

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **20<sup>TH</sup> JUNE 2018**

**REPORT BY:** **CHIEF OFFICER OF PLANNING,  
ENVIRONMENT & ECONOMY**

**SUBJECT:** **OUTLINE - ERECTION OF SINGLE STOREY  
DWELLING TO THE REAR OF ACREFIELD AT LAND  
TO THE REAR OF ACREFIELD, ERW FFYNNON,  
TREUDDYN.**

**APPLICATION  
NUMBER:** **057943**

**APPLICANT:** **MR BRUCE THORTON**

**SITE:** **LAND TO THE REAR OF ACREFIELD, ERW  
FFYNNON, TREUDDYN, CH7 4LW**

**APPLICATION  
VALID DATE:** **15<sup>TH</sup> JANUARY 2018**

**LOCAL MEMBERS:** **CLLR C. THOMAS**

**TOWN/COMMUNITY  
COUNCIL:** **TREUDDYN COMMUNITY COUNCIL**

**REASON FOR  
COMMITTEE:** **LOCAL MEMBER'S REQUEST**

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

**1.00 SUMMARY**

- 1.01 Members will note that this application was an agenda item at the May Planning Committee meeting. The item was deferred to allow the late observations to be incorporated into the report as set out below.
- 1.02 This is an outline application for the erection of a single storey dwelling to the rear of Acrefield, Erw Ffynnon, Treuddyn. The main issues are considered to be the impact of the development on the character of the area and highways safety.

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

1. Outline – Reserved Matters
2. Outline – Time Limit
3. Siting, layout and design of the means of access to be submitted and approved
4. Foul/surface water discharges to be drained separately
5. No surface water to connect into public sewerage system
6. No land drainage to discharge into public sewerage system

**3.00 CONSULTATIONS**

Local Member: Cllr Carolyn Thomas

Raises a number of concerns regarding the principle of development, potential impact on the character of the area, loss of habitat and being in contravention of a historic legal agreement.

Treuddyn Community Council

The Council recommends refusal on the ground that the amenity of the original house and gardens should be retained

Highways Development Management

Raises no objection to the proposal.

Head of Public Protection

Raises no objection to the proposal.

Welsh Water/Dwr Cymru

Raises no objection to the proposal subject to conditions

**4.00 PUBLICITY**

Site Notice and Neighbour Notification

10 Letters of objection have been received raising the following objections:

- Increased traffic using private access will create more noise and effect pedestrian safety
- Concerns regarding construction traffic
- Visual impact of boundary treatment
- Impact on character
- Concerns regarding drainage and waste management

- Impact on existing planning obligations and agreements

A letter has been received from Mark Tami MP raising concerns with the existing agreement on the site. These concerns are dealt with in paragraph 7.03 and 7.04 of the report.

## **5.00 SITE HISTORY**

**4/9/12806** – Layout of roads and sewers and building plots – Consent 7<sup>th</sup> February 1984

**055980** – Outline application for the erection of 2 No. detached dwellings – Refused 6/2/2017 – Appeal Dismissed 8/8/2017

## **6.00 PLANNING POLICIES**

### Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR4 – Housing

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

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

### Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings

## **7.00 PLANNING APPRAISAL**

### **7.01 The Proposal**

This application is for outline consent to erect 1no. dwelling on land to the rear of Acrefield, Erw Ffynnon, Queen Street, Treuddyn This site was previously part of the residential curtilage of Acrefield which is a detached bungalow sited within a large plot.

### The Site

**7.02** The application site previously formed part of the residential curtilage of an existing detached bungalow, “Acrefield”, Erw Ffynnon, Queen Street, Treuddyn. The site is located within the settlement boundary of Treuddyn

which is a category B settlement as defined in the Flintshire Unitary Development Plan.

### Site History

7.03

“Acrefield” is one of 13 dwellings permitted under 4/9/12806 in 1984. The development was subject to a legal agreement entered into between Alyn and Deeside District Council and Whelmar (North Wales Ltd), pursuant to Section 52 of the Town and Country Planning Act 1971, which specifies that when the site was initially subdivided into not more than 13 plots, that there would be no more than one private dwelling upon each plot.

