

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **25<sup>TH</sup> MARCH 2015**

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

**SUBJECT:** **OUTLINE APPLICATION – ERECTION OF 2 NO. DWELLINGS ON LAND TO THE REAR OF 6 WELSH ROAD, GARDEN CITY, DEESIDE**

**APPLICATION NUMBER:** **052875**

**APPLICANT:** **MR. S. BEGUM**

**SITE:** **LAND TO THE REAR 6 WELSH ROAD, GARDEN CITY, DEESIDE**

**APPLICATION VALID DATE:** **31<sup>ST</sup> OCTOBER 2014**

**LOCAL MEMBERS:** **COUNCILLOR MS C.M. JONES**

**TOWN/COMMUNITY COUNCIL:** **SEALAND COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST HAVING REGARD TO RECENT BACKGROUND OF PLANNING HISTORY**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

- 1.01 This outline application proposes the erection of 2 No. two storey dwellings on land to the rear of an existing detached residential property at 6 Welsh Road, Garden City, Deeside, Flintshire. The proposed access, appearance, layout and scale of development form part of this application.
- 1.02 For Members information this application has been resubmitted in order to seek to address the reasons advanced in the dismissal of an appeal to The Planning Inspectorate under Code No. 049531 on 4<sup>th</sup> April 2014, for a pair of semi-detached dwellings at this location.

## **2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

2.01 That subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on-site recreational provision, that planning permission be granted subject to the following conditions:-

1. Outline – Reserved Matters.
2. Outline – Time Limit.
3. Materials to be submitted and approved.
4. Finished floor levels to be set at 5.78 AOD.
5. Site levels to be submitted and approved prior to the commencement of development.
6. Siting, layout and design of the means of access to be in accordance with details to be submitted and approved.
7. Access to be a minimum 4.5 m in width for a distance of 10 m into the site.
8. Adequate facilities to be provided and retained within the site for the parking and turning of vehicles.
9. Foul and surface water to be drained separately.
10. No surface water to connect into the public sewerage system.
11. No land drainage to discharge into public sewerage system.
12. Hard and soft landscaping scheme to be submitted and approved.
13. Implementation of landscaping scheme.
14. Flood Management Plan/Emergency Evacuation Plan to be submitted and approved prior to the commencement of development.

## **3.00 CONSULTATIONS**

3.01 Local Member

Councillor Ms C.M. Jones

Request planning committee determination given that the site has recently been the subject of an appeal which was dismissed due to flooding concerns. Questions whether there has been any change in circumstances since this decision was made.

Sealand Community Council

Regarding this application objections are submitted:-

- The proposed development would be extremely harmful for adjacent residents due to the extreme closeness to existing properties.
- The proposal will create a general nuisance for residents which would have a negative impact on their lives.
- The proposal will create additional noise levels which would not be acceptable.

- The proposal will be harmful to the current townscape of Garden City.
- The proposal is situated very close to the River Dee, with the site being within the River Dee flood plain.
- The access/egress onto Welsh Road is situated on the rise to the bridge across the River Dee which accentuates the traffic hazards which has restricted views. The situation is more problematic due to the nearness of Sealand Primary School.

Highways Development Control Manager

No objection and recommend that any permission includes conditions in respect of access and provision of parking/turning facilities.

Public Open Spaces Manager

Request the commuted sum payment of £1,100 per dwelling in lieu of on-site Public Open Space Provision.

Head of Pollution Control

No adverse comments.

Dwr Cymru/Welsh Water

Request that any permission includes conditions in respect of foul, surface and land drainage.

Natural Resources Wales

The submitted Flood Consequences Assessment (FCA) confirms that the dwellings can be safeguarded from proposed modelled flood levels.

Emergency Planning

No objection as it is considered that the properties can be safely evacuated in the event of a flooding incident.

## **4.00 PUBLICITY**

### **4.01 Press Notice, Site Notice, Neighbour Notification**

23 letters of objection received, the main points of which can be summarised as follows:-

- A recent application for the erection of 2 no. dwellings at this location was dismissed on appeal to The Planning Inspectorate in 2014. There has been no change in circumstances in the intervening period.
- Detrimental impact on the privacy/amenity of the occupiers of existing dwellings by way of overlooking/overshadowing.
- Development would be out of character with the site and surroundings.
- Application site is located in an area at risk from flooding.
- Inadequacy of access.
- Proposal would exacerbate surface water drainage problems.

