

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 16 NOVEMBER 2016**

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

SUBJECT: **OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED DWELLING AT MAY VILLA, CEFN BYCHAN WOODS, PANTYMWYN.**

APPLICATION NUMBER: **055750**

APPLICANT: **MR. & MRS HALLARON**

SITE: **MAY VILLA,
CEFN BYCHAN WOODS, PANTYMWYN**

APPLICATION VALID DATE: **25TH SEPTEMBER 2016**

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

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

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline application for the erection of a detached dwelling at May Villa, Cefn Bychan Woods, Pantymwyn. The site is located outside any recognised settlements and within both open countryside and the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty as defined by the Adopted Flintshire Unitary Development Plan. Due to this location, it is not for a proven local need and not considered an infill plot, the principle of the development is contrary to Policies STR1, GEN3, HSG4 & HSG5 of the Adopted Flintshire Unitary Development Plan. This unjustified development will have a significant detrimental impact upon the character and appearance of the countryside which does not maintain or enhance this part of the

Clwydian Range & Dee Valley Area of Outstanding Natural Beauty and contrary to Policy L2 of the Adopted Flintshire Unitary Development Plan. Therefore the recommendation is to refuse the application.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 If allowed, the proposed dwelling would be located in the open countryside, whereby there is a general presumption against development of this nature that is not intended or required to meet the essential housing needs of farm or forestry workers, thereby contrary to Policies STR1, GEN3, HSG4 and HSG5 of the Adopted Flintshire Unitary Development Plan and relevant guidance in Planning Policy Wales and TAN 6. The proposal represents unjustified non-essential development in the open countryside, which does not maintain or enhance the natural beauty of the Clwydian Range and Dee Valley Area of outstanding Natural Beauty and contrary to Policy L2 of the Adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor Ms A.J. Davies-Cooke
Wishes application to go to Planning Committee and have a site visit as there is no difference between this application to other applications that have been approved in the area.

Gwernaffield Community Council
No objections.

Head of Assets and Transportation
On the basis that the precedent for development on the westerly side of the access road has been set as a result of Glenholme and Woodend and there being limited scope for further plots to be developed, do not believe that a reason for refusal on highway grounds may be substantiated. No objection to the proposal and confirm do not intend to make a recommendation on highway grounds.

Head of Pollution Control
No adverse comments to make on the application.

Natural Resources Wales
No objection to the scheme.

Clwydian Range & Dee Valley AONB JAC
Objects, which his contrary to long standing local and national planning policies which apply strict controls over development in the

open countryside. Site is outside the recognised settlement limits of Pantymwyn, cannot be classed as an infill site and no special case put forward to justify a dwelling to meet the specific needs of an associated rural enterprise. In addition, concerned that if this application were granted it would set a precedent for the development of similar detached garden plots in this locality.

Welsh Water/Dwr Cymru

Requests that if minded to grant planning consent for the development that suggested conditions and notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

One letter of objection received. The ground of objection being that planning applications have only ever been approved on land in Cefn Bychan Woods that had an existing dwelling (i.e., chalets etc). If planning was to go ahead at May Villa (a plot of land with no dwelling) then concerned that this would set a precedent for further development down this lane.

5.00 SITE HISTORY

5.01 94/0385

Erection of a replacement dwelling – Granted 21st July 1994.

93/0109

Two storey extension, loft conversion and erection of a detached double garage – Granted 13th April 1993.

83/0006

Replacement of existing structure with new dwelling – Granted 24th August 1983.

80/0734

Extension at rear including new w.c. – Granted 15th January 1981.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR7 – Natural Environment.

GEN1 – General Requirements for Development.

GEN3 – Development in the Open Countryside.

TWH1 – Development Affecting Trees & Woodlands.

L2 – Area of Outstanding Natural Beauty.

AC13 – Access and Traffic Impact.

HSG5 – New Dwellings Outside Settlement Boundaries.
HSG4 – Limited Infill Development Outside Settlement Boundaries.
EWP12 – Pollution.
EWP13 - Nuisance.
EWP16 – Water Resources.

Local Planning Guidance Note 2 – Space Around Dwellings.
Local Planning Guidance Note 4 – Trees & Development.
Local Planning Guidance Note 10 – New Housing in the Open Countryside.

Planning Policy Wales (PPW) (Edition 8, January 2016)
Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015). Housing Land Availability in Wales updated 1 November 2016.
Technical Advice Note (TAN) 2: Planning & Affordable Housing (2006).
Technical Advice Note (TAN) 10: Tree Preservation Orders (1997).
Technical Advice Note (TAN18): Transport (2007).

It is considered that the development is not acceptable in principle in planning policy terms as it is located outside any recognised settlement boundaries, within open countryside and part of the Clwydian Range Area of Outstanding Natural Beauty and is not for a proven local need or regarded as infill development.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises part of the existing garden of May Villa, Cefn Bychan Woods, Pantymwyn. This Northern part forms a rectangle, is relatively flat with a mature oak subject to a Tree Preservation Order located on part of the Northern boundary. The garden is split from the dwelling by the existing access track which serves this property and the remainder of the dwellings within this cluster of dwellings.