7.04

When the agreement was made, the Council clearly considered that further development of the land was unacceptable at that time. However, this was their view at that time, more than 30 years ago, and the Local Planning Authority (LPA) has to consider the application before it today with reference to current local and national planning policy and any other material planning considerations. In this regard I consider that the Council’s historic view, which led to the agreement above being made, is only material to the extent that planning policies that existed at the time are consistent with policies as they are today and so far as other material considerations that existed at the time still exist today. The applicant, should permission be granted, may have to make arrangements to have the agreement varied or discharged prior to commencement of development, but this is immaterial to the consideration of this application. This is because any application to discharge or modify a Section 52 Agreement must be made to the Lands Tribunal under section 84 of the Law of Property Act 1925. The Lands Tribunal is capable of discharging or modifying a Section 52 Agreement without the consent of any signatories to that agreement.

7.05

Within the same site, a planning application for 2no two-storey dwellings was refused by the LPA in February 2017 and subsequently dismissed on appeal. In the appeal summary the Inspector noted that ‘there are some social and economic benefits from the proposal to support local services and to utilise and build on previously developed land. However, the Inspector concluded that there is “distinguishable harm to the character and appearance of the area and the proposal fails to accord with the development plan and national planning policies in this respect’

7.06

Close to the site an application to erect three dwellings, subdividing a plot known as Y Weirglodd, was approved at appeal, prior to the Acrefield appeal. The Inspector in this appeal distinguished Y Weirglodd as a transitional site. Y Weirglodd and the three additional dwellings are accessed off Erw Ffynnon.

7.07 Principle of Development

The site is within the settlement boundary of Treuddyn, a category B settlement as defined in the Flintshire Unitary Development Plan, where the principle of residential development is generally supported by FUDP policy HSG3. This is, however, subject to an assessment of the proposed development taking into account for example, its acceptability having specific regard to its impact on the character of the site / surroundings, adequacy of access, impact on privacy / amenity, drainage and ecology.

Character and Appearance

7.08 It is considered that there are three distinct areas which make up the character of development within this part of Treuddyn, namely:-

- a) higher density of development at Glasdir / Bro Brynog to the east of the site
- b) frontage development onto Queen Street and
- c) the 13 No. dwellings that are set within fairly substantial curtilage areas off Erw Ffynnon and Rhos Helyg.

7.09 The low density of development at Erw Ffynnon was influenced at the time by the limited capacity of the drainage system. The previous application for 2.no two story dwellings with smaller significantly smaller private amenity areas was considered to be out of character with Erw Ffynnon and Rhos Helyg.

7.10 The Inspector for the Acrefield application stated that "Acrefield commands a central position within a large group of houses with substantial gardens which is a definable characteristic of the group". In paragraph 10 he goes on to state that despite the generous size of the proposed houses the proposal would have resulted in smaller and shallower gardens. He states "the change to the central plot would disrupt the existing spatial arrangement of properties and sizeable gardens that form the definable characteristic."

7.11 Two months prior to the appeal decision at Acrefield appeal decision, an application to erect 3no. detached dwellings at land adjacent to Y Weirglodd, Erw Ffynnon was approved at appeal. Y Weirglodd was one of the larger plots within the group of houses outlined by the Acrefield Inspector, this plot could now be subdivided into 3 smaller plots. In the Y Weirglodd appeal the Inspector found 'that the change within the context of the appeal site and the variety of layouts immediately around it, and elsewhere within the settlement, subdividing the Y Weirglodd plot in the manner proposed would not cause the character and appearance of the plot layouts on Erw Ffynnon and Rhos Helyg to be lost or unacceptably harmed'. The Inspector also noted that the 'garden area is unusually large, and if the appeal scheme were to be developed, Y Weirglodd would

remain a large house set in substantial grounds.’

