

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 6 NO. 2 STOREY DWELLINGS, NEW ACCESSES BOTH VEHICULAR AND PEDESTRIAN AND ASSOCIATED WORKS AT RISBORO, NANT MAWR ROAD, BUCKLEY.**

APPLICATION NUMBER: **052513**

APPLICANT: **MR. G. AMES**

SITE: **RISBORO, NANT MAWR ROAD, BUCKLEY**

APPLICATION VALID DATE: **12TH AUGUST 2014**

LOCAL MEMBERS: **COUNCILLOR R. HAMPSON**
COUNCILLOR N. PHILLIPS

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

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER. WISHES MEMBERS TO CONSIDER THE AMENDED PROPOSALS.**

SITE VISIT: **YES. LOCAL MEMBER WISHES MEMBERS OF THE COMMITTEE TO VIEW THE SITE IN THE LIGHT OF THE AMENDED PROPOSALS.**

1.00 SUMMARY

- 1.01 This is a full planning application for the redevelopment of the site of the former dwelling, 'Risboro', to provide 6No. 2 storey dwellings, together with creation of a new point of vehicular access and associated works at 'Risboro' Nant Mawr Road, Buckley, Flintshire.

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 or Unilateral Undertaking, or making advance payment of to secure the following :-

- a. Ensure the payment of a contribution of £6,600 in lieu of on site recreation provision. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved.
- b. Ensure that pedestrian visibility splays at the proposed point of access are safeguarded in perpetuity where they cross third party land.

Conditions

1. 5 year time limit
2. In accordance with approved plans
3. Approval of all external materials prior to first use.
4. Scheme for surface, foul and land waters drainage from site to be submitted and agreed prior to works commencement. Implemented before occupation of units.
5. Provision of parking facilities prior to first occupation of units.
6. Site access to have vehicular visibility splay of 2.4m by 43m to the west.
7. Construction traffic management scheme to be agreed. To include facility for wheel wash and measures to keep road free from mud arising from development site.
8. Finished site levels to be agreed prior to commencement.
9. Submission for approval of landscaping scheme, including boundary treatments.
10. Implementation of landscaping scheme.
11. Root protection area for trees and hedging to site boundaries during construction works.
12. No lopping topping or felling of trees without prior consent.
13. Scheme for hours of working to be agreed.
14. Remove Permitted development rights for extensions and alterations to the roof.
15. Scheme for interception of water before entering highway.
16. Access by means of vehicle footway crossing. Minimum 4,5 m width for first 10 metres.
17. Siting layout and design of access to be submitted and agreed prior to commencement. No formation of access until agreed.

If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 is not completed within six months of the date of the committee resolution, the Chief Officer (Planning & Environment) be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member:

Councillor R. Hampson

Requests a committee site visit. Considers the proposed point of access is too close to the junction of Princess Avenue and Nant Mawr Road. Also considers the proposals will have adverse impacts upon the amenity of bungalows on Dawn Close.

Councillor N. Phillips

Requests committee determination and site visit. Considers changes to the proposed development of the site need to be assessed by Members of the Planning and Development Control Committee.

Buckley Town Council

No response at time of writing.

Highways Manager (DC)

No objection. Requests the imposition of conditions.

Education - Capital Projects & Planning Unit

No contributions required. Nearest qualifying Primary School (Mountain Lane) has already been the subject of 5 requests for S.106 monies and Elfed High School has in excess of 5% surplus capacity.

Public Open Spaces Manager

No response at time of writing.

Head of Public Protection

No response at time of writing.

Natural Resources Wales

No response at time of writing.

Dwr Cymru/Welsh Water

No adverse comments. Requests the imposition of conditions and notes on any planning permission

Clwyd Powys Archaeological Trust

No objection. There are no archaeological implications for the site.

SP Power Systems

Advises of apparatus within the vicinity but raises no objections to the proposals.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters.

4.02 At the time of writing this report, the publicity exercise has resulted in the submission of 15No. letters of objection from third parties in respect of the proposals. These representations raise objections upon the following grounds;

- The proposed point of access to the site is located too close to the junction of Princess Avenue and Nant Mawr Road.
- The proposals are an overdevelopment of the site.
- The proposals result in an overly dense form of development.
- The proposals result in the loss of established trees.
- There is inadequate space about dwellings.
- Submitted plans are inaccurate.
- Adverse impacts upon existing adjacent amenity.
- Increased traffic adversely affecting highway safety.

