

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **3<sup>RD</sup> SEPTEMBER 2014**

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

**SUBJECT:** **OUTLINE APPLICATION – ERECTION OF 1 NO. DWELLING AT AVONDALE, CHURCH LANE, GWERNAFFIELD.**

**APPLICATION NUMBER:** **051215**

**APPLICANT:** **MISS L. BENSON & MR. T. HOLT**

**SITE:** **CHURCH LANE, GWERNAFFIELD.**

**APPLICATION VALID DATE:** **9<sup>TH</sup> OCTOBER 2013**

**LOCAL MEMBERS:** **COUNCILLOR A. DAVIES-COOKE**

**TOWN/COMMUNITY COUNCIL:** **GWERNAFFIELD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SECTION 106 OBLIGATION**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This outline application (all matters of detail reserved for further approval) proposes the erection of a detached dwelling on a 0.0323 Ha. plot to the south of the existing dwelling Avondale, which currently provides access to the agricultural land to the rear. The main part of the site lies within the settlement boundary for Gwernaffield in the Flintshire UDP.

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

2.01 The completion of a Section 106 obligation to secure the payment of a

sum of £4,000 to the Council in lieu of the dwelling being 'affordable' as defined in the Council's policies and subject to the following conditions:

1. Submission of reserved matters
2. Time limit on submission and commencement of development
3. Ridge height of dwelling to be restricted to 7 m.
4. Removal of p.d. rights re. curtilage development
5. Access to be in accordance with standard detail
6. Front boundary not to exceed 1 m. height
7. No obstruction to visibility for 2 m. back from front boundary
8. No land drainage into public sewerage system
9. No surface water to public sewerage system unless approved
10. Foul and surface water to be discharged separately

### **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor A.J. Davies-Cooke  
No response received

Gwernaffield Community Council  
Object to the development on the grounds:

- outside settlement boundary and on entrance to green belt land
- four bedroomed house out of keeping with bungalows
- increased traffic on narrow lane close to children's play area
- query the accuracy of some of the submitted information

Head of Assets and Transportation  
Recommend conditions re. access in accordance with standard detail and reduction of boundary wall

Head of Public Protection  
No adverse comments

Dwr Cymru/ Welsh Water  
Request conditions re. disposal of foul/surface water and land drainage

Natural Resources Wales  
Standard advice applies

### **4.00 PUBLICITY**

4.01 Site Notice, Neighbour Notification  
Four letters of objection received from local residents on the main grounds of:

- existing volume of traffic on Church lane and dangerous junction with Rhydymwyn Road
- Church lane narrow with parked cars and no continuous footpath to children's play area
- visitors to chapel and church hall park on the road
- outside development plan area and part of agricultural field
- no proven need with numerous vacant properties
- set precedent for further development in village and land to the rear
- plot too small and narrow for dwelling proposed
- out of character with surrounding properties and the area
- effects on amenity / loss of privacy

## **5.00 SITE HISTORY**

- 5.01 **820/88** - Outline application for erection of six dwellings (on larger piece of land) – Refused 22.11.88

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

Policy HSG 3 – Housing on unallocated sites within settlement boundaries

Policy GEN 1 – General requirements for development

Policy GEN 2 - Development inside settlement boundaries

Subject to the conditions and legal obligation set out in the recommendation it is considered that the proposal generally complies with policy

## **7.00 PLANNING APPRAISAL**

- 7.01 The outline application seeks to establish the principle of erecting a detached dwelling (with all matters of detail reserved for further approval) on a plot of land which mostly lies within the settlement of Gwernaffield. The 0.0323 Ha. plot lies south of the existing property Avondale and fronts the eastern side of the unclassified Church Lane, off which access must be gained. To the south again, beyond an existing stone wall lies an area of open land which is identified as a green space under Policy L3 of the UDP and an existing gateway on the site frontage gives access to an open field to the west of the site, which lies outside the settlement boundary.

- 7.02 Policy GEN 2 of the UDP allows development within settlement boundaries subject to other key policies, in this case policy HSG 3. Policy GEN 1, in listing the general requirements for development, states that there should be no significant adverse impact on the safety and amenity of nearby residents and it is this along with the principle of the development under Policy HSG 3 which are considered to be the main issues in the determination of the application.

