

FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY, 23 MAY 2012

REPORT BY: HEAD OF PLANNING

SUBJECT: FULL APPLICATION - ERECTION OF 10NO.TWO BEDROOM APARTMENTS AT "RISBORO", NANT MAWR ROAD, BUCKLEY.

APPLICATION NUMBER: 049451

APPLICANT: MR. G. AMES

SITE: "RISBORO", NANT MAWR ROAD, BUCKLEY

APPLICATION VALID DATE: 13th FEBRUARY 2012

LOCAL MEMBERS: COUNCILLOR R. HAMPSON
COUNCILLOR N. PHILLIPS

TOWN/COMMUNITY COUNCIL: BUCKLEY TOWN COUNCIL

REASON FOR COMMITTEE: AT THE REQUEST OF THE LOCAL MEMBER WHO CONSIDERS THERE TO BE CONCERNS RELATING TO MATTERS OF HEIGHT AND OVERBEARING IMPACT FOR MEMBERS TO EXAMINE.

SITE VISIT: YES. LOCAL MEMBER CONSIDERS THAT COMMITTEE MEMBERS NEED TO VIEW THE SITE IN THE CONTEXT OF THE SURROUNDINGS AND THE PROPOSAL. ALSO, THE PROPOSAL WOULD RESULT IN A S.106 AGREEMENT BEING REQUIRED TO SAFEGUARD PEDESTRIAN VISIBILITY SPLAYS AT THE PROPOSED POINT OF ACCESS.

1.00 SUMMARY

- 1.01 This is a full planning application for the demolition of an existing dwelling and the redevelopment of a two storey apartment blocks to provide a total of 10 No. 2 bedroom apartments, together with creation of a new point of vehicular access and associated works at 'Risboro' Nant Mawr Road, Buckley. The site measures 0.12 hectares in area.
- 1.02 The issues for consideration are the principle of development,

design/appearance, residential impacts and highway impacts.

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/Unilateral Undertaking to:-
- a. Ensure the payment of a contribution of £7,330 in lieu of on site recreation provision. The contribution shall be paid upon 50% occupation or sale of the apartments 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 external materials to roofs and wall and all external; hard surfaces.
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. Code 3 interim certificate to be provided prior to commencement.
6. Code 3 final conformity certificate to be provided prior to occupation.
7. Scheme for 10% reduction of carbon outputs.
8. Provision of parking facilities prior to first occupation of approved units.
9. Site access to have vehicular visibility splays of 2.0m by 40m. Pedestrian visibility splays of 2.4m x 3.3m. Splays to be kept free from obstruction.
10. 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.
11. Finished site levels to be agreed prior to works commencement.
12. Submission for approval of landscaping scheme, including boundary treatments.
13. Implementation of landscaping scheme.
14. Root protection area for trees and hedging to site boundaries during construction works.
15. No lopping topping or felling of trees without prior consent.
16. Scheme for hours of working to be agreed.

3.00 CONSULTATIONS

3.01 Local Member

Councillor R. Hampson

Requests that the application be considered by the Members of the Planning and Development Control Committee and be the subject of a committee site visit. Considers the proposals to be overdevelopment and raises concerns in respect of increased traffic upon existing highway safety and amenity.

Councillor N. Phillips

Considers that the principle of the development is acceptable but feels that the introduction of accommodation within the roof space of the proposed building would have an overbearing impact upon existing adjoining residential amenity.

Buckley Town Council

Observations forwarded as follows:

- Considers the proposals to be an overdevelopment by virtue of density inconsistent with surroundings.
- Considers the proposals afford unacceptable overlooking opportunities of adjacent properties.
- Has concerns in respect of the adequacy of the proposed access in relation to current traffic levels utilising Princess Avenue.
- Has concerns in respect of parking provision.

Head of Assets and Transportation

Considers that the proposals are acceptable. Requests the imposition of conditions and notes upon any subsequent permission.