5.00 SITE HISTORY

5.01 **05/0/39736**

Outline – erection of a dwelling. Refused 11.10.2005.

07/0/42772

Outline – erection of a dwelling. Permitted 14.5.2007

10/0/47432

Renewal of 42772. Permitted 2.2.2011.

048669

Erection of 12No. apartments. Refused 7.11.2011.

049451

Erection of 10No. apartments. Refused 22.6.2012.

Appeal Allowed 10.1.2013.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR4 - Housing

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development inside Settlement Boundaries

Policy HSG3 - New Housing on unallocated sites within settlement boundaries

Policy HSG8 - Density of Development

Policy HSG9 - Housing Type and Mix

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design
Policy D3 - Landscaping
Policy AC13 – Access and Traffic Impacts
Policy AC18 – Parking Provision and New Development.

7.00 PLANNING APPRAISAL

7.01 Site Description and Proposed Development

This is a full planning application for the erection of 6No. two storey dwellings, together with associated works. The site measures 0.12 hectares in area and has a dual frontage onto both Nant Mawr Road and Princess Avenue.

7.02 The site comprises the site of the former dwelling known as 'Risboro' (now demolished) and its associated curtilage. The site is rectangular in shape and is located within an existing area of residential development with residential accommodation of a variety of forms surrounding on all sides. The site is bounded immediately to the south and east by the above named highways beyond existing hedgerows. The northern and western boundaries abut the adjacent dwellings and their curtilages on Princess Avenue and Dawn Close respectively. These boundaries comprise a mixture of hedging and domestic style fences. The site topography is such that there is general fall in site levels from the north towards the south and a gentle fall from west to east.

7.03 Members will recall a previous submission for the development of this site for 10 apartments under application reference 049451 and will recall resolving to refuse planning permission for that development. Members will also recall that permission for this development was granted upon appeal to the Welsh Government. The current application differs in that the proposals now provide for 6 2 storey dwellings arranged as 2 pairs of semi detached dwellings and 2 detached dwellings.

7.04 Principle of Development

The proposed development site is located within the defined settlement boundary of Buckley as identified in the Development Plan. The site is not allocated for specific development but its location within the settlement boundary affords a presumption in favour of development, subject to the detailed consideration of all material considerations. Policy HSG3 identifies the criteria against which the development of unallocated sites within settlement boundaries for residential purposes will be considered. The proposed residential development of the site is therefore acceptable in principle.

7.05 Design/Appearance/Amenity Considerations

The proposed development would provide 6 dwellings on a 0.12 hectare site which equates to a density of approximately 50 dwellings per hectare. Whilst this would be at a higher density than the UDP

indicative figure of 30 dwellings per hectare, it should be remembered that these figures are minimum guides and not absolute limits.

- 7.06 Furthermore, in terms of massing, the 6 units reflect a form of development upon the site which reflects the form of development in the surrounding area. Therefore, whilst the site yield is high in terms of a simple calculation, it is nonetheless acceptable when all other factors relevant to the site are considered. I do not therefore concur that the proposals amount to an overdevelopment of the site but rather consider the proposals to reflect the general thrust of national and local planning policy which seeks to achieve the best use of land, especially where that land is previously developed land within settlement boundaries.
- 7.07 The proposed dwellings fronting Nant Mawr Road are to be set back from the edge of the site in order to retain the existing hedgerow across the site frontage. This serves to not only soften the impact of the proposed development in visual terms but also serves to maintain the visual quality of the street scene in this location. The dwellings themselves are proposed to sit somewhat further to the south than the current dwelling. I consider this to be appropriate as it moves the impact of the built form further away from the existing dwellings on Dawn Close and creates a more identifiable frontage relative to the remainder of the street. The retention of the hedgerow will also serve to lessen any perceptions of overlooking and will reduce the visual impact of the mass of the building. The semi detached units which fronts Princess Avenue is likewise situated so as to reflect and compliment the frontage of existing adjacent built form.
- 7.08 The dwellings fronting Nant Mawr Road are internally configured such that that the views afforded from windows at first floor level towards properties on Dawn Close are oblique in relationship and, by virtue of the aforementioned levels work, afford no greater an overlooking opportunity than was previously the case from 'Risboro'. Notwithstanding this, I propose to condition that permitted development rights are removed to afford a greater control to the Local Planning Authority over any future developments at the site. Separation of 21m is secured between the building and properties on Nant Mawr Road opposite.
- 7.09 Concerns has been raised that the proposed units fronting onto Princess Avenue are of a height and relationship which would have an overbearing impact upon adjacent properties and adversely affect amenity. These dwellings are proposed to occupy a position which is at a level some 1.35 – 1.55 metres below the level of the bungalows on Dawn Close to the rear. Separation distances of 18.5 metres from the propose rear elevation of the dwellings to the bungalows is provided. Whilst this is shorter than the 21 metres advised within Local Planning Guidance Note 2 : Space about dwellings, I am of the view that the difference in levels, mature nature of the hedgerow