7.03 Policy HSG 3 of the UDP (Housing on Unallocated Sites within Settlement Boundaries) allows development in Category C settlements if it is the renovation or replacement of an existing dwelling(s) or it is to meet proven local needs and cumulatively does not result in over 10% growth since 2000. In terms of HSG3 growth Gwernaffield has not reached that level and at April 2013 stood at 3.8%. Other requirements associated with HSG3 are that new housing development does not conflict with the UDP housing provision for the County or result in tandem or overdevelopment of the site.

7.04 Because the proposal would result in growth under the 10% indicative growth rate it complies with this element of the policy but it would need to meet proven local housing needs. In such cases the policy is permissive of development but the applicant is required to specify what housing need it is that is being addressed (for example essential worker or affordable housing).

7.05 The proposed dwelling is to be a self-build project to be occupied by a local person, although no specific local need has been identified. The application is accompanied by a Design and Access Statement which addresses compliance with Policy HSG 3 and here as in further correspondence with the applicant's agent he recognises the growth ceilings and the need to meet proven local need but makes the case that the envisaged growth level for Gwernaffield will not be achieved unless a more flexible approach is adopted (in the following terms):

*The data collected as part of the yearly Joint Housing Land Availability process sets out the position as at April 2013 in terms of growth for each settlement. The schedule notes that growth in Gwernaffield at April 2013 stood only at 3.8% - well below the threshold set within Policy HSG 3. This allows for a further 22 houses in the settlement up to the end of the plan period (2016). Given that only 13 houses have been delivered within the settlement since 2000 it is clear that the 10% growth rate is unlikely to be met. As such it follows that the housing needs of the village as envisaged by the UDP strategy will not be satisfied. [paraphrased rather than directly quoted].*

7.06 It might be argued that the low rate of new housing in Gwernaffield is a direct result of the constraints imposed by Policy HSG 3 but it is significant that this policy only really came into force in 2009, following modifications by the UDP Inspector that were accepted by us as local planning authority prior to the adoption of the plan. Whereas this approach may be considered to challenge the robustness of Policy HSG 3 it has always been our position as officers that there is room for a degree of flexibility in its application. In the case of this proposal, following discussions with the Council's Housing Strategy officer, it was suggested that the affordability element required by Policy HSG 3 could be provided by means of a commuted sum (equating to the 30% discounted open market value of the dwelling) to be paid to the

Council upon commencement of the development, which would then be used to help finance other affordable housing initiatives in the locality.

- 7.07 Again citing the case re. the lack of new dwellings in Gwernaffield (para 7.05 above) the applicant's agent states that Policy HSG 3 does not specifically preclude the development of open market housing within Category C settlements and as this dwelling is proposed as a self-build project to be occupied by a local person the only means by which it would be viable would be through it being an unrestricted open market dwelling.
- 7.08 Whereas we would have no means of controlling the future occupation of the dwelling in these circumstances the payment of a commuted sum would satisfy the requirement of Policy HSG 3 and would then release the property to the open market. In rejecting this as a solution the applicant has provided information regarding the development costs in order to establish a lack of residual value and to support his case over viability.
- 7.09 In order to seek to resolve the ensuing deadlock in negotiations we have engaged an independent consultant to report both on the principle of applying a viability argument to a single dwelling under HSG 3 within a category C settlement and on the robustness of the applicant's viability case if applicable.
- 7.10 The consultant has called upon his experience of working with other North Wales authorities and has advised as follows :

*"The issue of viability on affordable housing proposals is a matter which Inspectors seem to be placing increased emphasis on at appeal. The approach taken by the applicant is understandable but, as written, there is little flexibility if any within Policy HSG3. The approach towards the provision of affordable housing within Wales seems over recent years to have been informed also by the need for flexibility and innovation as a means of delivering affordable housing. This has manifested itself in reduced proportion of affordable housing delivered on larger sites, having taken account of viability. However, for single dwelling proposals this approach cannot be applied. However, it may be possible to apply a more flexible approach as has been done elsewhere. In Conwy, for example, prior to the adoption of its LDP, the LPA assessed each and every application for housing, including single dwelling applications, against a development appraisal and affordable housing viability assessment. Where it was viable single dwellings would make a commuted sum towards affordable housing. Similarly in more recent adopted plans such as the Snowdonia National Park LDP there is some flexibility built in to policies which require housing proposals to be 100% affordable to be permitted as open market dwellings with contributions made in-lieu of affordable housing in those cases.*

