

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **28TH MARCH 2018**

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

SUBJECT: **FULL APPLICATION – PROPOSED CONSTRUCTION OF 10 NO. DWELLINGS (FOUR ALREADY CONSTRUCTED UNDER PERMISSION REF: 049273) INCLUDING ALL LANDSCAPING DETAILS ETC AT ROYAL BRITISH LEGION (FORMER), GADLYS LANE, BAGILLT.**

APPLICATION NUMBER: **057027**

APPLICANT: **CHESTER BUILDNG SERVICES LTD.**

SITE: **ROYAL BRITISH LEGION (FORMER), GADLYS LANE, BAGILLT.**

APPLICATION VALID DATE: **25TH MAY 2017**

LOCAL MEMBERS: **COUNCILLOR M. REECE**

TOWN/COMMUNITY COUNCIL: **BAGILLT COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS IMPACT OF DEVELOPMENT ON THE PRIVACY/AMENITY OF OCCUPIERS OF ADJACENT PROPERTIES**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application which is partly retrospective and which proposes the erection of 10 No. dwellings with ancillary works for which the principle of development was previously obtained under 049273 in 2012, on land at the Former British Legion, Gadlys Lane, Bagillt.

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 play provision, the monies being used to enhance the bowling green located at Highfield Road, Bagillt, that planning permission be granted subject to the following conditions:-

Conditions

1. In accordance with approved plans.
2. Materials to be submitted and approved.
3. No boundary treatment within 2.5 m of highway to exceed 0.9 m in height.
4. 1.8 m wide footway to be provided along site frontage.
5. Means to prevent the run-off of surface water onto highway.
6. Scheme for integrated drainage of site to be submitted and approved. Development to be carried out in accordance with approved details.
7. Foul and surface water to be drained separately.
8. No surface water to connect into public sewerage system.
9. No land drainage to discharge into public sewerage system.
10. Removal of permitted development rights.
11. Boundary treatment to be installed as approved prior to occupation of any dwellings and retained thereafter in perpetuity.
12. Specimen trees on northern site boundary with existing properties at Beechcroft Close to be retained at a minimum height of 5 m.
13. Obscure glazing to be installed as approved prior to occupation of any of any dwelling to which it relates and retained thereafter in perpetuity.
14. Land contamination report to be submitted and approved with appropriate mitigation where required.

3.00 CONSULTATIONS

3.01 Local Member

Councillor M. Reece

Request site visit and planning committee determination in order that the impact of development on the privacy/amenity of occupiers of existing dwellings can be fully assessed.

Bagillt Community Council

Unanimously object on the grounds that the houses have been built too close to the existing properties.

Head of Assets and Transportation

Recommend that any permission includes conditions in respect of the highway boundary treatment and provision of 1.8 m wide footpath on site frontage.

Public Open Spaces Manager

Request the payment of £1,100 per dwelling the monies being used to enhance the bowling green located at Highfield Road, Bagillt.

Head of Public Protection

Request that any permission includes a condition requiring the undertaking of a land contamination survey and appropriate mitigation where required.

Welsh Water/Dwr Cymru

Confirm that the proposed foul and surface water drainage arrangement is acceptable subject to controls over the discharge rate and manhole connection point.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

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

- Proposed scale/height of 3 storey dwellings are out of character with the form of existing development in proximity to the site.
- The dwellings that have been built are not in accord with Local Planning Guidance Note 2 – Space About Dwellings, are unauthorised and should be demolished.
- There would be a detrimental impact on privacy/amenity by way of overlooking and do not consider that the introduction of partial obscure glazing and boundary screening will address concerns and can be secured in perpetuity.
- Consider that the comprehensive landscaping on the common site boundary with properties at Beechcroft Close, will have a detrimental impact on privacy/amenity by virtue of overpowering.
- There are significant drainage/flooding problems from the site.
- Access is not suitable for the proposed increase in vehicular/pedestrian movements.
- Development of land to the rear of properties at Beechcroft Close would compromise safety in the case of emergency evacuation.

2 letters received from Mr. D. Hanson, MP, on behalf of residents which re-iterate the above concerns.