Leisure Services Manager

Advises that on site recreation provision is not required. Seeks a commuted sum in lieu of the same, equal to £733 per apartment. A total of £7330 is sought to be utilised to upgrade existing facilities within the locality.

Head of Public Protection

No adverse comments.

Environment Agency Wales

Standard advice applies.

Dwr Cymru/Welsh Water

There is no objection to the development subject to the imposition of conditions requiring a scheme for the disposal of foul, surface and land drainage.

Coal Authority

No objection. Requests the imposition of an informative note upon any permission granted.

Airbus

No adverse comments.

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 26 No. letters of objection from third parties in respect of the proposals. These representations raise objections upon the following grounds;

- Increased traffic generation resulting in adverse impacts upon highway and pedestrian safety;
- Concerns relating to potential for increased on street parking safety and parking of refuse/recycling vehicles during collections with consequent effects upon highway;
- Adverse impacts upon residential amenity arising from overbearing, over dense and overlooking development and noise.
- Proposal is incongruous in locality and would detract from visual amenity.
- Loss of trees.

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 12 No, apartments. Refused 7.11.2011.

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 EWP3 - Renewable Energy in New Development
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 10 No. apartments within a single building, 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 existing dwelling known as 'Risboro' 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 under application reference 048669 and will recall resolving to refuse planning permission for that development. Whilst initially 2 reasons for refusal were suggested, relating to overdevelopment and inadequate visibility at the point of access, Members will recall resolving to accept advice and withdraw the highway related reason following consideration of a General Matters report to this effect.

7.04 The current application differs in that the proposals now only provide for a single apartment building as opposed to the 2 previously indicated.

7.05 Principle of Development/Policy Context

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.

7.06 Design/Appearance/Amenity Considerations

The proposed development would provide 10 dwellings on a 0.12 hectare site which equates to a density of approximately 80 dwellings per hectare. Whilst this would be at a higher density than the UDP indicative figure of 30 dwellings per hectare, it should be noted that these units are 2 bed apartments and not single dwelling units. Furthermore, in terms of massing, the 10 units occupy units with an external appearance akin to a terrace of 4 dwellings. 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 building 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 building itself is 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 building 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.

7.08 The positioning of the building within the site, together with proposed works to the levels within the site, ensures that, the building will actually sit lower in relation to the surrounding built form than the current dwelling presently does.

7.09 The building is internally configured such that that the views afforded from windows at first floor and attic 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 is presently afforded by the existing dwelling. Indeed, the relationship between the proposed and existing dwellings on dawn Close is such that the separation between the properties is increased. Rooflights serve the rooms within the attic level to the front elevation. Separation of 21m is secured between the building and properties on Nant Mawr Road opposite. Notwithstanding this, I propose to condition the glazing within the en-suites and bathrooms to be obscure glazed.

7.10 Concerns has been raised that the proposals are of a form, scale and type which would have an overbearing impact upon adjacent properties and are incongruous to the locality. For reasons set out above, I consider the proposals to amount to neither overdevelopment nor be of a form which is overbearing. In respect of the issue of incongruity, I would advise that the area is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form and the proposals reflect this variety. Furthermore, it should be noted that existing apartment development exists upon the opposite junction of Nant Mawr Road and Dawn Close, some 52 metres from the application. I consider therefore, that apartment development is not an incongruous form of development in relation to either the site or the surroundings and conclude that the proposals reflect the mixed nature of the vernacular in this location.

7.11 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. Concerns have been raised in respect of the loss of a rowan tree within the verge between the site and the road to facilitate access. It should be noted that this tree is not protected and is only of semi mature standard.

7.12 The proposal has been assessed by the Head of Assets and Transportation 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.

7.13 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.

7.14 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.

- 7.15 The Head of Leisure Services indicates in response to consultation that there is no requirement for the provision of on site play or recreation space in this instance. Accordingly, a sum equivalent to £733 per unit of accommodation 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 £7330 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.

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