- 7.11 *Given the emphasis on meeting housing needs, the recently introduced presumption in favour of sustainable development, the increased emphasis nationally on addressing viability; and, the way policy has evolved in Local Authority Areas where there has been recent adoption of a new LDP, it is clear to me that there should be some element of flexibility. This might be particularly so in this case given the low level of growth in Gwernaffield against the limit of 10% set by the UDP and to some extent the housing land availability position in Flintshire which I understand to be short of the 5 year supply.”*
- 7.12 Having accepted the principle of the commuted sum and the application of a viability test the consultant then goes on to address the figures regarding development costs and value presented on behalf of the applicant. Overall he believes that the viability assessment carried out by the applicant [and ratified by our Housing Strategy officer] produces a fairly robust assessment for working out a financial contribution, despite the fact that the land value seems high. However, he has run an appraisal using the generally accepted ‘Development Toolkit’ reducing the land value but also reducing the sale price. His figures show a final surplus against the existing use value of £4,000.
- 7.13 Having considered the applicant’s submissions and the findings of the independent consultant’s report I support the principle of the development in the terms set out in my recommendation.
- 7.14 Turning to matters of detail, it will be noted that there are a number of objections to the proposal on various grounds. It is significant that the application is in outline, with all matters of detail reserved for further approval, nevertheless an outline application is accompanied by certain indicative details, which in this case propose a two storey dwelling. The neighbouring dwelling is a small scale single storey dwelling which has a side window close to the boundary with the application site. It is believed that the side window is a bedroom window, not serving one of the principal habitable rooms. The window is already affected in terms of daylight by the large boundary hedge which lies within a metre of the window and it is considered that there would be no significant detriment to the amenity of the adjoining property in this respect.
- 7.15 In terms the proposed dwelling’s impact on the character and appearance of the street scene there is some legitimate concern in relation to the height of the proposed dwelling in comparison to its immediate neighbour. There is however, a mix of dwelling heights and scale in the immediate vicinity including two storey houses, albeit on a modest scale on the opposite side of the road, a small dormer bungalow next to the neighbouring house, a two storey chapel almost directly opposite and a two storey, relatively new built house next to

single storey dwellings further to the west. Within this context I do not think that a two storey house would be discordant with the street scene or the character of the area in general. However, I think there should, on a detailed submission be some reduction in height of the proposed new dwelling, such that the first floor accommodation is partially within the roofspace. Alternatively perhaps the roof form could be amended so that a hipped roof faces the single storey neighbouring house to soften the change in height between the two dwellings and/or the orientation of the house changed so that a gable faces the road as per the chapel opposite. This might be difficult considering the narrowness of the plot but I consider it reasonable to impose a maximum height to ridge of 7 metres.

- 7.16 A number of the objections are concerned with the additional traffic in relation to the perceived difficulties and dangers which are experienced at present. However, this single dwelling needs to be considered in the context of existing traffic movements and provided that sufficient off-road parking is provided and that the access is constructed in accordance with our standards it would be difficult to resist the development on grounds of highway safety.

## **8.00 CONCLUSION**

- 8.01 In conclusion I acknowledge that the proposed development does not strictly comply with the terms of Policy HSG 3 but I also acknowledge the fact that there is need to facilitate development and that a more pragmatic, if not flexible, approach is sometimes appropriate. Subject to the safeguards and the commuted sum provision contained within the recommendation I consider that the principle of the development can be supported.
- 8.02 Turning to matters of detail, notwithstanding the outline nature of the application, I believe that the height of the dwelling (and consequently its scale) needs to be controlled but subject to this and other conditions I recommend that planning permission be granted
- 8.03 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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