

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5TH DECEMBER 2018**

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

SUBJECT: **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE PLANNING PERMISSION REF: 057943 AT ACREFIELD, ERW FFYNNON, QUEEN STREET, TREUDDYN.**

APPLICATION NUMBER: **058881**

APPLICANT: **MR BRUCE THORTON**

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

APPLICATION VALID DATE: **22/8/2018**

LOCAL MEMBERS: **CLLR C. THOMAS**

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

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

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is for the approval of reserved matters for the erection of a single storey dwelling to the rear of Acrefield, Erw Ffynnon, Treuddyn. The main issues for consideration with this application are appearance, layout, landscaping and scale.

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

- 2.01
1. Timescale
 2. In accordance with plans
 3. Foul/surface water discharges to be drained separately

4. No surface water to connect into public sewerage system
5. No land drainage to discharge into public sewerage system
6. Parking and turning area to be provided
7. Replacement of hard and soft landscaping if damaged or destroyed within 5 years of implementation of development

3.00 CONSULTATIONS

3.01 Local Member: Cllr Carolyn Thomas

Raises the following concerns:

- Principle of development and its effect of the character of the area.
- Loss of habitat.
- Application is in contravention of a historic legal agreement. Requests that a condition is imposed requiring the removal of the agreement prior to commencement.
- Concerns regarding parking on Queen Street and requests that a condition is imposed restricting the occupants right to park on Queen Street.
- Concerns regarding damage to the shared access and requests that a condition is imposed requiring the applicant to be responsible for repairs.
- Concerns regarding both times of construction and construction traffic. Requests that a condition is imposed a requiring the application to be responsible for repairs.
- Concerns regarding the loss of existing boundary treatments due to the proximity of development.

Trueddyn Community Council

Raises the following concerns:

- All utility vehicles should be facilitated on site, not parking on Queen Street or reversing onto Queen Street.
- The ambiguity needs to be resolved to how this planning application has been handled.
- Planning should not take place because of the legal agreements put in place.
- Planning consent sets a precedent which can irreversibly change the character of the area.

Highways Development Management

No objection subject to conditions

Community and Business Protection

No Objection

Welsh Water/Dwr Cymru
No objection subject to conditions

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

4.02 Two responses raising the following points:

- Proposal appears to be larger scheme proposed at outline
- The size of the property would be disproportionate to the land it sits on in comparison with the other surrounding properties and out of character with the area.
- Concerns regarding ownership of access and the responsibilities in relation to repair and maintenance.
- Requests a condition regarding the removal of the section 52 agreement prior to development.
- Concerns regarding light pollution from external lighting
- Concerns regarding parking on Erw Ffynon in contravention of an existing covenant.
- Restrictions should be placed on the hours of construction and number of days per week.
- Noise should be kept to a minimum during construction
- Concern that large construction vehicles could damage the neighbouring properties.
- Concerns regarding existing boundary treatments.

5.00 SITE HISTORY

5.01 **4/9/12806** – Layout of roads and sewers and building plots – Consent 7th February 1984

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

057943 – Outline application for the erection of 1 No. detached dwelling – Approved 26/6/2018

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 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 the approval of reserved matters for the erection of a single storey dwelling on land to the rear of Acrefield, Erw Ffynnon, Queen Street, Treuddyn. This site was previously part of the residential curtilage of Acrefield.

7.02 The Site

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.

7.03 Site History

“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 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 can 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 Main Issues

This is for the approval of reserved matters for the erection of a single storey dwelling to the rear of Acrefield, Erw Ffynnon, Treuddyn. The main issues for consideration with this application are impact on residential living conditions and visual impact. In addition objection have been raised in relation to habitat loss, drainage and the effect of construction on residential living conditions.

7.06 Design, scale, layout and appearance

The proposed dwelling is located towards the north-western boundary of the site with a floor area of approximately 200sqm which is similar to the indicative scheme proposed with the outline application. This is a similar spatial arrangement and scale to the dwelling to the south east of the site, Acrefield. The proposed single storey dwelling will measure approximately 2.5m to the eaves and 5m to the ridge.