## **5.00 SITE HISTORY**

### **5.01 044701**

Erection of 7 No. one bedroom flats in two blocks including the demolition of existing property – Withdrawn 30th April 2008.

### **046465**

Outline – Erection of 2 No. dwellings and new access – Withdrawn 4<sup>th</sup> May 2010.

### **049531**

Outline application – Erection of 2 No. town houses, construction of means of access and associated works. Refused 12<sup>th</sup> November 2013. Appeal to The Planning Inspectorate. Dismissed 4<sup>th</sup> April 2014

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

Policy STR1 - New Development

Policy GEN1 - General Requirement for Development

Policy GEN2 - Development Inside Settlement Boundaries

Policy D2 - Location and Layout

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

Policy HSG3 - Housing on Unallocated Sites Within Settlement Boundaries

Policy HSG8 - Density of Development

Policy EWP17 - Flood Risk

### **Additional Guidance**

Local Planning Guidance Note 2 – Space Around Dwellings.

Technical Advice Note 15 - 'Development and Flood Risk'

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This outline application proposes the erection of 2 no. detached two storey dwellings within the rear curtilage of an existing detached dwelling at 6 Welsh Road, Garden City, Deeside, Flintshire.

### **7.02 Site/Surroundings**

The site the subject of this application, amounts to approximately 0.1 hectares in area and comprises part of the garden area of the existing dwelling. It is located in a central position to the east of an existing cul-de-sac development at Ferry Bank, to the west of an existing pair of semi-detached properties at 8/10 Welsh Road and north of an existing semi-detached development at Cleveland Grove.

7.03 Proposed Development

Although submitted in outline, indicative sketch plans illustrate the proposed development of 2 no. detached dwellings to the rear of the existing detached property. Vehicular access to the existing property would be from a proposed new driveway, with the proposed development served by a new separate independent access to the west of the existing dwelling. It is proposed that the dwellings would be 2 storey in height to reflect the height of existing dwellings in proximity to the site.

7.04 Background History

For Members information there is a recent background of planning history at this location which is referred to in paragraph 5.00 of this report. In summary a previous application for the erection of a pair of semi-detached dwellings was refused under code no. 049531 on 12<sup>th</sup> November 2013, following consideration at the Planning & Development Control Committee on 6<sup>th</sup> November 2013.

7.05 This previous application was the subject of an appeal to The Planning Inspectorate which was dismissed on 4<sup>th</sup> April 2014. This appeal was dismissed given concerns by the Inspector that:-

- The development would be at significant risk from flooding and the consequences are not shown to be acceptably managed.
- There was ambiguity over the depth of the garden areas of the proposed dwelling nearest the site boundary with 8 Welsh Road.

7.06 Main Planning Considerations

It is considered that the main issues to be taken into account in determination of this application are:-

- i. The principle of development.
- ii. The impact on the character of the surrounding area.
- iii. Impact on privacy/amenity.
- iv. Adequacy of highways.
- v. Whether the consequences of flooding can be acceptability managed.
- vi. Surface water drainage.

7.07 In commenting in detail in response to the Main Planning Considerations outlined above, I wish to advise as follows:-

7.08 Planning Policy/Principle

The site is located within the settlement boundary of Garden City as defined in the adopted Flintshire Unitary Development Plan (UDP). Within the UDP, Garden City is classified as a Category B settlement, which has a growth band of 8 – 15% over the plan period (2000 – 2015). As at April 2014, Garden City has experienced growth of approximately 9.4% and therefore the principle of development for general housing demand is supported, subject to the safeguarding of

relevant amenity considerations.

- 7.09 The application site comprises the rear garden area of an existing dwelling and constitutes the development of land behind an existing frontage of houses. The definition of whether the site comprises 'tandem development' considered by the Inspector in respect of the appeal previously dismissed under 049531 with it being concluded that:- "The proposed development retains the existing access to serve the existing house and proposes a new access alongside this property. This is not a situation comparable to 'tandem' development as described in Planning Policy Wales".

7.10 Impact on Character of Surrounding Area

The area is characterized predominantly by semi-detached and terraced properties particularly adjacent to the southern and western boundaries of the application site. It is considered that the development of a pair of semi-detached properties could be satisfactorily accommodated on the site, with adequate circulation space provided so as not to harm the character and appearance of the surrounding area. The impact of the development on the scale proposed, was previously considered by the Inspector in respect of the appeal previously dismissed under Code No. 049531, with it being concluded that: "I find no particular distinction to the character of the area, there is development in depth adjoining the appeal site and given this variety of pattern and form, I do not consider the change to represent harm to the character and appearance of the area".

