

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH JANUARY 2020**

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

SUBJECT: **FULL APPLICATION – CONSTRUCTION OF 2 NO. TWO BED BUNGALOWS AND DETACHED DOUBLE GARAGE AT GREYSTONES, FFRWD ROAD, CEFN-Y-BEDD, WREXHAM.**

APPLICATION NUMBER: **060360**

APPLICANT: **ANTHONY & NISHA WILLIAMS, DARREN NESBITT & EMMA HILL**

SITE: **LAND REAR OF GREYSTONES, FFRWD ROAD, CEFN Y BEDD, WREXHAM.**

APPLICATION VALID DATE: **12TH AUGUST 2019.**

LOCAL MEMBERS: **COUNCILLOR D. HUGHES**

TOWN/COMMUNITY COUNCIL: **LLANFYNYDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST DUE TO CONCERNS OVER THE BLOCKING OF VIEWS, SIZE OF THE GARAGES, HIGHWAYS AND DRAINAGE.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the erection of two bungalows with garages at the front of the existing property of Greystones which is situated off Ffrwd Road, Cefn-y-Bedd, Wrexham.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation Undertaking to secure the following:-

Payment of £1,100 per dwelling in lieu of on-site POS. The payment would be used to improve toddlers play provision at Wyndham Drive play area.

If the Obligation (as outlined above) is not completed within 6 months of the date of the committee resolution, the Chief Officer (Planning, Environment & Economy) be given delegated authority to **REFUSE** the application.

The proposal is recommended for approval subject to the following conditions:-

Conditions

1. Time limit on commencement.
2. In accord with approved details.
3. Samples of all external materials to be submitted and approved in writing prior to commencement.
4. Landscaping scheme to be further submitted and approved.
5. Implementation of landscaping scheme.
6. No development shall take place, including site clearance works until a construction Traffic Management Plan has been submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall be implemented in full thereafter.
7. The garaging hereby approved shall be for private and domestic purposes only with no trade or business taking place from them or the site.
8. Submission and approval of proposed boundary treatment for both dwellings.
9. Prior to any work being carried out a suitable scheme of enhanced double secondary glazing shall be submitted and approved in writing.
10. Positive means to prevent discharge of surface water run-off from the site onto the highway is provided.
11. Driveway shown to be constructed in a material that is bound together to prevent the migration of loose debris onto the adjoining classified highway is provided.
12. Proposed means of access to be constructed as a vehicular footway crossing.
13. Boundary treatments to be provided.
14. Existing and finished floor levels

3.00 CONSULTATIONS

3.01 Local Member

Councillor D. Hughes

Requests this application goes to Planning Committee on the grounds that the application would appear it deviates from the original outline planning given a number of years ago which was 2 two bedroom bungalows located at the bottom of the field which would not obstruct the views of the bungalows at the rear. The question as to why the applicant has applied for much larger garages and number is of great concern. The access onto the highway and the drainage is of great concern to residents. The Community Council have had deputations of a number of the residents opposing this application on the size, positioning of these proposed dwellings but not on what was originally requested. Requests also a site visit due to the location of the properties and the number of garages on the plans.

Llanfynydd Community Council

Following observations have been put forward:-

- Location of the proposed development is on land at the front of 'Greystones' not the rear.
- Question 11 – Is the site in an area at risk of flooding. Applicant has answered No: The stream running close to the proposed development floods onto Ffrwd Road. The concern of water run-off onto the highway.
- The amended application is showing 2 extremely large bungalows covering the whole area of the plot, dominating the frontage of 'Greystones'.
- Why does a 2 bedroom bungalow require a 4 bay garage? Concern of an oversized footprint for future development. The submitted application states 'Detached double garage'?
- The property 'Greystones' was bought with a Restricted Covenant – Any new owner of the property cannot object to the building of bungalows.
- The building of 2 smaller bungalows would not have such an impact on the frontages of 'Greystones'.

Community and Business Protection

No objections in principle. Recommended condition relating to acoustic glazing is attached to any planning permission granted.

Highways Development Control

Recommends any permission to include suggested conditions and note to applicant.

