

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **1st SEPTEMBER 2021**

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

SUBJECT: **APPLICATION FOR THE VARIATION OF CONDITION NO2. (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION REFERENCE 057808**

APPLICATION NUMBER: **062135**

APPLICANT: **MR R. WILLIAMS**

SITE: **LAND TO THE REAR OF 31 WELSH ROAD, GARDEN CITY, DEESIDE**

APPLICATION VALID DATE: **23RD NOVEMBER 2020**

LOCAL MEMBERS: **COUNCILLOR CHRISTINE JONES – NOMINATED COUNCILLOR DAVID WISINGER**

TOWN/COMMUNITY COUNCIL: **SEALAND COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **DUE TO CONCERNS THAT THE DEVELOPER HAS FAILED TO ADHERE TO THE CONDITIONS IMPOSED BY THE PLANNING PERMISSION AND THE S106 AGREEMENT.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is an application to vary condition number 2 (approved plans and documents) following the grant of planning permission 057808 for the approval of reserved matters including appearance, layout, scale, landscaping and access at land to the rear of 31 Welsh Road, Garden City.

- 1.02 The variations as proposed include the erection of a boundary fence on the south of the site, changes to the parking with a reduction in spaces to 9 and a reduction in the width of the access road.
- 1.03 The provision of a fence maintains pedestrian access to Sealand Avenue, whilst providing a clear demarcation of the residential site. The height and choice of materials are considered acceptable in this location.
- 1.04 The reduction in the total number of parking spaces to serve the development to 9 falls below the guidelines as set out in SPGN No.11. However, significant consideration has been given to the highly sustainable location. Finally, the reduction in the width of the access road to 3.45 metres will still provide adequate access to serve the site whilst maintaining pedestrian safety.

It is considered that the submitted details are acceptable.

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

That conditional planning permission be granted, subject to the applicant entering into a Section 106 Obligation to provide:

- road resurfacing and future maintainance.

- 2.01 Conditions
- Compliance with the approved plans

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor Christine Jones – Raises concerns with the application

Councillor Wisinger

Raises concerns that the developers have not adhered to the conditions attached to the planning permission or the S106 agreement.

Sealand Community Council

Raises objections to the application due to concerns that the fencing as already built is on the route of a public right of way and restricts vehicles accessing the adjacent sewerage pumping station.

Highways Development Control

Raises no objection to the proposed variation. Whilst the proposed parking provision for the development falls slightly below that as set out in SPGN No.11 given the sustainable location of the site the available parking is considered acceptable.

Public Rights of Way

No objections raised to the proposed development as there are no public footpaths in the vicinity.

Community and Business Protection

No objections raised to the proposed development

4.00 PUBLICITY

4.01 Neighbour notification letters posted. One letter of objection received raising the following:

- Concerns that the access road has not been resurfaced
- The erection of the fence restricts access to the rear of properties on Welsh Road.
- The fence detracts from the character and appearance of the area and is over bearing on neighbouring properties.
- A security light which has been installed at the development site adversely impacts neighbouring properties

5.00 SITE HISTORY

5.01 057808

Application for approval of reserved matters appearance, layout, scale, landscaping and access for the erection of 6 dwellings following outline approval. (052887) – Conditional Permission 14th March 2018

052887

Outline application for the erection of 6no. dwellings – Conditional Permission 10th February 2017

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

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential Development

EWP17 - Flood Risk

Supplementary Planning Guidance Notes
SPGN No 2. Space Around Dwellings
SPGN No 3. Landscaping
SPGN No 11. Parking Standards

National Planning Policy
Planning Policy Wales Edition 11
Future Wales Plan 2020-2040

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an application to vary Condition Number 2 attached to reserved matters permission reference 057808 which was granted conditional permission in March 2018. Condition 2 relates to the list of approved plans and documents, including site layout, parking provision and boundary treatments.

- 7.02 The development of six houses as granted by the outline consent has been fully built out. Following completion, complaints were received with regards to the erection of a fence on the southern boundary of the site. This fence was not shown on the approved plans. The installation of the fence impacts on the manoeuvrability of vehicles utilising the approved car parking layout. This application seeks to rectify the current breach of planning control through a variation of Condition No2 attached to ref 057808.

7.03 Site Description

The application site is situated to the north of Welsh Road and is accessed via a shared u-shaped access which runs between 31 Welsh Road, a residential property, and 37 Welsh Road which is a pharmacy. The site was formerly a garage site owned by the Council which was sold and has since been redeveloped with the erection of 6 dwellings in the form of three semi-detached houses. The site is surrounded by residential properties which are all two storey. There is a Welsh Water pumping station located directly to the east of the site.

7.04 Proposed Development

The application proposes to vary Condition No2 attached to the reserved matters consent 057808 which confirms that the development should be carried out strictly in accordance with the list of approved plans and documents. Of those plans, drawing number 203-03A showed the proposed site plan and included provision for 14 car parking spaces and soft/hard landscaping. The plan also noted that rear access would be retained for properties on Welsh Road.

