

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **5 SEPTEMBER 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **FULL APPLICATION - ERECTION OF A DWELLING AT LAND SIDE OF TALOSSAMME, ABBOTTS LANE, PENYFFORDD**

**APPLICATION NUMBER:** **049790**

**APPLICANT:** **MR. DAVE EVANS**

**SITE:** **LAND SIDE OF TALOSSAMME, ABBOTTS LANE, PENYFFORDD**

**APPLICATION VALID DATE:** **22 JUNE 2012**

**LOCAL MEMBERS:** **COUNCILLOR MRS C. HINDS**  
**COUNCILLOR D.T.M. WILLIAMS**

**TOWN/COMMUNITY COUNCIL:** **PENYFFORDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

- 1.01 This is a full application for the erection of a single storey dwelling on land at the side of Talossamme, Abbots Lane, Penyffordd.
- 1.02 Members may recall that a previous application, 045547 which covers the majority of this site was granted outline planning permission upon appeal on 28<sup>th</sup> July 2009. This application is not submitted for approval reserved matters of 045547 as the size of the plot has been increased to give more garden space and better manoeuvrability to vehicles within the site. An application for renewal of this consent is placed elsewhere on this agenda.
- 1.03 The issues for consideration are the principle of the development in planning policy terms, the highway implications, drainage of the site

and the effects upon the amenities of adjoining residents and the visual appearance of the area.

- 1.04 It is considered that the proposal is acceptable in principle in planning policy given the previous outline approval, the existing access can accommodate a further dwelling, the imposition and compliance of planning conditions will not lead to any significant flooding, the dwelling being single storey will not have a significant detrimental impact upon the amenities of the residents and that the area being a mix of single storey and two storey dwellings will not have a significant detrimental impact upon the visual appearance and character of the area.

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

2.01 Conditions

1. Time limit on commencement.
2. In accord with approved detail.
3. Samples of all external materials to be further submitted and agreed prior to commencement.
4. Existing and proposed site levels and finished floor levels of the dwelling to be further submitted and agreed prior to commencement.
5. Foul flows only permitted to discharge to the 150 mm public combined sewer in Abbotts Lane.
6. Foul water and surface water discharges drained separately from the site.
7. No surface water allowed to connect either directly or indirectly to the public sewerage system.
8. Land drainage run-off shall not be permitted to discharge directly or indirectly into the public sewerage system.
9. Removal of permitted development rights on all future openings (windows/dormer windows etc).
10. Removal of permitted development rights on all future extensions, outbuildings, porches etc.
11. Code for Sustainable Homes "Interim Certificate" to be submitted before work commences.
12. Code for Sustainable Homes "Final Certificate" to be submitted before dwelling is occupied.
13. All boundary treatments to be submitted and approved.
14. Retention of all existing hedgerows upon northern and southern boundaries.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Mrs C. Hinds

Requests both Committee determination and site visit. The reasons for Committee determination are that the site is not suitable for access

or egress, ongoing serious drainage problems for Abbotts Lane and Alyn Drive, having raw sewage running on these two roads and this property will back onto where the serious problems are. Preliminary views are that does not agree to application as the access and egress is not suitable and also any more properties added to this area will cause extreme concerns to the drainage system as there are already ongoing serious problems with raw sewage going everywhere.

Councillor D.T.M. Williams

Agrees to determination under delegated powers. Preliminary views are that there are two main problems:-

1. The footprint of the building appears too large in proportion to the land within close proximity to one boundary.
2. Any development on this land must compound the problems of sewers in the area that are already overburdened.

Penyffordd Community Council

Objects on the grounds that the existing problems of raw sewerage and foul sewage mixing with surface water will be exacerbated. Furthermore, the proposed dwelling if approved should not impose on existing properties.

Head of Public Protection

No adverse comments to make regarding these proposals.

Head of Assets & Transportation

No observations to make.

