

FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **ERECTION OF 4 NO DWELLINGS RHYDDYN FARM, BRIDGE END, CAERGWRLE**

APPLICATION NUMBER: **054615**

APPLICANT: **MR & MRS GLYN GRIFFITHS**

SITE: **RHYDDYN FARM, BRIDGE END, CAERGWRLE**

APPLICATION VALID DATE: **25.11.15**

LOCAL MEMBERS: **COUNCILLOR T NEWHOUSE**

TOWN/COMMUNITY COUNCIL: **HOPE**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST AS IT IS OUTSIDE THE SETTLEMENT BOUNDARY**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection 4 three bedroom dwellings with associated parking and private gardens on a 0.3 hectare site. It is considered that although the site is outside the defined settlement boundary it is adjacent to a Category B settlement and is within a sustainable location. The presence of Wat's Dyke performs the function of a definite barrier and therefore defines the settlement boundary in this location. It is therefore considered that the proposal would make a modest contribution to housing supply.

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/Unilateral Undertaking or earlier payment to provide the following;-

- a) Contribution of £1,100 per dwelling in lieu of on-site open space provision to enhance toddler play at Queens Way Play area
1. Time commencement – 2 years
 2. Plans
 3. Access to the site to be in accordance with the attached standard detail relating to a single residential access
 4. The access shall be improved to a minimum width of 4.5m for a distance of 10 all to be hard paved in bitumous macadam material
 5. Positive means to prevent surface water run-off onto the highway from the site
 6. Contaminated Land Assessment
 7. Materials
 8. Landscaping and boundary treatment
 9. Details of solar panels
 10. Foul drainage
 11. Surface water drainage

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member
Councillor T Newhouse

Preliminary views are that he is opposed to the application. It is outside the settlement boundary. The removal of the Hope and Caergwrle bypass from the maps will open up numerous sites for housing development inside the settlement boundary, many of which will be on Council owned land. The building of the Medical Centre outside the settlement boundary was an extraordinary one-off decision and would not lead to allowing new housing outside the settlement boundary.

Hope Community Council

6 starter homes could be accommodated on the same area that is proposed for the 4 dwellings. These would be smaller and therefore more affordable for first time buyers.

Highways Development Control

No objection subject to conditions covering;

- Access to the site to be in accordance with the attached standard detail relating to a single residential access
- The access shall be improved to a minimum width of 4.5m for a distance of 10 all to be hard paved in bitumous macadam material
- Positive means to prevent surface water run-off onto the highway from the site

Head of Public Protection

The site is close to a former landfill site it is recommended that a condition requiring a site investigation is undertaken.

Welsh Water/Dwr Cymru

A private treatment plant is proposed so no connection to the mains is sought.

CADW

The proposed development is located within the vicinity of the scheduled monument known as Wat's Dyke: Section N of Rhyddyn Farm (FL119). The proposed houses are to be located in a line running along an existing property boundary parallel with and approximately 35m from the dyke, the eastern edge of the intervening access road being less than 30m from the edge of the scheduled area.

At present this section of the dyke is one of the few extant stretches to retain its semi-rural setting within an area of pasture, although this has been encroached upon by housing to the west along the present A550 / Hawarden Road and the north. As a west facing monument key views are looking west from the dyke across the landscape or former territory that it was built to command, facing east towards dyke across the pasture field forming the development site and along the line of the surviving earthwork to the north.

The Design and Access Statement documents the reduction of this scheme in scale following advice from Clwyd Powys Archaeological Trust (CPAT) in order to reduce the impact on the adjacent monument and we agree that the proposed layout is as sensitive to the dyke as this limited plot of land allows, retaining a grassy corridor between the access road and the dyke.

In addition, views from the monument to the west have previously been compromised by housing to the rear of the development site. A sensitive fence design could reduce further the extent to which it interrupts views of the dyke. Whilst the proposed development will not have a significant adverse impact on the setting of this stretch of Wat's Dyke, it still represents the incremental infill of the surviving open ground to the west of the monument and encroachment into the

key views outlined above, either directly facing west or peripherally facing east and along its line. In this instance these impacts are local ones but the cumulative impact of such small scale encroachments to the broader integrity of Wat's Dyke and its setting should be considered and further development of this plot would not be desirable.

CPAT

The development is located approximately 25 metres west of the scheduled monument SAM FL 119 (Wats Dyke north of Rhyddyn Farm). While there are no direct impacts to the scheduled monument, or any associated sub-surface archaeology representing the former ditch to the west, there may be a slight increase in visual intrusion by the current development boundary creeping further east towards the monument.

The architect for the scheme does appear to have taken into consideration previous advice about limiting the size and orientation of the layout following pre-application comments on previous schemes with more dwellings. The view west from the monument is already heavily compromised by the existing housing off Queensway and more recently by the new Medical Centre. I think the proposed design is as minimal as it is likely to get now without compromising the viability of the scheme. Having said that it does encroach into the immediate setting of the scheduled monument and the comments from Cadw will take precedence over ours in this case.