5.00 SITE HISTORY

5.01 042526

Demolition of existing single storey buildings around two storey dwelling and erection of 6 No. new small dwellings and 1 No. new detached larger dwelling. Granted 20th February 2007.

044016

Demolition of existing buildings and erection of 4 No. houses and associated ancillary works (plots 7 – 10 inclusive). Refused February 2008.

Appeal to The Planning Inspectorate – Dismissed 30th July 2008.

044017

Demolition of existing buildings and erection of 6 No. houses and associated ancillary works (plots 1 – 6 inclusive). Granted February 2008.

044725

Demolition of existing buildings and erection of 4 No. houses and associated ancillary works (plots 7 – 10 inclusive). Permitted 16th September 2009.

049723

Proposed erection of 10 No. dwellings with associated ancillary works (Amendments to scheme previously permitted under Code Nos 044017 & 044725). Permitted 16th October 2012.

055188

Proposed erection of 10 No. dwellings for which planning permission was previously obtained under 049273 (partly retrospective) – Withdrawn 18th January 2017.

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 D2 – Design.

Policy D3 – Landscaping.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

Policy EWP17 – Flood Risk.

Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings.

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application which is partly retrospective, proposes the erection of 10 No. dwellings with associated ancillary works on the site of the former Royal British Legion, Gadlys Lane, Bagillt. The site has previously had the benefit of planning permission in February 2007, under 042526 for the demolition of part of the former legion building and erection of 7 No dwellings. In addition subsequent permissions for a total of 10 No. dwellings were permitted by virtue of three separate applications under 044017 and 044725 in 2008/2009 and 049723 in 2012.

7.02 Members may also be aware that there is a recent background of planning history at this location, with a previous application submitted under 055788 for the erection of 10 No. dwellings being included on the Planning & Development Control Committee agenda on 18th January 2017. This previous application (055788) was the subject of a site visit by Members, but withdrawn by the applicants prior to committee, to allow further consideration to be given to addressing the objections raised at the time in terms of overlooking and impact on privacy/amenity. This application has as a result been submitted with further amendments to the details of the proposed development that were previously submitted under 055188.

7.03 Site Description

The site the subject of this application amounts to approximately 0.24 hectares in area and comprises the site of the former Royal British Legion (which has now been demolished) and associated car parking area at Gadlys Lane, Bagillt. The former British Legion Building was in part 2 storey in height, and was 4m from the rear boundary of the site with existing properties at Beechcroft Close, which are set approximately 2m lower than the application site. The subsequent demolition of this building is a considerable betterment for surrounding residents. The site is bounded by existing residential development namely Allt Celyn to the north-west, Beechcroft Close to the northeast, a detached property Riverside Cottage to the south-east and four detached properties Belmont, The Croft, Glenalva and Ty Sian which front onto an existing road Tai Newydd to the south-west.

7.04 Planning Policy

The site is located within the settlement boundary of Bagillt as defined in the Flintshire Unitary Development Plan where the principle of residential development is supported subject to the safeguarding of

relevant amenity considerations. In addition the site has previously had the benefit of planning permission by virtue of application 042526 and subsequently 044017, 044725 and 049273 for the erection of a total of 10no dwellings, which establishes that the principle of residential development at this location is acceptable.

7.05 Proposed Development

Since the previous grant of permission in 2012, the site has been acquired by the current applicant (Chester Building Services Ltd) who have undertaken construction works on four of the dwelling units of previously permitted as part of application 049723 (Plots 7 – 10).

7.06 As building works have been commenced on four units without full compliance with the planning conditions imposed on this earlier permission, the applicant has been requested to submit this current application in order to seek to regularise the situation, as it is not now possible to implement this previous consent.

7.07 The plans submitted as part of this current application propose the erection of 10 No. detached dwellings 2.5 storeys in height each of which measures approximately 6 m x 9 m x 8.5 m (high). The dwellings are to be constructed having rendered external walls with facing brick detailing and concrete tile roofs. Access to serve the dwellings is proposed directly off Tai Newydd with each dwelling served by its own driveway.

