

FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH 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 AT THE REAR OF PLOTS 52 – 56 (SCHEME 2) ON LAND AT FIELD FARM LANE, BUCKLEY**

APPLICATION NUMBER: **053015**

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 The 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 GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01
1. Time limit on commencement.
 2. In accordance with approved plans.
 3. Scheme of landscaping to be submitted and approved.
 4. Implementation of landscaping scheme.
 5. Boundary fence/privacy screen to be erected within 3 months and retained in perpetuity.

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

The committee noted that the application had originally been refused due to overlooking aspect and recommend refusal on the same grounds in relation to this application.

4.00 PUBLICITY

- 4.01 Press Notice, Site Notice, Neighbour Notification
One letter of objection received, the main points of which can be summarised as follows:-

- Overlooking of Field Farm to the detriment of privacy/amenity.
- Depth of platform area to the rear of Plot 56 should be restricted to 0.9 m.
- Boundary fence along curtilage boundary relative to Field Farm should be 3 m in height.

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.

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 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.
- Revisions to the treatment of the raised rear garden areas previously constructed on plots 55 & 56. This proposes 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 is accompanied by a regrading of site levels to allow for access to the gardens which are proposed to be tiered on a further two levels. It is 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 is also proposed that a 1.8 m high privacy screen is provided on the raised platform with a 1.8 m high fence along the common site boundary with Field Farm adjacent to the first tier of the garden. This is proposed to be increased to 2 m in height on the lower tier. In addition supplemental hedgerow planting in front of the 1.8 m high fence is proposed (Cherry Laurel Hedge), to help screen the

development, soften its impact and safeguard the privacy/amenity of occupiers of both Field Farm and plot 56 of the development.

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 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.

7.07 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.

7.08 Impact on Privacy Amenity

The proposals for the treatment of the rear garden areas of Plots 55 & 56 are the same as those the subject of the first amendment to the scheme undertaken during progression of application 051537 and considered by Members at a Planning Committee site visit held on 12th May 2014. This scheme was however deferred from consideration at the May 2014 Planning & Development Control Committee, in order to seek further modifications to the treatment of the retaining structures. The further modifications to the scheme were however refused following consideration at the 16th June 2014, Planning & Development Control Committee.

7.09 It is considered that these combined changes which principally (a) reduce the depth of the raised garden area immediately to the rear of Plots 55 & 56 in order to reduce the scope for their use as 'sitting out areas' (b) the stepping down of the garden in 2 further tiers each of which is approximately 0.75 m lower than the previous level and (c)

the introduction of a 1.8 m – 2 m high fence with associated landscaping to the front of the fence on the site boundary with Field Farm, will help to soften the impact of development and safeguard the privacy and amenity of the occupiers of the existing dwellings at this location. In order to ensure the retention of the boundary treatment in perpetuity this can be covered by the imposition of conditions if Members are mindful to grant permission.

7.10 My previous recommendation to Members on 14th May 2014 was for permission to be granted subject to conditions and in my view this is supported through the appeal decision issued under Code 051537, as this allows for the introduction of a 1.5 m raised platform to the rear of Plots 55 & 56. In addition the tiering of the gardens as proposed, would not result in high level overlooking which was also considered by the Inspector who commented that “in densely developed urban areas such as this a degree of mutual overlooking between properties is not unusual and in this instance, I am satisfied that it would be restricted to the front, ground floor area of Field Farm, which is already open to public view and would not result in any additional loss of privacy to residents”.

7.11 In my view the scheme maintains the general thrust of the Inspector’s approach, limiting the extent of the high level views from 1.5 m wide raised platform areas, which when combined with a reduction in ground levels and significant landscaping/screening on the site boundary helps to safeguard the privacy/amenity of the occupiers of Field Farm and Aberllanerch Drive.

7.12 Impact on Public Footpath

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 considered that the scheme submitted as part of this application provides an acceptable solution to development within the rear curtilage areas of the dwellings whilst ensuring that the privacy/amenity of the occupiers of Field Farm/Aberllanerch Drive are safeguarded. As the associated landscaping/screening on the site boundary is fundamental to the safeguarding of privacy/amenity it is considered that, if Members are mindful to grant permission that a condition be imposed on any decision to retain the

screening/landscaping in perpetuity. 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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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