Environment Directorate

(Right of Way)

Public footpath 9 abuts the site but appears unaffected by the development therefore, no observations to make.

Dwr Cymru Welsh Water

Requests that if minded to grant planning consent for the development that suggested conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Environment Agency Wales

Have assessed the application as having a low environmental risk and as such standard advice applies.

SP Energy Networks

Have plant and apparatus within the area of the proposed development. The developer should therefore be advised of the need to take appropriate steps to avoid potential danger that may arise during their works in relation to the electrical apparatus.

## 4.00 PUBLICITY

### 4.01 Site Notice, Neighbour Notification

12 letters of objection received. The grounds being:-

- Capacity of drains.
- How the new development will connect to mains services and future of drains especially if they are unable to cope with an additional large family home.
- Tandem development. Two houses in front will have their privacy reduced. Access is limited and the proposal will create more traffic on a very narrow piece of land causing safety issues. Government is against these 'Ad Hoc' developments with no thought for the impact on the surroundings.
- Destruction of wildlife habitat.
- It is a quiet backland site where privacy, existing standards of residential amenities will be greatly diminished in domestic activity, general noise, car movements etc.
- Driveway narrow for emerging vehicles and large vehicles. Health and safety of children who may be present in the shared driveway whilst vehicles are moving to and from the house behind it.
- Land has always been a garden, not a building plot.
- No certainty that surface water could be successfully drained from the site to a soakaway, as the applicant has yet to carry out any percolation tests.
- No improvements made to the proposal since last refusal.
- Outline proposals could be stretched to a larger building with dormer windows to create more accommodation which is unacceptable in terms of privacy to adjoining occupiers.
- Concern about soakaways and where they would end. Could be directed to neighbouring properties causing problems.
- Size of the proposed dwelling is far too large given the not insubstantial existing conditions here.
- Massive mistake was made by the Inspector in allowing outline permission on appeal.

- There are 234 houses now being built in the village and a further 87 will start soon. No need for any more.
- Building plans are odd. Two bedroom windows less than 4' from a hedge is strange. Two gable ends overlooking adjacent properties suggests builder has two dormer windows in mind.
- Recall planning permission given for a bungalow and an enormous 4 bedroomed house appeared out of nowhere.
- Inspector recommends a condition relating to site and finished floor levels to ensure the finished dwelling is appropriate in its setting.
- Trees on adjoining land may be affected.
- Much smaller property with fewer occupants and separate independent systems not connected in any way to public sewer would have a much reduced effect on the system.
- Detrimental impact upon the visual appearance of area due to high rooflines.

## **5.00 SITE HISTORY**

5.01 049792 – Renewal of outline planning permission 045547 to allow the erection of a dwelling – Current.

045547 – Outline – Erection of a detached dwelling – Refused 18<sup>th</sup> December 2008 and allowed upon appeal 28<sup>th</sup> July 2009.

044705 – Outline – Erection of a detached dwelling – Withdrawn 18<sup>th</sup> April 2008.

040029 – Outline – Erection of a 3 bedroom bungalow – Refused 22<sup>nd</sup> September 2006.

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

GEN1 – General Requirements for Development

GEN2 – Development Inside Settlement Boundaries

D1 – Design Quality, Location and Layout

D2 – Design

D3 – Landscaping

TWH1 – Development Affecting Trees & Woodlands

AC13 – Access and Traffic Impact

HSG3 – Housing on Unallocated Sites within Settlement Boundaries

EWP12 – Pollution  
EWP13 – Nuisance  
EWP16 – Water Resources  
EWP17 – Flood Risk

### National Policy

Planning Policy Wales (Edition 4, February 2011)  
Technical Advice Note (TAN) 15: Development & Flood Risk (2004)  
Technical Advice Note (TAN) 22: Sustainable Buildings.