Public Rights of Way

Public Footpath 4 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

Aura

In accordance with Planning Guidance Note No. 13 POS provision, the Council should be seeking an off-site contribution of £1,100.00 per house/dwelling in lieu of onsite POS. The payment would be used to improve junior play provision at Wyndham Drive play area. Working with Planning Policy have considered previous pooled contributions and confirm that the pooled contributions thresholds have not been exceeded with regards to Wyndham Drive play area.

Natural Resources Wales

No objection to the proposed development.

Welsh Water/Dwr Cymru

Confirms capacity exists within the public sewerage network in order to receive domestic foul only flows from the proposed development site.

With regards to surface water, requires SAB approval.

SP Energy Networks

Developer to contact them prior to any construction works taking place for their location.

Wales & West Utilities

Development to contact them prior to any construction works taking place for their precise location.

Airbus

No aerodrome safeguarding objections to the proposals.

4.00 PUBLICITY

4.01 Neighbour Notification

Eight letters of objection received. The grounds of objection are summarised as follows:-

- Would contribute to increased flooding in the area. Assumed surface water will go into the stream which is not maintained by owners and as a watercourse not suitable to receive further surface water.
- Details of proposed package sewerage system not given. As users of springwater in garden of Bod Maelor, concerns about possible chemical or microbiological contamination of ground water due to poor design and maintenance.
- Package sewerage systems can give an unacceptable long term environmental burden. Due to the loss of fossil fuel when transporting the sewerage from the site.

- Application shows no details of excavation. Base height of the buildings is not shown. Will the extent of overlooking be within the strict regulations required for buildings built on a slope.
- Asks if application is approved that excavation should be carried out with care so as to avoid flooding problems at Bod Maelor. Also decision should indicate that care too should be taken to avoid disturbance or contamination of the source of springwater.
- Garages are far too large in size, causing them to have a negative impact on the character and appearance of the site area.
- Possible effects on road safety on the Ffrwyd Road as a result of existing run-off of water into an rear already prone to flooding.
- Loss of view.
- Do not want a septic tank at the bottom of the garden.
- Indicates that Plot 1 has 4 integral garages and also an office within the bungalow. Suggests the developer could have plans for a commercial undertaking involving vehicles. Would be obtrusive and totally out of character with surrounding properties.
- Site is at the front of Greystones and not at the rear.
- Loss of property values.

5.00 SITE HISTORY

5.01 055588

Outline application for the erection of two dwellings – Granted 11th October 2016.

05224

Variation of Condition Nos 2 & 3 of planning Ref: 047020 to extend the time period for submission of reserved matters – Granted 11th August 2014.

047020

Erection of two dwellings – Refused 16th December 2010 - Allowed on appeal 17th June 2011.

024390

Erection of directional sign – Refused 9th July 1996.

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 & Layout.
D2 – Design.
TWH1 – Development Affecting Trees & Woodlands.
AC2 – Pedestrian Provision & Public Rights of Way.
AC13 – Access & Traffic Impact.
HSG3 – Housing on Unallocated Sites within Settlement Boundaries.
SR5 – Outdoor Playing Space & New Residential Development.
EWP12 – Pollution.
EWP13 – Nuisance.
EWP15 – Development of Unstable Land.

SPGN No. 2 – Space Around Dwellings.
SPGN No. 3 – Landscaping.
SPGN No. 4 – Trees & Development.
SPGN No. 11 – Parking Standards.
LPGN No. 13 – Open Space Requirements.

National

Planning Policy Wales Edition 10 December 2018.

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015).

Technical Advice Note (TAN) 12: Design (2016).

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises part of the former garden area of Greystones which is a detached two storey residential property with a detached garage. The site is bounded (indirectly) on the east by the A541 Wrexham Road and the B5102 Ffrwd Road to the South. To the North West the site is bounded by a number of residential properties which are accessed from Alundale Road. These properties are bungalows. There is a stone wall around the two road boundaries with a grass verge sloping to the footway. The site is elevated above the road on both sides.