between the site and the fact that ground to ground level intervisibility is entirely obscured combine to mitigate against this shortfall. In addition, Members will be aware that this level of separation is reflective of the nature of the relationship of existing built form on Princess Avenue and Dawn Close.

- 7.10 Members should bear in mind that the about stated document provides guidance, not absolute rules and in considering proposals, regard should be had to material issues which may direct a lesser degree of separation to be acceptable. The matters outlined above are those which lead me to conclude that the provided separation acceptable in amenity terms and for these reasons, I do not consider the proposals to be of a form which is overbearing.
- 7.11 Concern has also been raised in relation to the removal of an Ash tree on the northern boundary of the site. Whilst the tree is sizeable, its proximity in relation to proposed development is such that the development will inevitably compromise its future vitality. The tree is not protected and is not considered worthy of retention as its amenity value is not of such a significance that cannot be addressed via a suitable landscaping scheme. Such a scheme is conditioned to be submitted and implemented.
- 7.12 Highways and Access
The proposed development would be accessed by both vehicular traffic and pedestrians via a new access created onto Princess Avenue, with the current vehicular access onto Nant Mawr Road being permanently closed off. Concerns have been raised by third parties in respect of increased traffic flows and consequent increase of risk of conflict between additional and existing traffic upon the road.
- 7.13 The proposal has been assessed by the Highways Manager (DC) who has raised no objection to the scheme. In terms of visibility at the access point for pedestrians, agreement will be required between the applicant and a third party landowner (in this case, Flintshire County Council) to ensure that the required splays are provided and safeguarded in perpetuity. Subject to conditions to this effect and the applicant entering into an appropriately worded legal agreement to this effect, I am advised that there is no highway objection upon this basis.
- 7.14 The proposed development is considered to provide adequate off road parking and manoeuvring space for the vehicles expected to visit the site and therefore in highway terms the proposed development is considered acceptable. Notwithstanding concerns raised in relation the adequacy of the access to permit refuse and recycling vehicles to enter the site, Members are aware that Council refuse and recycling collections are conducted upon a roadside collection basis and therefore vehicles of this nature will have no need to enter the site.

7.15 Other Matters

In regards to drainage issues, the proposed development has not been objected to by Dwr Cymru/Welsh Water and therefore, subject to an appropriately worded planning condition, the proposal is considered acceptable.

7.16 At the time of writing, I am not in receipt of comments from the Public Open Spaces Manager. However, it is appropriate to apply the requirements of Local Planning Guidance Note 13 : Open Space Requirements in connection with a proposals of this form. Accordingly, I recommend that a commuted sum equal to £1100 per dwelling is sought in lieu of on site provision with such sum to be used to enhance existing facilities within the community. This sum equates to £6600 which will be required, via legal agreement, to be paid upon 50% sale or occupation of the approved dwellings.

8.00 CONCLUSION

8.01 Having regard to the above, I consider that these proposals represent a scheme which is acceptable in principle and detail. Accordingly I recommend that permission be granted subject to approximately worded planning conditions and a legal agreement.

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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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