- 7.12 It is considered that there has been a material change in circumstance since the original application at Acrefield for 2no two storey dwellings in that the proposal now seeks consent for one single story dwelling within the same site. This is a critical change in a proposal which is materially considering the spatial arrangement of houses set in large grounds. It is considered, that like Y Weirglodd the proposal before Members ensures that the original large house, known as Acrefield remains set set in substantial grounds. Furthermore the newly proposed dwelling would be single storey and any reserved matters application could ensure that its scale and massing was such that it also would be a large house on a large plot with substantial gardens. It is considered therefore that this proposal differs from the previous one as it protects the central group of large houses in large plots.
- 7.13 The proposal allows for a significant private amenity space for both the existing and proposed dwellings. The existing dwelling retains approximately 1400m<sup>2</sup> of garden space and the proposed dwelling has approximately 1100m<sup>2</sup>. This is well in excess of the 75m<sup>2</sup> suggested by SPG2 – Space around dwellings for three bedroom properties and gives a clear indication of the overall plot size. The garden sizes are similar in size to those of the dwellings off Rhos Helyg and considerably larger than the properties approved at Y Weirglodd which range from 375-660m<sup>2</sup>. The substantial garden proposed helps differentiate between the transitional area as identified by Y Weirglodd, as smaller plots and the central group of larger plots occupied by Acrefield.
- 7.14 It is therefore considered that as the surrounding dwellings are a mixture of types and architectural styles, with both single storey and two storey dwellings, set within a variety of plot sizes, the proposal subdivision of Acrefield is in keeping for the varied character. The dwelling could achieve adequate separation distances from surrounding properties and there are established natural boundary treatments on three sides.
- 7.15 It is considered that a proposed single storey dwelling, would be in keeping with the character of Erw Ffynnon and Rhos Helyg and this character would be would not be unacceptable harmed by the proposed development. The garden area for Acrefield is substantial and if the proposal was to take place both the existing and proposed development would result in large dwellings set within substantial grounds. A reserved matters application would ensure the Council retained control of the scale and massing of future development to ensure the character and appearance of the area was protected.
- 7.16 Concerns have been raised that the proposal is tandem development and

therefore has a negative impact on the amenity of the existing dwelling. However this was considered at the previous appeal with the Inspector noting that as the proposal would result in a small amount of shared driveway, it would not result in tandem development. The proposed access has remained unchanged from that considered at the previous appeal.

7.17 Highways Impact

Erw Fynnon does not form part of the adopted highway network and as such is a private drive. As such the suitability of the access from Queen Street to accommodate the increase in use of Erw Fynnon resulting from the proposed development is a consideration. A number of concerns have been raised in relation to the ownership of the access and grass verge.

7.18 The grass verge fronting Ty Cerrig does form part of the adopted highway network. The verge's status as highway takes precedence over any perceived Ownership recorded with the Land Registry. Consequently, the highways department are satisfied that an access with adequate visibility from and of emerging vehicles may be provided to serve both the existing and proposed development. The alignment of the access is also sufficient to allow for the 2 way movement of vehicles clear of the adopted highway.

7.19 Ecology

Concerns have been raised regarding the possible effects of the development on bats. This has been considered at the appeal stage for the previous application where Natural Resources Wales confirmed that no protected species are likely to be affected by the proposal. The site is an area of domestic garden with boundary vegetation that, along with the scale and nature of the development proposed, supports NRW's conclusion that protected species are unlikely to be affected by the proposal.

7.20 Drainage

A number of concerns have been raised regarding surface and foul water discharge, however Welsh Water have confirmed that this can be dealt with by a number of prior to commencement conditions.

**8.00 CONCLUSION**

8.01 It is considered that the proposal is acceptable in planning policy terms and, for the reasons outlined above, does not have a significant detrimental impact on the character of the area. It is considered that all other issues in relation to highways impact, ecology and drainage have been adequately addressed. Therefore the application is recommended for approval subject to the conditions outlined above.

## 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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