

FLINTSHIRE COUNTY COUNCIL

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

DATE: **18TH JUNE 2014**

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

SUBJECT: **FULL APPLICATION – CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO PROVIDE RAISED AND TIERED GARDEN AREAS TO THE REAR OF PLOTS 52 – 56, FIELD FARM LANE, BUCKLEY (PARTLY RETROSPECTIVE).**

APPLICATION NUMBER: **051537**

APPLICANT: **PERSIMMON HOMES NORTH WEST**

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

APPLICATION VALID DATE: **29TH NOVEMBER 2013**

LOCAL MEMBERS: **COUNCILLOR C. ELLIS**

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

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS RELATIONSHIP OF DEVELOPMENT TO EXISTING PROPERTIES AND IMPACT ON EXISTING PUBLIC FOOTPATH**

SITE VISIT: **YES (UNDERTAKEN 12TH MAY 2014)**

Members will recall that consideration of this application was deferred at the Planning & Development Control Committee meeting held on 14th May 2014. The application was deferred in order to seek to secure further modifications to the treatment of the retaining structures particularly to the rear of plots 55 & 56 of the development in order to safeguard the privacy/amenity of occupiers of nearby residential properties. For Members information amended plans have subsequently been received and a further round of consultations undertaken.

1.00 SUMMARY

1.01 This full application which is partly retrospective proposes the retention and modification of retaining structures to provide raised and tiered garden areas to the rear of plots 52 – 56 of the Field Farm development at Buckley. For Members information, the dwelling units on the above plots have been completed with plots 52 – 55 sold and occupied. Plot 56 is currently for sale, and is located to the east of an existing property 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

Amended Plans

Request site visit and planning committee determination in order to assess relationship of development to existing properties and impact on existing public footpath.

Further Amended Plans

Awaiting response at time of preparing report.

Buckley Town Council

Amended Plans

No observations – Councillor C.A. Ellis advised the committee that a request had been made for a deferment of the decision, the request was granted.

Further Amended Plans

Awaiting response at time of preparing report.

4.00 PUBLICITY

4.01 Neighbour Notification
Amended Plans

One letter received from the occupiers of Field Farm who consider the

amended scheme to be an improvement on that initially submitted subject to:-

- The introduction of solid screen fencing on the corner of the proposed platform to the rear of plot 56 to avoid the potential for overlooking.
- The introduction of landscaping in front of the fences on the western site boundary of plot 56.
- The introduction of landscaping along the gable elevation of plot 56.

Further Amended Plans

Awaiting response at time of preparing report.

Public Rights of Way

The application should not impact upon Public Footpath 21 which runs adjacent to plot 56. Do not consider it necessary for the footpath to be closed during site works and consider that it should be open and available for use during this period.

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 79 No. 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.

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.

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 officer, member and residents concerns regarding the potential for overlooking of existing dwellings at Field Farm and Aberllanerch Drive associated with the raising of ground levels on plots 55 & 56 of the development, the application was amended from that initially submitted and a revised scheme proposed:-

- Retention of the ground levels and log retaining walls/steps already constructed to the rear of plots 52-54 to allow for use of the garden on two levels.
- Revisions to the treatment of the raised rear garden areas

previously constructed on plots 55 & 56. This proposed the introduction of a raised platform approximately 1.5 m wide immediately to the rear of the dwellings to allow for access to the gardens from the doors within the rear elevations of the dwellings. This was accompanied by a regrading of site levels to allow for access to the gardens which was proposed to be tiered on a further two levels. It was proposed that each tier be lowered by approximately 0.75 m. On the western site boundary of plot 56 which is closest to Field Farm it was also proposed that a 1.8 m screen boundary fence on top of 1.8 m log retaining boundary with supplemental hedgerow planting in front be introduced to help screen the development and safeguard the privacy/amenity of occupiers of both Field Farm and plot 56 of the development.

7.04 Following the committee site visit undertaken by members on 12th May 2014, consideration of the application was deferred at the request of the Head of Planning in order to explore the potential for further modification to the treatment proposed particularly with respect to the rear garden areas of plots 55 & 56.

7.05 As a result further amended plans have been received and it is now proposed to:-

- i. retain the ground levels and log retaining walls/steps already constructed to the rear of plots 52-54 to allow for use of the garden on two levels.
- ii. incorporate a revised platform approximately 1.5 m wide immediately to the rear of plots 55 & 56 with steps down to the garden level 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 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 near boundary with properties 14/16 Aberllenerch Drive is proposed.

7.06 **Main Planning Considerations**

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

- Visual impact associated with proposed 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.

7.07 **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.

7.08 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 provide for visually attractive garden areas, which are more functional for the occupiers of these dwellings as the modifications proposed will enable them to be more easily maintained.

7.09 **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 the correct position in accordance with previously approved plans.

7.10 It has been established by officers that the dwelling is in the correct position relative to the site boundaries although a discrepancy has occurred whereby the position of Field Farm is approximately 1.8 m further away from the site boundary than its actual siting.

7.11 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.

7.12 For Members information, the officer recommendation on the basis of the plans initially submitted as part of this application would have been for permission to be refused, given concerns about the impact of the raised garden areas associated with plots 55 & 56 on the privacy/amenity of the occupiers of Field Farm and Nos 14/16 Aberllanerch Drive.

7.13 As a result of these concerns a series of amended plans have been received proposing modifications to the previously constructed garden areas on plots 55 & 56 as outlined in paragraph 7.04 of this report. It is considered that these combined changes which principally reduce the raised garden areas immediately to the rear of plots 55 & 56 in order to reduce the scope for their use as 'sitting out areas' will substantially help to safeguard the privacy and amenity of the occupiers of the existing dwellings at this location.

7.14 **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 to garden levels and introduction of associated screening/landscaping on the boundary of plot 56 adjacent to the footpath that it is not considered that the nature/extent of these works will not oblige the footpath to be closed whilst the works are undertaken.

8.00 CONCLUSION

8.01 In conclusion, it is considered that the further amended scheme 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 subject to the incorporation/retention of associated boundary screening. 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: Mark Harris
Telephone: (01352) 703269
Email: Robert_Mark_Harris@flintshire.gov.uk