7.08 For Members information the changes to the scheme from that previously submitted under 055188 include:-

- a) Plots 1, 3, 4, 5 & 6 – No second floor windows to rear elevation. Roof lights/dormers proposed to gable elevations.
- b) Plots 2 & 5 – Alteration to roof profile with introduction of roof lights in upper slope.
- c) Plot 7 /10 which have already been constructed to have rear window to second floor removed with rooflights/dormers added to gable elevations.
- d) Plots 8 & 9 which have already been constructed to have rear window to second floor removed with glazing introduced into cheek of dormer to avoid overlooking.
- e) Amendment to the internal layout of the dwellings so that the lounges previously proposed at first floor within the rear elevations are now re-located to the frontage of the dwellings with bedrooms to the rear.
- f) Re-siting of plots 1-6 so that the distances from the boundary with existing properties at Beechcroft Close are increased from 18.6 – 19m.
- g) The introduction of a comprehensive landscaping scheme on the site boundary with existing properties at Beechcroft Close with the associated introduction of partial obscure glazing into the windows at first floor level within the rear elevations.

7.09 Main Planning Considerations

It is considered that the main planning issues can be summarised as follows:-

- a) Principle of development having regard to the relevant local and national planning and enforcement policy and the material consideration of the previous planning permission and previous built form on the site.
- b) the scale / character of development and impact on the privacy / amenity of occupiers of existing dwellings
- c) acceptability of access to serve the proposed development
- d) adequacy of drainage
- e) impact of associated lighting

7.10 Principle of Development

The principle of residential development is well established given the site's location within the settlement boundary of Bagillt as defined in the Flintshire Unitary Development Plan, the original building/dwellinghouse on the site and the previous background of planning history referred to in paragraph 5.00 of this report. The approval of previous residential development is a significant material consideration in the planning balance, when weighing up the main issues in this application.

7.11 Scale of Development & Impact on Privacy/Amenity

The concerns/objections to the development in relation to the impact on privacy/amenity are noted, however it is crucial to note that the site originally accommodated a part single/ part two storey building (Former Legion) which had staff accommodation in the two storey element, and which was located alongside the rear boundary with the properties at Nos 14 -20 Beechcroft Close. This building was located approximately 4m from the common site boundary with a maximum ridge height of 9m and would have had a detrimental impact on the amenity of the occupiers of the existing dwellings. The application 042526 sought to demolish the single storey part of the building in combination with the retention of the 2 storey part of the building for conversion into a dwelling together with the proposed erection of 6 new houses. The 2 storey building which was to be retained as a dwelling unit, provided a separation distance of 14m to the rear of 14/16/18 Beechcroft Close and the new dwellings 19m separation to the rear of 2 – 12 Beechcroft Close. This permission in 2007 established the principle of increased distances to the common boundary in terms of built development which was a significant improvement on the previous arrangement.

7.12 The principle of 2.5 storey dwellings at this location was established by planning permission 044017 and 044725. 5 pairs of dwellings were proposed and approved in total by those permissions which were approximately 9 m high to the ridge line with accommodation within

the roof space served by dormer windows. This is a ridge height similar to the previously existing British Legion building. The separation distances from the rear elevations of the approved 10 dwellings to the properties at Beechcroft Close ranged from between 19 m – 20.5 m.