7.02 The proposals involve the erection of two detached, two bedroom bungalows. Plot 1 will have a four car integral garage with Plot 2 having a two car detached garage. Plot 1 will form an 'L' shape and measure approximately 17 m x 19 m x 5 m (height to ridge) with Plot 2 measuring approximately 13 m x 17 m x 4.5 m (height to ridge). The detached garage will measure approximately 7 m x 6 m x 5 m (height to ridge). All buildings will be constructed with white render walls with dark grey interlocking tile roofs. The proposals also involve the construction of a new vehicular access onto Ffrwd Road.

7.03 The main issues to be considered within the determination of this application are the principle of the developments in planning policy terms, the effects upon the character and appearance of the area, the highway implications, the effects upon the living conditions of the

adjoining occupiers, the drainage implications, the Section 106 Contributions, CIL Compliance and flood risk.

7.04 Background

Members may recall that outline planning permission with all matters reserved for subsequent approval was granted for two dwellings under delegated powers on 11th October 2016 under 055518. A plan for illustrative purposes only was provided that showed the siting of the two dwellings nearer to the road than that has been shown on this current application. This application is a full detailed application as the site edged red differs from the previous red edged site which formed part of the outline approval.

7.05 Principle of Development

The site is within the settlement boundary of Hope, Caergwrle, Abermorddu and Cefn-y-Bedd which is a Category B settlement within the Flintshire Unitary Development Plan. The proposal is therefore considered as proposed housing on an unallocated site within the settlement boundary and is subject to the tests set out in Unitary Development Plan(UDP) Policy HSG3. Policy HSG3 generally support an infill proposal such as this in a sustainable location. The scale of the growth is modest and the principle of two dwellings on the site is established which attracts significant weight in the overall planning balance. It is considered that the settlement can still accommodate the scale of growth proposed.

Considering the more detailed criteria of policy HSG3, the proposal does not result in tandem development or over development as the proposed pattern of development reflects the surrounding pattern of development. Furthermore the proposal does not conflict with the plan for housing in the County as a whole and the proposal broadly complies with the policy GEN 1 so it is considered acceptable in principle.

7.06 Character & Appearance

The application site is elevated above road level and was part of the garden area which served the property known as Greystone which is a prominent dwelling in the streetscene. It is Georgian in style with white render and bay windows at ground floor with a striking entrance porch. Its principal elevations face south west overlooking the application site in part. The main garden areas are to the front with a balcony area to the west of the dwelling above a garage. There is a further private garden to the rear.

7.07 At present the garden areas to the south are open with no boundary treatment to make them private. There is a low boundary wall between the garden area and the application site with an ornate wall on top.

- 7.08 The dwelling of Bod Maelor is situated on the opposite side of Ffrwd Road. This dwelling is traditional in style with red brick, a slate roof and chimneys at each end.
- 7.09 Given the proposed dwellings are to be bungalows they respect the scale of the surrounding development. They are proposed to be sited set down from the existing dwellings on Alundale Road but particularly that of Greystones. In accordance with UDP Policy D1 the proposal therefore makes the best use of this land. The proposed bungalows are to be constructed within white render walls, it is considered that the proposed layout will create a positive and attractive buildings with imaginative parking and landscaping solutions which replicates the unusual lay out of the private garden area which serves the host dwelling Greystones.

It is considered that in accordance with Policy D1 and D2 the proposal are of a good standard of design and form and the proposal protects the character and appearance of the locality whilst adding to the distinctiveness.

7.10 Highway Matters

A new vehicular access is proposed into the site off Ffrwd Road with garages proposed for four vehicles for Plot 1 and two vehicles for Plot 2 within the site. Also within the site, drives to each plot are to be provided.

- 7.11 Amended plans have been received which detail a 5 m wide shared access together with visibility splays of 2.4 m x 30 m (minimum) in the easterly direction and 2.4 m x 43 m in the easterly direction which are considered acceptable. The proposal is not considered to pose any negative impact upon highway safety.