- 7.05 In addition the approved block plan shows the proposed works to the access road alongside 31 Welsh Road.
- 7.06 The proposal seeks to vary the approved plans to allow the retention of a 1.8 metre high powder coated palisade fence with brick pillars which has been erected on the southern boundary. In addition, the application proposes to amend the parking layout to provide a total of 9 spaces. Finally, the application seeks to vary the width of the access road from 3.7 metres to 3.45 metres.
- 7.07 Main Issues
The main issues to consider in the determination of this application are the design and impact of the position of the fence on neighbouring residential occupants and highway implications as a result of the reduction in parking spaces together with alterations to the access road.
- 7.08 A S106 is proposed to carry across the remaining obligations imposed on the original planning permission relating to re-surfacing of the road and future maintenance.
- 7.09 Principle of Development
The principle of the development of 6 houses on this site was established by the outline and subsequent reserved matters consents. This application does not seek to vary any of the details of the dwellings on the site. The principle of residential development is accepted and the specific matters subject of this application will be dealt with separately below.
- 7.10 Boundary Treatment
The approved site layout plan shows the south of the site to be open with no form of boundary treatment. Visually there was no demarcation between the privately owned development site and the footpath which runs behind the properties on Welsh Road through to Sealand Avenue.
- 7.11 This footpath is not a definitive public right of way, but is a legacy from when the majority of the area was owned by the Council and was Local Authority housing with associated garages. This access path has been retained by the Council for pedestrian use only and has bollards at its entrance onto Sealand Avenue.
- 7.12 The fence which is the subject of this proposal provides a boundary to the site, whilst maintaining pedestrian access to the informal footpath and rear gardens of Welsh Road.
- 7.13 Concerns have been received by residents that the erection of the fence impedes vehicular access to the rear of their properties on Welsh Road. It is understood that the Council retains a right of access by foot and vehicles along the access way between 31

- 7.14 Welsh Road and 35 Welsh Road. Whilst the right of access to other properties were indicated on the approved plans, there is no evidence that this should be vehicular. Additionally, Members should be aware that matters of private access are a civil matter and not a material planning consideration.
- 7.15 From a design perspective the site is located within the defined settlement boundary of Garden City to the rear of existing residential properties and close to a pumping station and commercial unit. The fence is not considered to be incongruous within the surroundings and is acceptable in this location.
- 7.16 The applicant has sited concerns that the removal of the fence would give rise to potential damage to private property but this is not a material planning consideration. Additionally, concerns over the site being used as overflow parking by customers using the shop have been raised, but this again is not a material planning consideration to which any significance can be attached.
- 7.17 Overall, it is considered that a significant degree of opinion both for and against the retention of the fence are in fact not planning matters. The provision of a boundary fence at this residential development is considered to accord with local planning policy and the concerns raised, would not warrant its removal or the refusal of this application.
- 7.18 Parking Provision
SPGN no. 11 specifies a maximum provision of 12 spaces to serve the 6 no. 3 bedroomed houses and also accepts that in specified situations, a lesser provision is acceptable. The application site is in a sustainable location with close proximity to a convenience store and frequent bus service, it is within a walkable distance of the primary school and employment opportunities. The site is considered to be in a highly sustainable location.
- 7.19 It is noted that the plans submitted with the application indicates an echelon design of parking provision for some spaces however it is considered that this echelon design would not work and the maximum amount of spaces would could be accommodated would be three spaces with vehicles parked in a perpendicular manner.
- 7.20 It is also noted that informal parking opportunity is also available alongside the fence-line opposite plots 3 and 4.
- 7.21 Overall, it is reasonable to accept that a total of 9 dedicated parking bays would be provided at the development site, with an additional two informal bays alongside the fence-line. Whilst the number of dedicated bays falls below the guideline as set out in SPGN No11, significant consideration has been given to the sustainable location

of the site and accordingly the provision is acceptable in this instance.

7.22 Access

Vehicular access to the site is via an un-adopted access from Welsh Road which runs between 31 and 35 Welsh Road. The access is between a residential property and a Spar Shop/post office and chemist. As part of the outline consent there is a requirement for the appropriate management and maintenance of the access. The applicant has engaged with the Council's street-scene department with regards to the required resurfacing works and concerns have been raised that the proposed width of 3.7 metres does not allow for any form of footway and pedestrians exiting the shop would step into the road.

7.23 It is understood that the 3.7 metre width was imposed during the outline consent, but that the road is not and has never been considered for formal adoption and therefore not subject to the same requirements.

7.24 The reduced width of 3.45 metres is still considered sufficient to serve as an un-adopted means of access and resolves any concerns with regards to health and safety of pedestrians. In consultation with the Highway Authority, the proposed reduction does not raise an objection on highway safety grounds.

7.25 Other Matters

Concerns have been raised that the provision of parking spaces to the front of the pumping station will restrict access. This is a civil matter and not one which can be considered as material to this application.

7.26 Additionally, the Council are aware of concerns with regards to the installation of a security light on the side elevation of plot 6. Members are advised that this is not a planning matter but that this issue is being dealt with by Officers from the Community and Business Protection section and their associated regulatory powers.

8.00 CONCLUSION

The application proposes to vary Condition No2 attached to the reserved matters approval ref 057808 for the residential development at Welsh Road, Garden City. The variations include the erection of a boundary fence to the south of the site, changes to the parking with a reduction in spaces to 9 and a reduction in the width of the access road.

8.01 The provision of a fence maintains pedestrian access to Sealand Avenue, whilst providing a clear demarcation of the residential site. The height and choice of materials are not considered to be incongruous within the surrounding area.

- 8.02 The reduction in the total number of parking spaces to serve the development to 9 falls below the guidelines as set out in SPGN No.11. However, significant consideration has been given to the additional informal parking at the site, together with the site's highly sustainable location.
- 8.03 Finally, the reduction in the width of the access to 3.45 metres will still provide adequate access to serve the site whilst maintaining pedestrian safety.
- 8.04 It is considered that the submitted details are acceptable and I therefore recommend that planning permission be granted as set out in paragraph 2.01 of this report.

9.00 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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