- 7.11 The plans submitted as part of this application illustrate the development of two storey dwellings with accommodation in the roofspace served by velux windows. The house types proposed take into account the need to set the finished floor levels of the dwellings at 5.78 AOD in order to address flood concerns as outlined in paragraph 7.17 of this report. The resultant ridge heights of the proposed dwellings would relate in visual terms and be sympathetic to existing properties adjacent to the site on Welsh Road and at Glan Y Ferri.

7.12 Impact on Privacy/Amenity

Indicative sketch plans submitted as part of the application illustrate the development of 2 No. detached dwellings, the distances between existing/proposed properties and associated curtilage areas acceptable have regard to Local Planning Guidance Note 2 Space About Dwellings. It is considered that the privacy/amenity of the occupiers of existing/proposed dwellings would be safeguarded as part of the proposed development.

7.13 Adequacy of Highways

Consultation on the application has been undertaken with the Highways Development Control Manager who raises no objection to the proposed development at this location, subject to the imposition of conditions relating to access, visibility and parking/turning. The concerns relating to the adequacy of the access and impact on

highway safety are duly noted and this was addressed in detail by the Inspector in respect of the appeal with it being concluded as follows:-  
“The proposed access is shown to provide adequate visibility in both directions, and there is adequate and sufficient forward visibility for traffic travelling over the Blue Bridge towards the proposed access. There is no technical evidence presented on accidents and there is no compelling evidence that future users of the proposed access would cause conflict with road users of the adjacent Tata Steelworks and Northern Gateway access. I conclude that the development would not harm highway safety, and would not conflict with UDP policies GEN1 and AC13”.

7.14 Flood Risk

As the site lies within a C1 Flood Zone, a Flood Consequences Assessment (FCA) has been submitted as part of the application in accordance with the requirements of Technical Advice Note 15 – Development and Flood Risk.

7.15 Consultation on the FCA has been undertaken with Natural Resources Wales (NRW) and the Council’s Emergency Planner, in order to assess whether the flood risks associated with the development can be acceptably managed. For Members information this was a key issue in the dismissal of the appeal under Code No. 049531 by The Planning Inspectorate.

7.16 In accordance with the criteria within A1.15 of Technical Note 15, there is a requirement to (i) set finished floor levels within the depth threshold for a property in an extreme flood event (ii) ensure that safe emergency evacuation from both the property and access can be achieved.

7.17 NRW have confirmed on the basis of the FCA and additional information submitted in progression of this application that the finished floor levels of the properties being set at 5.78 m AOD, will be acceptable and remain flood free in the 0.1% AEP climate change event. In addition the Council’s Emergency Planner has confirmed that the breach scenario depths and velocities outside the buildings will enable safe evacuation from the site in the event of a flooding situation. As this is an outline application however, it is recommended that if Members are mindful to grant permission for the development, that the requirement for a flooding evacuation plan be subject to the imposition of a condition.

7.18 Surface Water Drainage

The concerns relating to the impact of development on surface water disposal from the site and adjacent properties is noted. This was an issue previously considered by the Inspector who concluded:-

“I have no objective evidence presented that the development would cause surface water drainage problems. There is no objection raised

from the Council's Drainage Engineer and I am not convinced that the matter could not be addressed by a planning condition. I find no conflict with relevant UDP Policy GEN1, in relation to surface water drainage issues".

## **8.00 CONCLUSION**

- 8.01 In conclusion, it is considered that the resubmitted application can be supported as it addresses the fundamental issue of whether the flood risks associated with the development can be acceptably managed. This was highlighted as being of particular importance in the dismissal of a previous appeal to the Planning Inspectorate. Further consultation on a revised FCA submitted as part of this application has been undertaken with National Resources Wales and the Council's Emergency planner with it being confirmed that the measures advanced to address the consequences of the potential flooding of the site are acceptable. In addition there is no objection to the development from a highway perspective and the privacy/amenity of occupiers of existing and proposed dwellings can be safeguarded. I therefore recommend that permission be granted subject to the imposition of conditions.
- 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

**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
**Email:** robert\_mark\_harris@flintshire.gov.uk