Play Unit

Contribution of £1,100 per dwelling in lieu of on-site open space provision to enhance toddler play at Queens Way Play area.

Public Rights of Way

Public Footpath 64 runs to the north of the application site but appears unaffected by the development.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

The application was advertised as a departure from the development plan and affecting a Public Right of Way.

Two objections on the grounds of

- Impact on residential amenity
- Loss of privacy
- Parks are overcrowded
- Loss of light to garden
- Noise impacts during construction and use
- Impact on character and appearance on the area behind garden

- Concern about the proximity of the proposed houses to the surrounding properties
- Impact of the access on traffic on Hawarden Road and conflict with school traffic, need for traffic lights

5.00 SITE HISTORY

5.01 None

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN3 - Development Outside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG8 - Density of Development

HSG9 - Housing Mix and Type

SR5 - Outdoor Play Space and New Residential Development

EWP3 - Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

Planning Policy Wales Edition 8 January 2016

TAN 1 Joint Housing Availability Studies 2015

The compliance of the proposal with the relevant policies is set out in the planning appraisal below.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection 4 three bedroom dwellings with associated parking and private gardens on a 0.3 hectare site.

7.02 Site Description

The site is located off the A550 to the north of the settlement of Hope. The site is bounded to the east by the medical centre which is under construction. To the west is the existing residential development off Queensway. To the north is agricultural land and further to the north is Wat's Dyke and a Public Right of Way which runs along it.

7.03 The site is accessed off the A550 via an access which runs between the medical centre to the east and past an existing residential property and the garage/parking area to the west which serves Queensway.

7.04 Proposed development

This is a full planning application for the erection 4 three bedroom two storey detached dwellings with associated parking and private gardens on a 0.3 hectare site. The proposed dwellings would be accessed from the A550 via a private drive between the health centre and the adjacent dwelling which currently serves the farm and agricultural land.

7.05 A play area was proposed on land to the east of the application site but this was removed from the application following comments from CADW and CPAT about the impact of this on views from Wat's Dyke. It was also not required from a planning point of view as an existing play area is in close proximity.

7.06 The dwellings are two storey and are proposed to be rendered with a seam metal roof with solar panels on the roof on the front south elevation. Each would have a private rear garden and parking to the front off a private drive with a turning head.

7.07 Principle of development

The site is located outside the settlement boundary for Hope, Caergwrle, Abermorddu and Cefn y Bedd in the adopted UDP. Hope, Caergwrle, Abermorddu and Cefn y Bedd is a category B settlement with a growth threshold of 15% (beyond which any additional development would have to be justified on the grounds of housing need). As at April 2015 the settlement had a growth rate of 10% over the Plan period (which is within the indicative growth band of 8-15% for a category B settlement, which informed the Plan). The monitoring of growth over a 15 year period as required by HSG3 ended on 1st April 2015.

7.08 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.

7.09 Housing Land Supply

PPW and TAN1 requires each local planning authority to maintain a 5 year supply of housing land. The latest published Joint Housing Land Availability Study for Flintshire 2014 shows a 3.7 year land supply using the residual method with a base date of April 2014. The Council is unlikely to be able to demonstrate a 5 year land supply until the LDP is adopted. This falls below the 5 year requirement. The lack of a 5 year land supply is therefore a material consideration to be given weight.

7.10 It is therefore key to consider if the proposal complies with the requirements of TAN1 and PPW to consider the whether the lack of a 5 year land supply can be given significant weight in this instance.

7.11 National Planning Policy Planning Policy Wales

Welsh Government Advice and National Planning Policy Planning Policy Wales Edition 8 January 2016 paragraph 4.2.2 states "*The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time,*" when taking decision on planning applications."

7.12 Planning Policy Wales Edition 8 January 2016 paragraph 4.2.4 states "*A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2) Where;*

- *There is no adopted development plan (see 2.6) or*
- *The relevant development plan policies are considered outdated or superseded (see 2.7) or*
- *Where there are no relevant policies (see 2.7)*

there is a presumption in favour of proposal in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes."

7.13 Paragraph 4.2.5 states "*In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision."*

7.14 The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that "*There is a danger that the need to*

increase supply and lack of a 5-year housing land supply could be used to justify development in inappropriate locations.” It is therefore key in making the planning balance therefore to consider the sustainable development ‘key principles’ (see 4.3) and ‘key policy objectives’ (see 4.4) set out in PPW.

7.15 In the commentary on the Council’s 2014 HLA Study Report the Council sets out ways in which we would work with landowners and developers to bring forward appropriate and suitable windfall housing sites. It was stated that *“applications on sites outside of existing settlements will be assessed on their individual merits in terms of whether they represent logical and sustainable development having regard to material planning considerations and will not be approved merely because they would increase housing land supply.”* Such sites must also be capable of demonstrating that they can positively increase supply in the short term (perhaps by granting a short term permission) otherwise they would not be capable of meeting the requirements of TAN1.

