

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY, 11 DECEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **OUTLINE APPLICATION - ERECTION OF A DETACHED BUNGALOW AT SUNDAWN NURSERIES, BABELL ROAD, PANTASAPH**

APPLICATION NUMBER: **051338**

APPLICANT: **MR J BRIMBLE**

SITE: **LAND ADJACENT TO NAMPARA, SUNDAWN NURSERIES , BABELL ROAD, PANT ASAPH, HOLYWELL CH8 8PP**

APPLICATION VALID DATE: **9 OCTOBER 2013**

LOCAL MEMBERS: **COUNCILLOR J.E. FALSHAW**

TOWN/COMMUNITY COUNCIL: **YSCEIFIOG COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **REQUEST FOR COMMITTEE REFERRAL DUE TO THE ARCHAEOLOGICAL PRE ASSESSMENT HAVING BEING CARRIED OUT AND NOTHING FOUND.**

THE SITE IS A DISUSED GARDEN CENTRE AND COMMITTEE WOULD BENEFIT FROM A SITE VISIT.

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This outline application seeks planning consent for the erection of a detached retirement bungalow on land which comprises of the former Sundawn plant nursery, on Babell Road, Pant Asaph, Holywell.
- 1.02 The application site is located on land which despite its former commercial plant nursery is designated as open countryside in the

adopted Flintshire Unitary Development Plan. The proposal is considered by the Local Planning Authority to constitute unjustified development in the open countryside.

- 1.03 On the former application, the Clwyd Powys Archaeological Trust had requested, due to the potential archaeological sensitivity of the site, that the site be subject to a pre evaluation site investigations and report, this has now been carried out. The submitted summary report by Cornerstone Archaeology concluded that from an archaeological perspective that the evaluation produced a negative result. This has been confirmed by Clwyd Powys Archaeological Trust stating that there are no archaeological implications for this development.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 The application site lies outside any recognised settlement boundary, where new residential development is strictly controlled to safeguard the open countryside from unjustified and unsustainable development .The proposed development is considered to constitute unjustified development in the open countryside, contrary to policies STR4, HSG4, HSG5, and HSG11.

3.00 CONSULTATIONS

3.01 Local Member

Councillor J E Falshaw

Requests referral of the application to Committee and a site visit to enable Members to view the site.

Councillor Falshaw notes that the archaeological survey has now been carried out and that nothing of interest was found.

A site visit has been requested, as the site is now a disused garden centre, Councillor Falshaw considers that it would be beneficial for Members to see the site's context.

Ysceifiog Community Council

The Council has no objections subject to the application meeting planning policy for this type of development in the countryside.

Head of Assets and Transportation

Confirms that the proposed access is obstructed from a 2.4m set back due to the adjacent boundaries. However, the site's previous use as a nursery would have resulted in the regular use of the access. Consequently, if minded to grant consent, request conditions to ensure that the existing hedge is regularly cut and maintained and facilities shall be provided and retained within the site for the parking and turning of vehicles.

Head of Public Protection

Have no objections in principle to the application, however the site is within an area with an extensive lead mining history as such there is the potential for the land to be contaminated with lead or other mineral/materials associated with mining operations, therefore recommend conditions in this regard are attached to any approval that may be granted.

CADW

No response received at time of writing.

Common Land

The development will not affect the common land registered under the Commons Registration Act 1965, as the common land is situated a little way from the intended development.

Rights of Way

There are no affected public footpath or bridleways in the immediate vicinity, therefore have no observations to make.

Open Spaces Society

No response received at time of writing.

Flintshire Local Access Forum

No response received at time of writing.

Halkyn Graziers Association

No response received at time of writing.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The application has been advertised as a Departure to the Local Development Plan by way of a press notice, a site notice and neighbour consultation, to date no response has been received as a result of this publicity.

5.00 SITE HISTORY

- 5.01 3/ YS/664/77 - Store room - Permit 12.12.77
70/84 - Extension - Permit 19.04.84
050408 - Outline detached retirement dwelling - Refused 18 March 2013.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR4 - Housing

HSG4 - New Dwellings Outside Settlement Boundaries

HSG5 - Limited Infill Development Outside Settlement Boundaries
HSG11 - Affordable Housing in Rural Areas.

7.00 PLANNING APPRAISAL

The Planning Application

7.01 This application seeks outline consent for the erection of a retirement bungalow, on a plot of land on the former commercial nursery, Sundawn nurseries, adjacent to the applicant's current property.

7.02 The applicant cites that his present house is now too large and he wishes to down size properties for his retirement home.

The Development Plan

7.03 The development plot although sited between two existing residential properties, is in an area designated as open countryside, notwithstanding the former commercial use of the site. Whilst the Local Planning Authority is sympathetic to the circumstances cited by the applicant in support of this application, these circumstances are not a material planning consideration and do not enable an exception to be made to the policies of the development plan.

7.04 As such the Local Planning Authority consider that the development constitutes unjustified development in the open countryside.

7.05 The application does not meet the infill criteria as defined in the development plan under policy HSG5, as although the development is set between two established residential properties, they do not form a continuous frontage of 6 properties, which would allow consideration of the application under this infill policy.

7.06 Assessment of the development has been considered with regard to if the proposal were to meet the development criteria for an essential worker, but there is no functional or financial need under the essential worker justification, for the proposed development and it is therefore considered to be contrary to policy.

7.07 As the development site is not abutting a recognised settlement boundary, as in this case, and no case has been forwarded that the application is for as an affordable housing scheme, then the development can not be considered under the policy criteria of Policy HSG11 as an affordable housing scheme application. Even if the development was considered acceptable under Policy HSG11 there would be a need for a S.106 Obligation to ensure that the dwelling remained affordable in perpetuity

7.08 In addition to the above, as the development does not constitute a replacement dwelling, as such the Local Planning Authority consider that the development represents unjustified development. Notwithstanding the current vacant nursery site that the property is proposed

to be located upon, any brownfield nature of the site does not override the above policies which strictly control development in the open countryside.

8.00 CONCLUSION

8.01 As the application site lies outside any recognised settlement boundary, where new development is strictly controlled to safeguard the open countryside from unjustified and unsustainable development. The proposed development is considered to constitute unjustified development in the open countryside, contrary to policies STR4, HSG4, HSG5 and HSG11 of the Flintshire Unitary Development Plan.

8.02 In considering this planning application 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.

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