these areas are considered suitable to meet the requirements of private amenity space as set out in Local Planning Guidance Note 2: Space Around Dwellings.
- 7.16 Backland Development
Although the development is a form of backland development, this does not automatically mean such a form of development should be refused outright. The important issue to consider is the harm this form of development may cause in terms of impacts on residential amenity to the occupiers of 37 Wood Lane, the proposed dwelling and adjoining properties and also the impact on the development on the character and appearance of the area.
- 7.17 The main impacts in terms of residential amenity would be from increased vehicle movements to the occupiers of 37 Wood Lane when in the existing conservatory. This would be minimised by the introduction of obscure glazing to reduce any impact on privacy. The new dwelling has been orientated so there is no direct overlooking with 37 Wood Lane or any adjacent properties. The only potential for overlooking is to the rear garden of 35 Wood Lane, however

overlooking into gardens is common in urban areas and is not dealt with in Local Planning Guidance Note 2: Space Around Dwellings. Any impact in this regard can be dealt with by retention of the existing boundary hedgerow and other suitable boundary treatment which can be dealt with by condition.

7.18 In terms of the scale and form of the development, there is an existing garage in rear of 37 Wood Lane which would be demolished. The garden of 37 Wood Lane is large enough to accommodate the proposed dwelling, garage, parking and turning along with providing adequate remaining private amenity space for 37 Wood Lane. Mr & Mrs Shaw lease an additional area of land from the Electricity Company which also provides additional garden space and acts as a buffer between the adjacent residential property of April House which is accessed off Level Road.

7.19 There are varying forms of development in this area. While it is a predominately residential area of detached and semi-detached properties, the application site is adjacent to a large electricity substation to the west and the Community Centre to the south. The application site is accessed from Wood Lane, which is a typical residential street, there are also houses to the rear of 31, 33 and 35 these accessed from Level Road. On the opposite side of the Wood Lane there is the development of The Hedgerows which sits directly behind the houses on Wood Lane. The introduction of a further dwelling to the rear of 37 would therefore not be at odds with the pattern and form of development in the area.

7.20 Access and Parking

The proposal would use the existing access to 37 Wood Lane which would be shared between the existing and proposed properties. An objection has been raised in relation to the increase in traffic movements associated with the new dwelling and the potential to an increase in parking on the highway.

7.21 The Head of Assets and Transportation has no objection to the proposed access and parking arrangements subject to conditions relating to the access and visibility splay and parking provision. The addition of one dwelling would not lead to a significant increase in traffic movements and adequate parking provision is provided for the new dwelling.

7.22 Coal Mining

The Coal Authority identified that the site falls within the defined Development high Risk Area. Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. It is a requirement of Planning policy Wales paragraph 13.9 that the applicant demonstrate to the satisfaction of the site is safe, stable and suitable for

development.

- 7.23 The applicant has undertaken a Coal Mining Risk Assessment. This concludes that the site is likely to have been subject to historic unrecorded coal mining at shallow depth. The Coal Authority and the Head of Public Protection advise that prior to development intrusive investigation works, including gas monitoring, are required in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified if necessary. This can be secured by condition.

CONCLUSION

- 8.01 It is considered that the proposed dwelling is in accordance with Policy HSG3 of the Emerging Unitary Development and provides a dwelling which meets an identified local housing need. It is considered that the siting of the dwelling meets the Councils requirements for Space Around Dwellings and would not have an adverse impact on the residential amenity of adjoining occupiers. The risks in relation to the coal mining legacy on the site can be dealt with by an appropriate condition.

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