

FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL
COMMITTEE

DATE: WEDNESDAY, 20 JUNE 2012

REPORT BY: HEAD OF PLANNING

SUBJECT: OUTLINE ERECTION OF A TWO BEDROOMED
SINGLE STOREY BUNGALOW AT OAKSWOOD,
BERTH DDU, RHOESMOR, MOLD.

**APPLICATION
NUMBER:** 049452

APPLICANT: MR P WICKES

SITE: OAKSWOOD, BERTH DDU, RHOESMOR, MOLD

**APPLICATION
VALID DATE:** 13TH FEBRUARY 2012

LOCAL MEMBERS: COUNCILLOR C LEGG

**TOWN/COMMUNITY
COUNCIL:** HALKYN COMMUNITY COUNCIL

**REASON FOR
COMMITTEE:** The applicant will be required to enter in to a Section
106 legal obligation to offer the property back to the
Council or Registered Social Land lord if the property
should come up for sale, on a first refusal basis.

SITE VISIT: NO

1.00 SUMMARY

1.01 This application is an outline application for the erection of a bungalow within the existing grounds of Oakswood, a detached two storey dwelling. The application is considered primarily as an infill plot with the additional context of close care accommodation provision for the applicant's daughter.

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

2.01 Subject to the applicant entering into a Section 106 Obligation, requiring that before the property is offered for sale on the open

market, the Council or a Registered Social Landlord (RSL) shall be given the option to purchase it at full market value, should the Council or RSL have identified a need for such a specialised or adapted property (In the case of any dispute the full market value at the time of sale shall be established by the District Valuer), that conditional planning permission be granted.

Conditions

1. Time limit for commencement
2. Reserved matters to be submitted
3. Visibility splays of 2.4 x 34m in both directions and no obstruction to visibility splays
4. Access in accordance with standard access details cojoined
5. Facilities to be provided and retained within the site for parking and turning.
6. Foul and surface water to be drained from site separately.
7. No surface water to connect to public sewerage system
8. Land drainage run-off shall not drain into public sewer
9. Submission of amphibian mitigation measures, Reasonable Avoidance Measures to the satisfaction of the Local Planning Authority.
10. Prior to commencement of work the route and the design of the existing land drain shall be investigated by the developer and if required shall be repositioned to enable development to take place without building over this land drain, in order to mitigate any potential local flood risk.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C Legg

No response received at time of writing.

Halkyn Community Council

Comment that the development exceeds permitted development for the area.

Furthermore almost all development for the entire area has taken place within an area of approximately 500sqm, creating overcrowding and comment that the proposed small garden area is inadequate.

They comment that three tiny bungalows have already been granted permission, (on the grounds of compassionate need, and in retrospect only one was genuine).

The proposed building is out of context with adjacent dwellings and will be detrimental to the character of the area.

Residents are concerned that further compromise to planning guidelines will create a strong precedent that it will open a floodgate of

applications, thus destroying the rural nature of the hamlet.

Head of Assets and Transportation

Recommend that any permission shall include conditions with regards to:

- Visibility splays of 2.4 x 34m in both directions, no obstruction to visibility in excess of 1m
- The access shall be cojoined with the existing and set out in accordance with the standard details
- Facilities shall be provided and retained within the site for the parking and turning of vehicles in accordance with a scheme to be submitted to and approved by the County Council.

Head of Public Protection

They have no adverse comments to make regarding this proposal.

Dwr Cymru / Welsh Water

Requests that any consent be conditioned with regards to:

The provision of foul and surface water being drained separately from the site

No surface water to connect to public sewage system.

Land drainage run-off will not be permitted to discharge to sewerage system

Drainage

No response received at the time of writing.

Power Systems Ltd

I SP Powersystems have plant and apparatus within the area of the proposed development, the developer is advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to electrical apparatus.

Countryside Council for Wales

CCW does not object to the proposal, which is not likely to adversely affect any of the identified interests.

The great crested newt has been previously recorded in a pond located close to the boundary of the application site and if a great crested newt is recorded within the boundary of the application site, operations may only proceed after an appropriate licence has been issued by the Welsh Assembly Government.

Halkyn Commoners and Graziers Association

Have no objection to the planning application.