7.13 Living Conditions

The dwellings proposed will be bungalows and sited on a sloping site downwards from North to South and from East to West. The rear of the dwelling on Plot 1 will be located approximately 26 m away from the rear of the existing dwellings on Alundale Road which are at a higher level. The front of the dwelling of Plot 1 will be approximately 21 m away from the front of the existing two storey property of Bod Maelor located on the opposite side of Ffrwd Road. The windows upon both existing and proposed properties will also be at an angle to each other. The rear of the proposed dwelling on Plot 2 will be located approximately 26 m away from the front of the existing two storey property of Greystones. This property is also set at a higher level than the site. The proposed private amenity areas will be located at the sides of each property which also meet the requisite amount that needs to be provided within the SPGN No. 2 'Space Around Dwellings'.

- 7.14 Given the above, in that the proposals are to be bungalows, sited on a sloping site, the separation distances, existing and proposed screening along the boundaries together with the amount of proposed private amenity spaces, it is considered that there will not be a significant detrimental impact upon the living conditions of the existing and proposed occupiers of the dwellings.
- 7.15 Drainage
Upon the application forms and plans, the applicant's agent has indicated that surface and foul waters will be disposed of to the watercourse and package treatment plant respectively.
- 7.16 With regard to the disposal of the foul water, the site lies within the location of a sewer area, however due to the site ground levels, flows could not gravitate to the sewer. Therefore, a private sewerage system is proposed.
- 7.17 Details of the planned private foul drainage system have been provided and Natural Resources Wales are now satisfied that sufficient information has been provided to justify its use for the development, and as a result raise no objections.
- 7.18 In relation to surface water disposal, as the proposal involves the construction of more than one dwelling, it will require a sustainable drainage system (SuDS) designed and built in accordance with the Welsh Ministers' statutory SuDS standards, SuDS schemes will be approved by Flintshire County acting in its role as the SuDS approving body (SAB). This is entirely separate regulatory process which lies outside the planning process.
- 7.19 Section 106 Contributions & CIL Compliance
The infrastructure and monetary contributions that can be required from proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, 2010 and Welsh Officer Circular 19/97 'Planning Obligations'. It is unlawful for a Planning Obligation to be taken into account when determining a planning application for a development, or any part of a development, if the Obligation does not meet all of the following Regulation 122 tests:
1. Be necessary to make the development acceptable in planning terms;
 2. Be directly related to the development; and
 3. Be fairly and reasonably related in scale and kind to the development.
- 7.20 An off-site commuted sum of £1,100 per dwelling in lieu of on-site provision to improve facilities at Wyndham Drive play area is required. This is in accordance with Local Planning Note 13: Open Space

Requirements which requires off-site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date.

7.21 It is considered that the contributions required are in accordance with Regulation 122 of CIL.

7.22 Flood Risk

The site lies outside any flood risk areas based on the Development Advice Map (DAM). As such the site is not liable to any flooding. Natural Resources Wales in their consultation responses raise no issues in terms of flooding resulting from the proposals.

7.23 Other Matters

The applicant's agent has advised that the large garage will be used for the storage of classic cars. A condition has been placed upon this recommendation that the garages will be used for private and domestic purposes only and that no trade or business shall take place from them or the site.

Concerns have also been raised regarding the description of the proposal. This is the description which has been submitted by the applicant and with the accompanying plans the Council considers it is clear where the development is proposed to be sited.

A third party has raised the matter of a covenant on the site which may prevent the construction of any dwelling. A covenant is a separate legal matter for the land owner to consider outside of the planning process. The existence of a covenant does not prevent the Council from granting planning permission.

Concern has been expressed regarding the lack of details of proposed excavation. How the site will be excavated and what construction methods will be used will be subject the building regulations which is a regulatory process which lies outside of the planning process. There is no requirement for the applicant to subject such information with the planning application.

7.24 In terms of loss of views and property values resulting from the development, the planning system is not in place to protect private interests and therefore significant weight cannot be attached to these matters in the overall planning balance.

8.00 CONCLUSION

8.01 It is considered that all of the matters in the consideration of this proposal are acceptable and that planning permission should be granted.

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

Contact Officer: Alan Wells
Telephone: (01352) 703255
Email: alan.wells@flintshire.gov.uk