- 7.13 The subsequent application under 049723 in 2012 for 10 No. detached properties proposed amendments to the previous permissions. At this time the existing permissions, 044017 and 044725 were still live, and formed a significant material consideration. Officers sought to improve the privacy/amenity of existing residents by increasing the separation distances between properties on a number of plots by 1m - 1.5 m, in combination with a reduction in the floor levels of the dwellings by between 0.10 – 1.05 m. The ridge heights of the proposed dwellings were proposed at 9m, again similar to the ridge height of the original British Legion Building.
- 7.14 The development which has commenced on site relates to the dwellings previously permitted under 049723 (plots 7-10) and the separation distances as built between these units and existing development, has been reduced from that approved as part of this permission by 1.6m to 20.4m. There would however be 19m separation between plots 3-6, and existing dwellings.
- 7.15 The concerns of residents at Beechcroft Close are noted, regarding the proposed and existing separation distances. Given the difference in site levels at this location, it is acknowledged that these are less than the 26m expressed in the Local Planning Guidance Note 2 – Space About Dwellings (LPGN2) by approximately 5.6m – 7.m. The distances between properties as specified in this document are for guidance purposes only. The principle of the reduced distances between the existing and proposed development relative to this guidance (LPGN2) were established and agreed in 2007 due to the overall improvement achieved by the demolition of part of the original building on site which was within 4m of the site boundary, and the introduction of a far greater interface distance between Beechcroft Close and development on the site than had ever previously existed.
- 7.16 However, in recognising the concerns of the residents as part of this current application, the developer proposes (a) changes to the fenestration details and internal layout of the dwellings as referred to in paragraph 7.08 of this report. (b) the combined introduction of a comprehensive landscaping scheme on the common site boundary relative to properties at Beechcroft Close.
- 7.17 The landscaping scheme proposes the introduction of (i) terraced gardens to the rear of the dwellings (ii) introduction of a surface water drain between the proposed dwellings and existing properties of Beechcroft Close; (iii) the introduction of a 2 m high close boarded timber fence along the boundary with properties at Beechcroft Close.

(iv) a 2 m high brick wall to the west of plots 1 & 5 (v) the introduction of 5 m high standard specimens within the rear curtilages to help screen the development.

- 7.18 For Members information these details were not shown on previously approved plans or those forming part of application 055188. Further consultation on these proposals has been undertaken and whilst objections remain, given that the distances between properties have been reduced from those previously permitted, this application is accompanied by measures that will provide an improved situation for residents over and above that would have occurred had any of the previous permissions been implemented in full.
- 7.19 In order to assist members in their assessment of the acceptability of the proposed boundary screening, the applicants have advised that a section of the boundary treatment will be completed to the rear of plots 7 – 10 in advance of the committee site visit and Members will be advised of the progress of works at the Planning Committee. I note resident's concerns about long-term security of planning conditions. However the Council has powers to take action if there is a breach of a condition, such as the removal of the obscure glazing.
- 7.20 Having regard to the above my recommendation is for permission to be granted subject to the imposition of conditions to safeguard the retention of the boundary treatment and partial obscure glazing in perpetuity.
- 7.21 Access/Highways
The objections to the development on access/highway grounds are noted. Consultation has however been undertaken with the Highway Development Control Manager, who has raised no objections to the development being served as permitted under previous applications from Tai Newydd, subject to conditions requiring the provision of a footway along the site frontage, controls over the height of boundary enclosure fronting onto the carriageway and incorporation of measures to prevent surface run-off onto the highway.
- 7.22 Adequacy of Drainage
The concerns in relation to the adequacy of drainage, given the flooding problems that have occurred within the rear gardens of a number of properties at Beechcroft Close, particularly during winter months are noted. The applicant has during this period provided temporary measures to seek to minimise the impact given the difference in site levels, but there are concerns that the problems may be repeated if an adequate drainage system is not installed with some urgency.
- 7.23 The applicant has advised that they wish to install a suitable surface water system, to manage run off from the site but whilst the current application remains undetermined that this will not be completed at

this stage. If Members are mindful to grant permission however, the drainage can be secured through the imposition of a planning condition and subsequently undertaken.

7.24 Lighting

The concerns relating to lighting are noted, but would be domestic in nature associated with a residential development and therefore acceptable in principle. No objections on this aspect of the development have been received from the Head of Pollution Control.

8.00 CONCLUSION

8.01 In conclusion, in light of the site history and previous planning permissions the proposed development is acceptable in relation to the character of the site and its surroundings. Significant amendments have been made to the proposed scheme from that previously submitted under 055188 which was withdrawn from the January 2017 Planning & Development Control Committee in response to issues raised by local residents. This includes changes to window details/internal layouts in combination with a reduction in site levels and improved boundary treatment relative to existing properties at Beechcroft Close which would offer an improvement to the previously approved development at this location since 2007. Such measures can be secured by the imposition of conditions.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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