7.07 The surrounding dwellings are a mixture of types and architectural styles, with both single storey and two storey dwellings, with a variety of materials used. The dwelling has been designed to be in keeping with the properties located off Erw Ffynnon which are predominantly single storey bungalows. In addition the proposed sure of white render and grey interlocking roof tiles is considered to be in keeping with the surrounding properties

7.08 Impact on existing and proposed living conditions

The proposed layout accords with private amenity spaces guidelines set out in Local Planning Guidance Note 2: Space Around Dwelling, providing a significant area of private amenity space to both the front and rear of the dwelling.

7.09 The proposed dwelling is located close the northern western boundary of the site next to an established hedge line. The property to the north west of the site, 'Kerryville' is in excess of the 22m separation distance guidelines within Local Planning Guidance Note 2: Space Around Dwelling. The existing boundary treatments ensure that there is no loss of privacy to the private garden spaces of these dwellings.

7.10 The property to the south east of the site, Acrefield, is approximately 13m from the proposed dwelling at its nearest point. This proposed elevation of the new dwelling closest to Acrefield consists of four windows, two of which fall short of the separation distance guidelines within Local Planning Guidance Note 2: Space Around Dwelling, being between 15m and 17m from existing dwelling. However, the boundary between the two single storey properties consists of a close boarded timber fence of approximately 2m in height, which is to be retained as part of the development. Given that there is no significant change in levels between the sites, it is considered that there will be no loss of privacy to either the habitable rooms or private amenity space of Acrefield.

7.11 Landscape

It is intended that the mature landscape boundaries are retained as part of the proposed development. Given that the proposed dwelling, garage and areas of hard standing are to be within close

proximity to the existing hard and soft boundary treatments, a condition has been imposed requiring the applicant to replace any boundary treatments which are damaged or die within 5 years of the implementation of the proposed development.

7.12 Access

Details matters in relation to access were considered within the outline application with Highways Development Control raising no objection to the proposed access. Objection have been received in relation to access for construction vehicles accessing the site leaving debris or damaging the road surface of both Queens Street and the private access to Erw Ffynnon. Given the proposed scale of development, it is considered that any impacts in relation to construction vehicles accessing the site will be short lived. Although it is acknowledged there will be some disturbance this is not anticipated to be of such a scale to attach any significant weight in the overall planning balance.

7.13 In addition concerns have been raised regarding the parking of construction and domestic vehicles on both Queens Street and Erw Ffynnon. It is considered that a condition requiring a traffic management plan for the proposed development would be unreasonable considering the scale of development. However highways development management have requested that a condition be included requiring an area for the parking and turning of vehicles be provided prior to occupation. The existing shared access known as Erw Ffynnon does not fall within the ownership or either the Council nor the Applicant and therefore its use cannot be conditions as part of any permission.

7.14 Ecology

Concerns have been raised regarding the possible effects of the development on habitat. 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.

7.15 Concerns have also been raised regarding the proximity of the proposed development to the existing boundary hedges and the potential for boundary treatments to be damaged by the development. The proposed driveway is located 85cm from the boundary and it is therefore considered that the proposal will have no effect on the existing boundary treatment.

7.16 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 conditions and raises non objection to the proposal.

7.17 Other Matters

A number of conditions have been proposed by both the local member and third parties in relation to the shared access, construction traffic, and the section 52 agreement. These conditions have been considered and for the reasons outlined in the relevant sections above, is it considered that these conditions would be either unnecessary or unreasonable.

- 7.18 Further concerns have been raised in relation to light pollution created from external lighting and noise during construction. Any external lighting proposed is likely to be domestic in scale and have very limited impact. Similarly, it is acknowledged that with all development there is likely to be some disturbance, including some noise but this is not normally of the level and duration to cause harm. These matters do not attract significant weight in the overall planning balance.

8.00 CONCLUSION

It is considered that the proposed dwelling would be and compliant with both planning policy and supplementary guidance. The proposed design along with the existing boundary treatments ensure that the proposal will have no significant adverse impact on the residential amenity of the adjoining residents nor on the character of the area. As such the application is recommended for approval subject to the conditions outlined within paragraph 2.01 of this report.

8.01 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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