7.02 May Villa is the Southernmost dwelling within a row of existing properties located on the Eastern side of the existing access road. Along the Western side of the road lie the gardens to these properties. May Villa as with these other properties within the row is a detached, rendered wall and tiled roof bungalow.

7.03 This application seeks outline planning permission with all matters reserved for the erection of a new detached dwelling. It will have the maximum overall dimensions of 16.2 m (length), 12.7 m (width) and 7.95 m (height). A passing place is proposed in the south eastern corner of the site for all users of the track serving the existing properties. An illustrative plan showing the siting of the proposed dwelling within the plot has been submitted.

7.04 Issues

The main issues to be considered within the determination of this application is the principle of the development in Planning Policy terms, the highway implications, the effects upon the character and appearance of the area, the effects upon the existing tree and the effects upon the amenities of the existing and proposed occupiers.

7.05 Principle of Development

The site is located within open countryside and outside any recognised settlement boundary as defined by the Adopted Flintshire Unitary Development Plan (FUDP). Policies STR1, GEN3, HSG4 and HSG5 essentially restrict the type of development permitted outside settlement boundaries. This application does not relate to an essential farm or forestry worker under Policy HSG4 or a rural enterprise dwelling as defined in Planning Policy Wales and TAN 6.

7.06 Policy HSG5 relates to infill development provided it is for a proven local need. This application is not for a local need but for private market housing. In addition, to meet the policy, the development must comprise of a small gap within a clearly identifiable small group of houses within a continuously developed frontage and does not create fragmented development.

7.07 The site is not a small gap within a group of houses within a continuously developed frontage as it is separate from the existing ribbon development opposite the proposed development site. The proposal would create development which is at odds with the strong characteristic of the existing ribbon development. The proposed dwelling would appear conspicuous as it is isolated from the existing residential development. If allowed, the development as a result would create fragmented development which does not respect the form, design and scale of surrounding development.

7.08 The applicant's submission makes reference to the lack of a 5 year supply of housing. TAN 1 specifically states that lack of housing supply alone is not sufficient to make unacceptable development acceptable and that proposals should comply with development plan and national planning policies (paragraph 6.2). Flintshire may not have the 5 year housing land supply required by PPW and as defined by most recently updated TAN 1 guidance however, whilst this is an important material consideration, the proposal is not compliant with the criteria based approach of Policy HSG4 and HSG5. The fundamental objectives of those policies in protecting the open countryside remain compliant with the thrust of Planning Policy Wales. Furthermore the provision of one dwelling would only make a minimal contribution to meeting the shortfall and the harm caused to this location outweighs the contribution that would be made to housing provision.

7.09 Highways

Vehicular access to the site will be off the existing single width track which serves the existing dwellings which in turn is located off the single width Cefn Bychan Woods road. A passing place for all users of the track serving all of the existing properties is proposed in the south eastern corner of the site to aid highway safety. A management group is also to be formed to assist with the maintenance of this existing single width track.

- 7.10 Given the above, the Highways Development Control Manager does not raise any objection to the proposal upon highway grounds.

7.11 Character & Appearance of Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

The site is located within open countryside in the Adopted Flintshire Unitary Development Plan and within the Clwydian Range & Dee Valley Area of Outstanding Natural Beauty.

- 7.12 It enjoys an open location which is visible from the entrance to the existing cluster of dwellings. This unjustified proposed development with its associated paraphernalia would lead to a fragmented form of development within this part of the open countryside to its visual detriment which does not also either maintain or enhance the natural beauty of this part of the AONB.

7.13 Trees

The mature oak on the northern boundary adjacent to the garage on the neighbouring plot is subject to TPO 285 (2011) which is in good condition and needs to be retained.

- 7.14 The estimated diameter of the stem is 600 mm which translates to a Root Protection Area of 7.2 m in the British Standard. The crown spread is a similar distance.

- 7.15 The above means that the dwelling would need to be situated outside of this defined area. Also to achieve a satisfactory juxtaposition between the tree and living accommodation, the dwelling should be positioned further away.

- 7.16 The illustrative site plan shows that the dwelling will be sited behind the garage on the adjoining plot. This avoids conflict with the tree and retains the end of the private road's open character. The tree's prominence along the road would also not be diminished.

7.17 Amenities of Existing & Proposed Occupiers

There are no existing properties either to the side or to the rear of the proposed dwelling. The existing property of May Villa is located opposite the proposal but is separated by the existing track with the proposed separation distance also being 22m. Therefore there will be no significant detrimental impact upon the amenities of either the existing or proposed occupiers in terms of overlooking, loss of light or

obtrusiveness.

- 7.18 In terms of the existing and proposed private amenity areas, the requisite standard sizes within Local Planning Guidance Note No. 2 'Space Around Dwellings' will be met. Therefore the amenities of both the existing and proposed occupiers will not be compromised in this respect.

8.00 CONCLUSION

- 8.01 Having regard to the most current advice in TAN 1 regarding housing supply the proposal fails to meet the necessary criteria based approach set out in Policy HSG4 and HSG5 and accompanying national planning guidance. Furthermore the development would have a significant detrimental impact upon the character and appearance of the open countryside which also would not maintain or enhance the natural beauty of this part of the Clwydian Range & Dee Valley Area of Outstanding Natural Beauty contrary to Policy L2.

8.01 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