7.16 Sustainable development

The site lies on the edge of a category B settlement which is a number of smaller settlements linked together which hosts a variety of facilities and services including two primary schools and a Secondary School, doctors surgeries, public houses, play areas and convenience stores. The villages are also on the Wrexham to Bidston railway line. The site itself is located on the edge of the settlement adjacent to the health centre and opposite the Willows play area. It is in close proximity to bus services, a train station, schools and other village facilities and services within walking distance. The settlement and particularly this site is well connected in terms of road links and public transport links to bus routes and the railway station which is in walking distance. It is therefore considered that this is a highly suitable location for additional residential development and accords with the requirements of PPW.

7.17 In terms of the capacity of the settlement the growth rate as of April 2015 for Hope, Caergwrle, Abermorddu and Cefn y Bedd was 10% within the UDP plan period. This development is outside the plan period and it is considered that the village and its facilities could accommodate 4 additional dwellings as proposed. A time limited 2 year permission would also ensure that the development comes forward to meet the supply situation.

7.18 Wat’s Dyke and the Impact on the open countryside

The development is located approximately 25 metres west of the scheduled monument SAM FL 119 (Wats Dyke north of Rhyddyn Farm). While there are no direct impacts to the scheduled monument, or any associated sub-surface archaeology representing the former ditch to the west, there may be a slight increase in visual intrusion by the current development boundary creeping further east towards the monument.

- 7.19 The view west from the monument is already heavily compromised by the existing housing off Queensway and more recently by the new Medical Centre as acknowledged by CADW. The proposed houses are to be located in a line running along an existing property boundary parallel with and approximately 35m from the dyke, the eastern edge of the intervening access road being less than 30m from the edge of the scheduled area. CADW and CPAT will not allow any further residential development to encroach any closer to Wat's Dyke and the number of dwellings has been arrived at following consultation with them. This therefore would provide a defensible boundary to the settlement.
- 7.20 At present this section of the dyke is one of the few extant stretches to retain its semi-rural setting within an area of pasture, although this has been encroached upon by housing to the west along the present A550/Hawarden Road and the north. From the public footpath views of the site from the Dyke would be seen in the context of the existing housing on Queensway.
- 7.21 The Design and Access Statement documents the reduction of this scheme in scale following advice from Clwyd Powys Archaeological Trust (CPAT) in order to reduce the impact on the adjacent monument and we agree that the proposed layout is as sensitive to the dyke as this limited plot of land allows, retaining a grassy corridor between the access road and the dyke. The initial application showed a play area south which has now been removed to ensure that this area remains undeveloped and to protect views of the Dyke and from the Dyke.
- 7.22 Access
Access to the site is proposed off the A550 along an existing private drive which currently accesses the agricultural land to the rear. This runs between the medical centre and an existing dwelling. It is screened to the west by an existing hedge.
- 7.23 The Highways Development Control Manager has no objection to the proposed use of the access subject to the conditions set out in the response.
- 7.24 Impact on surrounding properties
There has been issues raised by residents in relation to the impact of the development on the surrounding properties on Queensway. The proposed dwellings are approximately 40 metres away from the existing properties on Queensway. The rear gardens of the proposed dwellings are in excess of 35 metres from the rear gardens of the properties on Queensway which have the garage court separating them from the application site. Plots 3 and 4 directly abut the rear gardens of 20-26 Queensway which have long rear gardens of 25 metres in length. The proposed development therefore is in accordance with the Council's separation distances set out in Local

7.25 Planning Guidance Note 2 Space Around Dwellings. The means of boundary treatment can be secured by condition. It is proposed to retain the existing hedge along the length of the access track which bounds the site with the existing garage court. This can also be controlled by condition.

7.26 Drainage

It is proposed to deal with foul drainage by an on-site mini sewage treatment plant and soakaway. Surface water is also proposed to be dealt with by soakaway. Details of this can be dealt with by condition.

7.27 S106 contributions

The infrastructure and monetary contributions that can be required from the proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 '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 retained in scale and kind to the development.

7.28 A contribution of £1,100 per dwelling is required in lieu of on-site open space provision to enhance toddler play at Queens Way Play area. This is in accordance with Local Planning Guidance 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.

8.00 CONCLUSION

8.01 It is considered that although the site is outside the defined settlement boundary it is adjacent to a Category B settlement and is within a sustainable location and complies with the principles of PPW. The presence of Wat's Dyke performs the function of a definite barrier and therefore defines the settlement boundary in this location. It is therefore considered that the proposal would make a modest contribution to housing supply and contribute toward the lack of a 5 year supply.

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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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