

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 25 FEBRUARY 2015**

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 (SCHEME 1) ON LAND AT FIELD FARM LANE, BUCKLEY**

APPLICATION NUMBER: **053014**

APPLICANT: **PERSIMMON HOMES NORTH WEST**

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

APPLICATION VALID DATE: **8TH DECEMBER 2014**

LOCAL MEMBERS: **COUNCILLOR C. ELLIS**

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

REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN PREVIOUS SITE HISTORY AND RESIDENTS CONCERNS**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application which is partly retrospective, proposes the retention, construction 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.
- 1.02 This application has been re-submitted pursuant to a previous application received under Code No. 051537, which has been the subject of an appeal to The Planning Inspectorate.

- 1.03 The conclusions of the appeal which was subsequently allowed on 19th January 2015 and how it relates to this application, will be addressed in this report.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 1. The proposed development would result in the overlooking of and have an overbearing impact on the privacy/amenity of the occupiers of existing residential properties at Field Farm and Aberllanerch Drive. This is contrary to Local Planning Guidance Note 2 - Space Around Dwellings, criterion d of Policy GEN 1, criterion e of Policy D1 and criterion b of Policy D2 of the adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor Mrs C.A. Ellis
Request planning committee determination given the previous planning history at this location and residents concerns.

Buckley Town Council
No observations.

Head of Pollution Control
No adverse comments.

4.00 PUBLICITY

- 4.01 Neighbour Notification
No responses received.

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.

051537

Construction of retaining wall within the rear gardens of Plots 52 – 56 – Refused 26th June 2014. Appeal to the Planning Inspectorate – ALLOWED 19th January 2015.

052401

Construction of earthworks and retaining structures to deal with a change in levels to the rear of plots 52 – 56 – Refused 22nd October 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 & Layout.

Policy D3 – Landscaping.

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

For Members information there is a recent and complex background of planning history relating to development at this location which is referred to in paragraph 5.00 of this report.

7.03 The most recent and relevant history relates to a previous application submitted under Code No. 051537 for the “construction of a retaining

wall within the new gardens of plots 52 – 56". The application was refused following consideration by the Planning & Development Control Committee on 18th June 2014. The application was then subject of an appeal to the Planning Inspectorate, which was allowed on 19th January 2015, the Inspector supporting the scheme on the following basis:-

- Retention of the ground levels and log retaining walls already constructed to the rear of plots 52 – 56, to allow for use of the garden on two levels.
- Revisions to the treatment of the raised garden areas previously constructed on plots 55 & 56 to allow for 1.5 m wide raised platforms to the rear of the dwellings to allow for access from the doors within the rear elevations of the dwellings to a lower garden area. The scheme is allowed subject to the incorporation of a 1.8 m high privacy screen on the raised platform and a privacy screen/boundary fence 1.8 m - 2 m in height and landscaping in the form of a Cherry Laurel hedge along the curtilage boundary relative to Field Farm in order to maintain privacy/amenity.

7.04 Proposed Development

The plans submitted as part of this application propose:-

- Retention of the ground levels and log retaining walls/steps already constructed to the rear of Plots 52 – 54 to enable the use of the garden on two levels. This has now been allowed following the appeal decision issued in respect of application 051537 and can be retained by virtue of this decision.
- Retention of the existing 5.5 m deep raised platform to the rear of Plots 55 & 56, with stepped access to a lower ground level. A 1.8 m high timber privacy screen is proposed along the raised platform and a 2 m high screen fence and landscaping (Cherry Laurel hedge) on the curtilage site boundary adjacent to Field Farm.

7.05 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.
- Impact of development on the privacy/amenity of the occupiers of Field Farm and Aberllanerch Drive.
- Impact on the public footpath 21, the line of which is adjacent to Plot 56 and Field Farm.

7.06 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 rear 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.

7.07 Impact on Privacy/Amenity

For Members information, the proposals for the treatment of the rear garden areas of Plots 55 & 56 are the same as those initially submitted under application 051537.

7.08 The officer recommendation on the basis of these plans initially submitted under 051537, would have been for permission to be refused, given concerns about the impact of the raised and tiered garden areas on the privacy/amenity of Field Farm and bungalows at Nos 14/16 Aberllanerch Drive. As a result of concerns expressed, that application was amended on two further occasions with the alterations considered by Members during its progression.

7.09 It is my view having regard to this previous history and the subsequent Inspector appeal decision, which allows for a 1.5 m raised area to the rear of Plots 55 & 56, that this scheme was supported as in the Inspector's opinion it 'would ensure that only high level views would be afforded between the appeal site and bungalows'. The retention of a 5.5 m wide raised area would, as previously advanced result in the significant overlooking of these bungalows and Field Farm and therefore in my view its retention would be unacceptable.

7.10 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 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 my view that there has been no material change in circumstances since consideration of the plans initially submitted as part of application 051537, which would warrant support for the retention of the raised garden areas approximately 5.5 m in depth, to

the rear of Plots 55 & 56. This is re-inforced by the appeal decision subsequently received and it is considered that the scheme would lead to significant overlooking of Field Farm and the existing bungalows at Aberllanerch Drive. I therefore recommend that permission be refused for the reasons outlined in paragraph 2.01 of this report.

- 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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