Given that the site is located within the settlement boundary for Penyffordd, is classed as a category B settlement, that the majority of the site is covered by a live consent at the time of submission of the application and thus the existing growth rate has taken account of the consent, it is considered that the proposal is acceptable in principle in terms of planning policy.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description & Proposal**

The site comprises of approximately 660 m<sup>2</sup> of flat land to the side of Talossamme, which is at the end of a private access road leading from Abbots Lane. It also comprises part of the side garden of Talossamme and a garden area which was granted outline planning permission (Ref. 045547) for a single storey dwelling following an appeal.

The land is located to the rear of Nos 16 – 22 Alyn Drive and Nos 5 & 7 Park Lane, Penyffordd.

The site is also located within the settlement of Penyffordd situated approximately 800 m from the centre of the village to the south west.

The proposal is a full application for the erection of a 4 bedroomed bungalow style property providing a family home. The application is not a reserved matters application following the grant of outline planning permission (Ref. 045547), as the applicant has incorporated additional land from Talossamme increasing the size of the plot.

The proposed dwelling measures approximately 23 m x 10.5 m x 6 m (highest part). It incorporates an attached garage upon its end nearest Talossamme. The footprint of the dwelling is 30% of the plot area, leaving 70% for amenity, garden and parking.

### **7.02 Issues**

The main issues to consider within the determination of this planning application are the principle of the development in planning policy terms, the highway implications, drainage of the site and the effects upon the amenities of adjoining occupiers in terms of loss of light, privacy etc and the visual appearance of the area.

### 7.03 Background

Members may recall that a previous application, 045547 which covered the majority of the site was refused planning permission under delegated powers on the grounds that it was considered that the proposal would represent an inappropriate form of tandem development which did not provide for a separate means of vehicular access and would introduce domestic activity into this backland site and would therefore be a diminishment of existing standards of residential amenity to the properties of Talossamme and Graigwen. The application was subsequently allowed on appeal on 28<sup>th</sup> July 2009 subject to various conditions being imposed.

The renewal application of this consent, Ref. 049792 is to be also considered by members at this meeting and is placed elsewhere on the agenda.

### 7.04 Principle of Development

The site lies within the settlement boundary for Penyffordd as defined by the Flintshire Unitary Development Plan. Within the Plan, Penyffordd is classed as a Category B settlement. Policy HSG3 allows new housing development where it would cumulatively result in more than 15% growth since 2000 and does not result in tandem development or overdevelopment in relation to the character of the site and surrounding area. As at April 2012, the growth for Penyffordd was 29.3%, thus exceeding the 15% limit. However, given, at the time of submission of this planning application there was a live consent upon the site and that the existing growth rate has taken account of the consent, the proposal is acceptable in this respect.

In terms of the proposal constituting tandem development or overdevelopment of the site, the Inspector considered that the proposals were acceptable in both respects. The Inspector stated:-

“In this case there is an existing access serving both Graigwen and Talossamme and the owners of Graigwen must pass Talossamme to reach its garden where the dwelling is now proposed. I realise that there are ownership issues about the access but physically it is possible to access the site from the access drive now. The site is also of sufficient size to accommodate a dwelling and enable a vehicle to manoeuvre within it.

Access to the site would mean passing the other two houses and there are windows and doors facing the access. However, I consider that, in this particular arrangement, the use of the access by one more dwelling would not result in undue disturbance to the occupiers of the existing houses. The appellant has suggested that the dwelling could be single storey and this being the case the privacy of the occupiers of Talossamme and those on Alyn Drive and Park Drive would not be harmed. A single storey dwelling would also be unobtrusive on this

site and unlikely to harm the neighbours living conditions in any other way”.

Therefore, given the above, it is considered that the proposals are acceptable in principle in planning policy terms.

#### 7.05 Highways

Access to the site is via the existing long, narrow track to the garden area past both the properties of Graigwen and Talossamme at the front which in turn is off Abbots Lane.