Airbus

The proposed development has been examined from an aerodrome

safeguarding aspect and does not conflict with safeguarding criteria, we have no aerodrome safeguarding objection to the proposal.

Housing Strategy Unit

Have been consulted with regard to the application and are generally supportive of the application.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

Letter's received as a result of consultation on the following grounds;

- Similar application made before and was granted with a clause pertaining to sustainable housing.
- Oakwood itself is a substantial property does not appear to be a sustainable development.
- Request that the Council is made aware of a land drain that flows through the gardens of both Rose Cottage and Oakwood. This drains water from a natural well and carries a substantial amount of water and if blocked has the potential for serious risk of flooding.
- Concern that the bungalow is not in keeping with the two houses either side of the application site.
- Wish to ask why the first application was refused but a second application has been submitted with no apparent difference.

5.00 SITE HISTORY

5.01 **047351**

Outline application for erection of bungalow within grounds of Oakwood Refused 21 February 2011 as a Section 106 was not signed, this decision was taken to Appeal and this decision was upheld and dismissed by the Inspectorate on the 7th December 2011.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN 1 - General Requirements for Development

HSG5 - Limited Infill Outside Settlement Boundaries

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline application proposes the erection of one (two bedroomed bungalow) for provision of "close care accommodation" for the applicant's daughter. The applicant's daughter is unable to secure independent housing provision for herself, and due to health issues requires housing at this specific location so that her parent s can provide an element of care and supervision whilst allowing her a

degree of independence.

7.02 Site and Proposed Development

The proposed bungalow is within the existing garden area of Oakwood. The site is presently a level grassed garden area with some brick and wooden outbuildings in situ, enclosed by established boundaries of fences, shrubs and stone walls. The site, whilst outside a recognised settlement boundary is considered to comply with infill policy HSG5 requirements, as it is set within row of dwellings where there is a clearly identifiable group of houses within a continuously developed frontage. The site is set between two, two storey detached houses set within large plots and accordingly the proposed small single storey dwelling proposed is considered acceptable in terms of scale, amenity and amenity space provision for both the existing and proposed properties.

7.03 Whilst the proposal is for a bungalow, it is set between two storey properties but it is considered that the scale, design and location of the proposal are appropriate and there is sufficient space on the proposed plot. The development is not out of character with the area which is characterised by a variety of design and plot sizes nor is it considered that the development creates overdevelopment.

7.04 Although the application has been submitted in outline, illustrative details on the location and the dimensions of the proposed footprint and the height have been submitted and are as follows, the proposed footprint size is approx 111sq m and a ridge height of approx 5.3m, with a rear garden depth of 12m being retained, this is considered reflective of the surrounding property plots. Further details with regards to the design, service provision, parking /turning will be secured at the full or reserved matter stage.

7.05 Principle of Development

Within the Flintshire Unitary Development Plan (UDP), Policy HSG5, provision is made for limited infill, subject to the criteria being for a proven local housing need. In the circumstances of this particular application I am satisfied that the personal circumstances are sufficient to provide an exception to the criteria of Policy HGS5. This concurs with the view of the Inspector on the previous appeal. The Housing Strategy unit have requested that the applicant enter in to a legal agreement with a clause, that should the property become available in the future, that the Council or the Registered Social Landlord be given first refusal if there is at that time an identifiable need for such a specialised or adapted property. This again reflects the Inspector's decision on the previous appeal which was effectively dismissed because the 106 agreement was not entered in to.

7.06 Access and Car Parking

The proposed development will be accessed by a co-joined access serving both the existing and proposed site and is to be constructed in

accordance with standard access details. This will enable the creation of a safe and satisfactory means of access which maintains highway safety.

7.07 Infrastructure and other matters

With regards to the land drain which crosses the site, this aspect has been considered as part of the previous application, in addition has been considered by the council's drainage section, who advise that the route and design of the existing land drain is to be investigated by the developer and following this research the land drain ,if required, shall be repositioned to enable development without building over this land drain, in order to mitigate any potential local flood risk to the applicant or the adjoining residents.

8.00 CONCLUSION

8.01 The proposed development is considered to be acceptable given the circumstances cited, subject to the suggested conditions and the applicant entering in to a Section 106 planning obligation, to offer the property, were it to come up for sale, back to the Council or Registered Social Landlord on a first refusal basis.

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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