On the previous application, our highways department raised no objections subject to the imposition of certain suggested planning conditions upon any consent granted. It is noted that the Inspector states in the reasoning of allowing the appeal concluded that:-

“There is nothing in the appeal documents before me to suggest that the existing access is not a satisfactory one from a highway safety point of view and given that access is specifically applied for consider the conditions unnecessary. Parking and manoeuvring within the site would be with as part of the reserved matters, in practical layout”.

Given the above and that the access has not altered since the previous decision it is considered that the existing access is acceptable to accommodate the dwelling upon the site. In addition, increasing the size of the plot has allowed more space for the manoeuvring of vehicles within the site.

#### 7.06 Drainage

Concerns regarding both drainage and flooding are noted. However, both Dwr Cymru and Environment Agency Wales have been consulted on the application and raise no objections to the proposal subject to certain suggested conditions and notes placed upon any consent granted. Dwr Cymru suggest that both surface water and foul water discharges be drained separately from the site and that foul flows shall only be permitted to discharge to the 150 mm public combined sewer located in Abbots Lane. These are condition Nos 5, 6, 7 & 8 as stated in paragraph 2.01 of this report.

The Inspector in allowing the appeal upon the previous application states:-

“I have considered all other matters raised including those in respect of drainage and flooding but none alter my conclusion”.

It is further stated that:-

“A condition relating to the submission and approval of a scheme for the disposal of foul and surface water is reasonable given the concerns raised about drainage in the area”.



Given the above and the imposition of certain suggested planning conditions and notes upon any consent granted, it is considered that the proposal will not have a significant increased detrimental impact in terms of drainage or flooding of the area.

7.07 Amenities of Adjoining Residents

In allowing the previous outline application on appeal, the Inspector stated:-

“Access to the site would mean passing the other two houses and take all windows and doors facing the access. However, I consider that, in this particular arrangement, the use of the access by one more dwelling would not result in undue disturbance to the occupiers of the existing houses. The appellant has suggested that the dwelling could be single storey and this being the case the privacy of the occupiers of Talossamme and those on Alyn Drive and Park Drive would not be harmed. A single storey dwelling would also be unobtrusive on this site and unlikely to harm the neighbours living conditions in any other way. Whilst I accept that there are sites where tandem development can cause problems with access and have a harmful effect on the living conditions of the frontage property, in this case the existing arrangement is such that I do not consider any harm would arise”.

The submitted plans show a single storey dwelling with all windows and doors at ground floor level upon elevations that face onto boundaries which are well covered with hedgerows and trees which will screen any overlooking onto the existing properties rear garden areas. The proposal is also of a height and sufficient distance away from the existing properties themselves so as not to cause any loss of light. Planning conditions, taking away any permitted development rights for extensions, dormers, insertion of any windows etc. means that the Local Planning Authority will have control over any future developments on the property to protect the amenities of the adjoining occupiers in terms of loss of light, privacy etc.

Although the proposal also involves the loss of some of the garden area of Talossamme, this existing dwelling still has the required amount of amenity space so as not to have a detrimental impact upon their amenities.

Given the above therefore it is considered that the proposal will not have significant detrimental impact upon the amenities of adjoining occupiers.

7.08 Visual Appearance & Character

The proposed dwelling is to be a 4 bedroom bungalow. The existing dwellings surrounding the area are a mix of both single storey and two storey. There is also a mix of materials used in their construction. Given the above, it is considered that the proposal will not have a

detrimental impact upon the visual appearance and character of the area.

## **8.00 CONCLUSION**

- 8.01 It is considered that the proposal is acceptable in principle in planning policy given the previous outline approval, the existing access can accommodate a further dwelling, the imposition and compliance of planning conditions will not lead to any significant flooding, the dwelling being single storey will not have a significant detrimental impact upon the amenities of the residents and that the area being a mix of single storey and two storey dwellings means that the proposal will not have a significant detrimental impact upon the visual appearance and character of the area either.
- 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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